

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 1 March 2012

(Extract from book 2)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Standing Orders Committee — The Speaker, Ms Barker, Mr Brooks, Mrs Fyffe, Ms Green, Mr Hodgett, Mr McIntosh and Mrs Powell.

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Drugs and Crime Prevention Committee — (*Assembly*): Mr Battin and Mr McCurdy. (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer.

Economic Development and Infrastructure Committee — (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw. (*Council*): Mrs Peulich.

Education and Training Committee — (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick. (*Council*): Mr Elasmar and Ms Tierney.

Electoral Matters Committee — (*Assembly*): Ms Ryall and Mrs Victoria. (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis.

Environment and Natural Resources Committee — (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford. (*Council*): Mr Koch.

Family and Community Development Committee — (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling. (*Council*): Mrs Coote and Ms Crozier.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller. (*Council*): The President (*ex officio*), Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.

Law Reform Committee — (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe. (*Council*): Mrs Petrovich.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish. (*Council*): Mrs Kronberg and Mr Ondarchie.

Public Accounts and Estimates Committee — (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott. (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula.

Road Safety Committee — (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson. (*Council*): Mr Elsbury.

Rural and Regional Committee — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr Drum.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella and Mr Watt. (*Council*): Mr O'Brien and Mr O'Donohue.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. P. L. WALSH

Leader of the Parliamentary Labor Party and Leader of the Opposition:

The Hon. D. M. ANDREWS

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

The Hon. J. A. MERLINO

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Blackwood, Mr Gary John	Narracan	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Brooks, Mr Colin William	Bundoora	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Brumby, Mr John Mansfield ¹	Broadmeadows	ALP	Nardella, Mr Donato Antonio	Melton	ALP
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Burgess, Mr Neale Ronald	Hastings	LP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Northe, Mr Russell John	Morwell	Nats
Carroll, Mr Benjamin Alan ⁴	Niddrie	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
Clark, Mr Robert William	Box Hill	LP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pandazopoulos, Mr John	Dandenong	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Perera, Mr Jude	Cranbourne	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pike, Ms Bronwyn Jane	Melbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
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Graley, Ms Judith Ann	Narre Warren South	ALP	Sykes, Dr William Everett	Benalla	Nats
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Helper, Mr Jochen	Ripon	ALP	Tilley, Mr William John	Benambra	LP
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Herbert, Mr Steven Ralph	Eltham	ALP	Victoria, Mrs Heidi	Bayswater	LP
Hodgett, Mr David John	Kilsyth	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
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Hulls, Mr Rob Justin ²	Niddrie	ALP	Weller, Mr Paul	Rodney	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kairouz, Ms Marlene	Kororoit	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

¹ Resigned 21 December 2010

² Resigned 27 January 2012

³ Elected 19 February 2011

⁴ Elected 24 March 2012

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Thursday, 1 March 2012

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

BALLARAT REGIONAL SITTING

The SPEAKER — Order! As members know, the Legislative Assembly will sit in the Ballarat region on Thursday, 6 September, this year. I am pleased to announce to the house that the regional sitting will be held at the University of Ballarat's Mount Helen campus. Parliamentary staff have already made good progress with planning for the regional sitting, and I am sure all members are looking forward to the event. It will be an excellent opportunity to show the Assembly at work in regional Victoria and for members to meet community and business representatives. As plans are finalised over the coming months, the office of the Serjeant-at-Arms will provide further details to members about the arrangements.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 3 to 12 will be removed from the notice paper on the next sitting day unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Euroa Health: funding

To the Legislative Assembly of Victoria:

The petition of residents of the shire of Strathbogie and other concerned residents of Victoria draws to the attention of the house the lack of publicly funded acute hospital beds in the shire. This lack of funding results in inequities in health service delivery to residents of the shire and has been identified as a barrier to sustained economic development.

The petitioners therefore request that the Legislative Assembly of Victoria provide equity in the delivery of health services through the provision of funds to Euroa Health Inc., a community-based not-for-profit hospital, to facilitate secure access to public acute beds within the shire of Strathbogie.

By Dr SYKES (Benalla) (2414 signatures).

Victorian certificate of applied learning: funding

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the Baillieu government's axing of \$48 million funding for the Victorian certificate of applied learning program.

In particular, we note:

1. VCAL provides an important learning alternative to the VCE for students across Victoria;
2. secondary schools stand to lose up to \$125 000 in funding which will impact heavily on teachers expected to deliver the support and services despite having inadequate time and resources to do so;
3. funding has been axed despite strong objections from principals, teachers, parents and students across Victoria.

The petitioners therefore request that the Baillieu government immediately reverse its decision and restore funding to this vital program as a matter of urgency.

By Mr McGUIRE (Broadmeadows) (548 signatures).

Planning: Brunswick terminal station

To the Legislative Assembly of Victoria:

This petition of the people of Victoria draws to the attention of the house, the deep concern the recent action of the Minister for Planning, Matthew Guy, and the Baillieu government in approving amendment C140 to the Moreland planning scheme, rezoning the site of the Brunswick terminal station and approving the building of an additional 66-kilovolt facility alongside the existing 22-kilovolt terminal.

The petitioners note:

the proposal was twice rejected by Moreland City Council as a part of the local planning process and the actions of the minister in rezoning the site have ridden roughshod over that process,

answers have been sought of the state government about significant unresolved questions about the health and safety of the redeveloped facility, and the appropriate safety standard for such an industrial facility in a purely residential and environmentally sensitive area,

calls had been made of the state government to work with the power companies to fully explore other appropriate sites, specifically in an industrial setting, for the facility,

these significant questions and calls of the state government remain unanswered and unacted upon.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to reverse this decision, acknowledge the significant concerns of the

local community and work with the energy companies involved to fully explore another appropriate site.

By Ms GARRETT (Brunswick) (256 signatures).

Lawn bowls: television coverage

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house the recent decision by the Australian Broadcasting Corporation to cancel its coverage of the sport of lawn bowls.

The petitioners therefore request that the Legislative Assembly of Victoria urge the federal Minister for Broadband, Communications and the Digital Economy to restore coverage of lawn bowls on ABC television.

By Mr SOUTHWICK (Caulfield) (39 signatures).

Planning: Rosebud development

To the Legislative Assembly of Victoria:

The petition of the residents of Netherby, 72 Jetty Road, Rosebud, 3939, draws to the attention of the house the proposed serious overdevelopment of a property at 23–25 Rosebud Parade, Rosebud, the subject of Mornington planning scheme amendment no. C158, request no. 0909.

Whereas this proposal will seriously impact on the quiet enjoyment and amenity of the undersigned owners at 72 Jetty Road, Rosebud, we believe that this proposed amendment is inappropriate and represents a danger to the health and wellbeing of those residents affected by this overdevelopment.

The petitioners therefore request that the Legislative Assembly of Victoria seeks to have the responsible minister ensure that such an amendment is not approved by either the Mornington Peninsula Shire Council or any review panel.

By Mr MORRIS (Mornington) (50 signatures).

Lake Batyo Catyo: water level

To the Legislative Assembly of Victoria:

The petition of friends and supporters of Lake Batyo Catyo draws to the attention of the house that the water level in Lake Batyo Catyo is reaching a level unsafe for recreational use. The petitioners believe that Lake Batyo Catyo is a respected and appreciated community asset and is the only water reserve member of the Regional Recreation Water Users Group that has not been granted an allocation of top-up water.

The petitioners therefore request that the Legislative Assembly of Victoria require GWMWater to immediately supply up to 500 megalitres of water to Lake Batyo Catyo, from the Grampians Wimmera Mallee pipeline water savings, to increase the water levels to a safe and usable level for 2012.

By Mr WALSH (Swan Hill) (1348 signatures).

Tabled.

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

Ordered that petition presented by honourable member for Brunswick be considered next day on motion of Ms GARRETT (Brunswick).

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

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest No. 3 of 2012 on Evidence (Miscellaneous Provisions) Amendment (Affidavits) Bill 2012, together with appendices.*

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Crimes (Assumed Identities) Act 2004 — Report 2010–11 under s 31

Gambling Regulation Act 2003 — Wagering and Betting Licence under s 4.3A.14

Ombudsman — Investigation into the storage and management of ward records by the Department of Human Services — Ordered to be printed

Parliamentary Committees Act 2003 — Government’s response to the Environment and Natural Resources Committee’s Report on the Inquiry into the Environment Effects Statement process in Victoria

Public Administration Act 2004 — Report of the Inquiry into the command, management and functions of the senior structure of Victoria Police, and government response (two documents)

Surveillance Devices Act 1999 — Report 2010–11 under s 30L.

BUSINESS OF THE HOUSE**Adjournment**

Mr McINTOSH (Minister for Corrections) — I move:

That the house, at its rising, adjourns until Tuesday, 13 March 2012.

Motion agreed to.

MEMBERS STATEMENTS**Melanie Erler**

Ms NEVILLE (Bellarine) — Melanie Jay Erler was a warm and delightful young woman, and her untimely death on 8 February brought great sadness to many people in Geelong and Bellarine. Melanie's mother, Kerri Erler, is a well-known and respected member of our community. She and Melanie shared a relationship that was greatly admired by all who knew them. They supported and nurtured one another, and Kerri's love and encouragement enabled Melanie to confidently live a full and meaningful life.

Melanie was socially involved with a wide range of people, and she enthusiastically participated in a long and impressive list of activities. At Karingal she developed her skills in and love of communicating and advocating through the Getting the Life You Want committee and the very successful Having a Say conference. She also regularly appeared on local community radio station The Pulse. Melanie was a volunteer with the prep class at St Margaret's Primary School during its library sessions, something she loved doing. She did a hospitality course at Gordon Institute of TAFE, obtained a food handlers certificate and reached the highest level of any student at EdLinks through Karingal. These were well-deserved achievements.

Melanie loved to paint, make jewellery, cook, play the violin and play netball, and she got her yellow belt in karate. She had a great sense of humour and a huge enjoyment of life and people. This was reflected in her wonderful 21st birthday celebrations and the shared fun and enjoyment of her debutante ball, where she was partnered by Mark. Melanie was loved and respected and will be greatly missed by all who knew her. My condolences to Kerri, to her grandparents, Doreen and Lex, and her partner, Mark.

Victorian certificate of applied learning: funding

Mr DIXON (Minister for Education) — There needs to be some clarification regarding Alkira Secondary College and the VCAL (Victorian certificate of applied learning) program. The member for Narre Warren South asserted that the college wanted to establish VCAL this year but has put the plan on hold due to VCAL coordination funding being no longer available. The truth is that Alkira Secondary College had not put in an expression of interest in the first place to be a VCAL provider. Further, expressions of interest for VCAL closed on 30 June last year — two months before the government's VCAL decision was even announced. VCAL is a senior school certificate, and as Alkira Secondary College only provides classes up to year 10 this year, the full VCAL program is not an option available to the school anyway.

Finally, new provider funding for schools taking up VCAL for the first time was actually abolished by the previous Labor government. Members of the opposition have predicted the end of the world as we know it, yet this year 14 new schools have introduced VCAL, despite the opposition's dire warnings.

Point Nepean: infrastructure upgrade

Mr DIXON — On a further matter, it is pleasing to see that work on the infrastructure upgrade of the former defence land at Point Nepean has commenced. This work will see new gas, water, sewerage and power infrastructure being constructed as well as new roads and access tracks. This will enable the multiple uses envisioned for the site under the master plan to be better supported — a very welcome step.

Special schools: Officer

Mr BROOKS (Bundoora) — As shadow Parliamentary Secretary for Education I wish to raise a matter of great urgency in the house this morning directly for the attention of the Premier. At the last election both Labor and the coalition committed to building a new specialist school at Officer. The current Minister for Education promised parents in the area that a coalition government, if elected, would start building the school in 2012. Parents were looking forward to the new specialist school, which they were promised would be up and running by 2013. So I was disgusted, if not shocked, to read in this week's *Berwick Leader* that this dithering, do-nothing government has botched this project and that it has now been blown out by a further year. To make matters worse, local families only found out about the time line blow-out through the local

paper. Parent and school campaigner Cathy Smith is reported as saying that the delay was a 'slap in the face for all of us' and that she was outraged because nothing has been happening.

It is obvious that the local MP, the member for Gembrook, has failed miserably to drive this project through government and the relevant authorities, so I call on the Premier to call a crisis meeting involving himself, the Minister for Education and the Minister for Planning to get this school project under way. The Premier needs to take decisive action on this matter and haul the two ministers responsible into his office to sort this mess out for the sake of the families in the area who are waiting for this school. All the members of this community want is for this government to keep its promise to them.

Racing: incentive scheme

Dr NAPHTHINE (Minister for Racing) — The Victorian thoroughbred breeding industry is an important part of Victoria's \$2 billion-plus racing industry which provides jobs for over 50 000 Victorians. Over the past decade Victorian thoroughbred breeding has missed out on a number of opportunities to grow and develop. The Baillieu government recognises that boosting and growing our racehorse breeding industry will create jobs and economic benefits for the state, especially in regional and rural Victoria. That is why we have invested \$6.8 million over four years from unclaimed dividends into the improved new Victorian owners and breeders incentive scheme, VOBIS Gold. Government funds will be boosted by contributions from breeders and owners to provide an extra \$18 million in VOBIS Gold incentive bonuses for Victorian-bred horses.

We have also seen an \$18.7 million increase in Victorian prize money for the 2012–13 season. The recent Inglis premier yearling sales saw buyers flocking to VOBIS Gold-eligible yearlings, which attracted higher prices. Mark Lindsay from Eliza Park said:

We've been very busy again ... VOBIS Gold is certainly making a difference, we've got people coming here and saying they only want to see VOBIS horses ...

Peter Heagney said:

VOBIS Gold is ... making things happen, which is great.

Craig Young, racing reporter with the *Sydney Morning Herald*, said:

... the Victorian racing industry remains the national leader. Amazing what a supportive state government can do for racing.

Madonna Awad

Ms KAIROUZ (Kororoit) — I rise today to pay tribute to a local ALP branch member, Madonna Awad, who recently completed a project now on exhibition at the Hunt Club Community Arts Centre, Deer Park, paying tribute to her cultural roots and traditions in Lebanon through the creation of a traditional glory box. The project aims to show younger generations the traditions and culture of their homeland and to inspire them to understand and continue them today in Australia.

I also acknowledge the Coptic Women's Association, Arts Victoria, Brimbank City Council, Victoria University and the priests from St George Coptic Orthodox Church for their support in helping this project to become a reality. Well done, Madonna!

Rail: St Albans level crossing

Ms KAIROUZ — I also pay tribute to the many residents and traders who turned out to the community rally calling for the immediate upgrade of the Main Road, St Albans, level crossing. I gathered with the Leader of the Opposition, the shadow Minister for Public Transport and other members of Parliament as well as many residents to protest the Baillieu government's refusal to fund this much-needed upgrade. The government has outrageously ignored its own department's level crossing priority list in order to fund projects hundreds of places down the list in their own safe Liberal seats. This rort is a disgrace, and the residents of Kororoit have had enough. I thank those who participated and warn members opposite that this community campaign has only just begun,

Western suburbs: infrastructure

Ms KAIROUZ — On another matter, I met with representatives from Melton Shire Council to discuss funding and infrastructure needs in the western suburbs. With mayor Justin Mammarella and Melton shire chief executive officer Kelvin Tori, we discussed how our two levels of government could work together to achieve better outcomes for residents in the west. On the agenda were the famous Caroline Springs station and its road to nowhere, local bus services, secondary education, health services — —

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

Rodney electorate: tourism events

Mr WELLER (Rodney) — The Rodney electorate is indeed blessed with a long list of successful events

that make our region one of the most popular tourist destinations in the state. Tourism is an integral part of ensuring financial security for our region, and we are blessed to host many and varied festivals and events that attract people from far and wide each year. In early February Echuca hosted the ever popular Southern 80 ski race, which is the biggest of its kind in the world. The weekend was an outstanding success both on and off the water, with crowds of more than 10 000 people enjoying the event and a potential income boost of close to \$10 million.

Just two weeks ago Echuca and Rochester held hugely successful events — the Echuca Riverboats Music Festival and the Rochester Water to Wickets cricket event. The Riverboats Music Festival attracted more than 9000 music lovers to see high-profile Australian performers such as Colin Hayes, Mark Seymour and Vika and Linda Bull in the beautiful and unique surroundings of Echuca's aquatic centre.

The Rochester Water to Wickets flood recovery cricket event saw close to 2000 people enjoying a fundraising Twenty20 cricket match between the Australian Cricket Masters team and the Campaspe Cricket Association All-stars team. The cricket game attracted well-known retired cricketers Rodney Hogg, Terry Alderman and our own Kyabram local boy, Matthew Elliott. Best of luck to the cricketers who won.

Woodend: Sustainable Living Festival

Ms DUNCAN (Macedon) — On Saturday, 11 February, I had the pleasure of being part of the opening of the third annual Woodend Sustainable Living Festival. The aim of the festival is to provide information on how to reduce our carbon footprint, care for the environment and make positive changes to our lifestyle. Displays included tips on caring for chooks at a stall from Edgar's Mission — a wonderful farm sanctuary, which has representatives coming into Parliament today. There was also information on fruit tree care, home retrofit products, alternative energy systems and permaculture gardening, as well as tasty local food stalls, bicycle maintenance, fire safety and massage. Members of the Macedon Ranges Australian Youth Climate Coalition were also present.

This festival is part of the Woodend Sustainability Group, and members may be aware of this group as they have been trying for some years now to develop a community wind farm with up to three turbines to be located in the pine plantation just out of Woodend. Members of the government in particular would be aware that a blanket ban has been put on the development of any wind energy in the Macedon

Ranges. To my knowledge this policy is unique in the world. For example, it does not reflect any natural features; it simply reflects a local government area.

This policy contradicts this government's policy across the rest of the state, which claims to give local government the planning authority over wind energy turbines, despite a parliamentary inquiry which stated that local government did not feel equipped to deal with such developments. But what would you expect from a government and from a political party that considers and characterises climate change as crap?

Carly Melville

Mr BURGESS (Hastings) — On Thursday, 15 December 2011, I presented my annual Neale Burgess Encouragement Award at the Somerville Secondary College awards night. This year the worthy recipient was a very intelligent young woman named Carly Melville. The award seeks to acknowledge students who have tackled every part of school life, overcome difficulties, made wise and informed choices and, through their own efforts, made a difference to their education. Carly clearly met all of these criteria, and it is very clear that she is going to excel at anything she puts her mind to. I congratulate her on her continued hard work and dedication to those around her and her own education.

Port of Hastings Development Authority: board

Mr BURGESS — On Wednesday, 18 January, I joined the Minister for Ports, the honourable Denis Napthine, to welcome the inaugural members of the newly established Port of Hastings Development Authority board. I congratulate the newly appointed board, consisting of chairman Yehudi Blacher, deputy chairman Rodney L. Chadwick and board members, who together will be bringing a great deal of knowledge and a broad range of skills and experience from across the ports, freight, business, legal and finance sectors. This is a critically important project for the Victorian economy and the local Western Port community.

Racing: picnic racecourse grants

Mr BURGESS — On Tuesday, 31 January, I visited Balnarring Picnic Racing Club with the Minister for Racing, and the minister announced a \$50 000 Victorian government grant for projects to improve race tracks and public facilities across 10 picnic racecourses. The Victorian government provided a contribution of \$14 000 for the Balnarring Picnic Racing Club for a \$58 000 project, and the club and racing industry contributed to the balance. Congratulations.

Bendigo Health: pathology services

Ms EDWARDS (Bendigo West) — The Liberal-Nationals government, the Minister for Health and a member for Northern Victoria Region in the other place, Damian Drum, have ignored the wishes of the Bendigo community and allowed the Bendigo Health board, chaired by failed Liberal candidate in Bendigo Michael Langdon, to privatise the pathology service at the hospital. According to Mr Drum it is a ‘silly issue’. It is not a silly issue to the patients and families who need pathology services. The government should be ashamed of putting profit margins above patient care, workers’ entitlements, quality of service and reliability, and for ignoring the overwhelming opposition within the community to privatisation of pathology.

It has been shown time and again with privatisation of pathology services in other hospitals that this inevitably leads to turnaround times and targets not being met, workload increases for staff and eventually staffing cuts. Privatisation does not have the best interests of the public at heart. Private providers are driven solely by profit margins, and every dollar of private profit taken out of our public health system is a dollar not spent on caring for people in our public hospitals.

Mr Drum in the other place has called for a briefing from the Minister for Health to get the facts on this decision after it has been made. Why, as a government member, did he not know before? I call on the Minister for Health to hold a public meeting in Bendigo — not a private meeting with Mr Drum — so that everyone has the opportunity to hear the facts, and then the Minister for Health can explain to the Bendigo community why he has not intervened to reverse this backward decision. Public health should be just that — public health.

Mordialloc Creek: dredging

Mrs BAUER (Carrum) — The Carrum and Mordialloc electorates have welcomed the recent announcement that dredging of Mordialloc Creek is to resume in April. Stage 2 of the dredging project will involve dredging from the mouth of Mordialloc Creek to the Governor Road boat ramp.

I am proud that the coalition government has contributed \$6 million towards the dredging of the creek to improve the health of the waterway as well as providing access for the boating community, who have been unable to navigate the creek at low tide for many years.

Stage 1 of the dredging process was completed last year and involved dredging and works on moorings around

Lamberts Island. The last major dredging of the creek occurred in 1997, and the local community had been advocating for many years to reverse this neglect. This is another example of the coalition government delivering on its election commitments.

Emily Prinnett

Mrs BAUER — I would like to pay tribute to an inspirational lady, Emily Anastasia Fitzgerald Divine Prinnett, who passed away in Edithvale recently. Emily was born in 1905 and would have turned 107 on 13 March 2012. Born in Trafalgar, Emily grew up in Drouin. In her adult years, along with being a wife and mother, she worked in a munitions factory and was an accomplished seamstress. I am told that Emily had a beautiful garden and a wicked sense of humour, with the ability to make a room laugh.

I had the pleasure of visiting Emily for her birthday at Bupa in Edithvale, where Emily had resided for eight years. Emily was fond of the Bupa staff, and her family have mentioned that she received wonderful care at Bupa, Edithvale.

Australia Day: City of Whittlesea

Ms HALFPENNY (Thomastown) — On Australia Day I had the honour of sponsoring the City of Whittlesea Citizen of the Year award for the category of Access and Inclusion Citizen of the Year, which was presented to Trevor Carroll, who has fought for the rights of those with disabilities for many years on a voluntary basis.

Mr Carroll’s wife, Dayle, put together the nomination on behalf of the many people who have worked with, supported and benefited from the tireless campaigning and advocacy of Trevor. In Mrs Carroll’s words, Trevor is a most worthy recipient of this award because of his passion, commitment, and success in improving the lives of people with disabilities, so they can participate and be fully included in all aspects of the Whittlesea community.

Trevor Carroll has been central to some amazing and very practical achievements, with one in particular being the establishment of the Respite Alliance Whittlesea to campaign for a respite facility to support families with young children with disabilities. He succeeded with a Labor government initiative to fund a five-bed plus one emergency bed respite facility in Epping; however, the Baillieu government must step up to the plate and build on meeting this growing need.

I commend Trevor in this place for his successful efforts in fighting for the rights of those with disabilities

and for increasing our understanding of the needs of those with disabilities, particularly in his community in the city of Whittlesea, which incorporates much of the Thomastown electorate.

Australians for Disability and Diversity Employment: presentation

Mr BULL (Gippsland East) — I wish to congratulate the organisers and presenters of a breakfast held in Bairnsdale recently, which attracted a number of key local employers to hear about disability employment. Peter Rickards, Kathy Leitch and Geoff Crawford from Australians for Disability and Diversity Employment provided a presentation which raised awareness about the inequities of disability employment.

Paynesville: men's shed

Mr BULL — Last Saturday I had the opportunity to catch up with members of the Paynesville men's shed. Aside from government support, the group fundraised \$22 000, entered two competitions, won a further \$20 000 and sourced \$18 000 in second-hand materials. Members have volunteered over \$30 000 worth of labour to the project, motivated by the desire to leave a legacy for the town. Even the oldest member, Harry Richards, a retired builder aged 96, turns up every week to check up on progress and make sure they are doing things right!

Former government: advertising

Mr BULL — I wish to make mention of the appalling waste in advertising by the previous government. The report tabled this week by the Victorian Auditor-General's Office is damning, with \$1 billion having been spent from 2006 to 2010, less than half of which was officially reported. This is more than the spending of any other state government and made it the seventh-largest advertiser in Australia.

World's Greatest Shave

Mr BULL — I recently had the pleasure of meeting 12-year-old Brad Campbell, who is currently raising funds for the Leukaemia Foundation's World's Greatest Shave, and I made a donation to his cause. Brad told me he could not imagine what it would be like if someone he loved or knew was suffering from leukaemia, and he wanted to do something about helping to find a cure. To date he has raised \$550, and my congratulations go to him.

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

Ripon electorate: firefighters

Mr HELPER (Ripon) — Members of this chamber take many opportunities to thank our volunteers for their tireless work, particularly our volunteers in the firefighting services, as well as professional firefighters. So it is that on this occasion I would like to pay tribute to the firefighters in my area.

If we look at the inclement weather outside, it may lead us to the conclusion that the fire season is on the wane — and hopefully it is — but I am sure that professional firefighters would not predict that the season is over. I will refer to two recent fires. The first is the Blampied fire of Friday, 24 February. Although this fire was not in my electorate, it was less than a couple of kilometres from my home, so I personally pay tribute to the 50-odd crews, along with a bulldozer and five aircrews, that were deployed on that Friday afternoon. The fire was jumped on heavily by firefighters.

The other fire to which I refer is the Ararat fire, which occurred on Saturday, 25 February. A total of 250 firefighters from the Department of Sustainability and Environment and the Country Fire Authority were deployed to fight that fire.

Darwin: bombing raids 70th anniversary

Mr BLACKWOOD (Narracan) — The 70th anniversary of the bombing of Darwin was on 19 February. That day marked the commencement in 1942 of a sustained period of Japanese air attacks across northern Australia. Just like the Kokoda campaign, this was a critical period in our nation's history that is rarely spoken of.

On 19 February 1942 Darwin was bombed by Japanese planes. Australia was under attack for the first time in its short history. The official government death toll was more than 240, with hundreds of casualties, but it is a figure that many veterans say is nowhere near the mark. The unofficial death toll was well over 1000. Nine ships were sunk in Darwin Harbour, and up to 15 others were damaged. For the first time the effects of a war that had raged for the most part in countries on the other side of the world were being felt on home soil.

The initial attack on Darwin at 9.58 a.m. on 19 February 1942 involved 188 Japanese planes. More bombs were dropped on Darwin that day than were used in the attack on Pearl Harbor. That was the most serious of at least 90 air raids across the top end of Australia that continued until 12 November 1943. Asian, European and indigenous people worked

alongside the allied servicemen as Darwin was attacked over an 18-month period.

We should never forget or underestimate the sacrifices that were made on our home soil both across the Top End and in New Guinea during World War II — sacrifices that were made to ensure that we retained our freedom and that future generations would be given the opportunity to enjoy the benefits that this wonderful nation has to offer.

Keilor electorate: youth bullying

Ms HUTCHINS (Keilor) — I rise to speak about a serious tragedy that occurred in my electorate in January, with the suicide death of a young girl named Sheniz Erkan. She took her own life at 14 years of age. She was bubbly and beautiful and a great contributor to the local community. Unfortunately, due to ongoing face-to-face bullying and cyberbullying she decided she could no longer handle the stresses of life. Even on the day she took her own life her tormentors wrote messages about her and her death on her Facebook page.

Unfortunately, I read in today's newspaper that another young person has taken their own life due to issues surrounding bullying. This young girl, Catherine, took her own life on the first day of year 12. The 17-year-old had struggled with depression, but her father has been quoted by the press as saying it was the bullying that tipped her over the edge.

I am proud to say that I held a parents forum on bullying and cyberbullying at Catholic Regional College Sydenham on 9 February, as this is a massive issue in my electorate. There were 40 parents and teachers in attendance. I take the opportunity to thank the Alannah and Madeline Foundation, the Australian Communications and Media Authority, Brimbank Youth Services, Melton Youth Services, the local headspace organisation and a young local woman who spoke of her issues.

Keys Road Reserve, Cheltenham: lighting

Ms WREFORD (Mordialloc) — After the recent opening of the lights at Mordialloc Bowls Club, the coalition has followed up with the announcement that lights will be installed at Keys Road Reserve, the home of the almighty Moorabbin Rugby Union Football Club. These lights will allow the club to expand by training at night. The dark years of Labor are well behind us! The reserve is bounded by factories and Cheltenham Secondary College, so there will be no light issues with neighbours.

Mordialloc electorate schools: student leaders

Ms WREFORD — I recently had the pleasure of talking about leadership and presenting badges to the leaders at Parkdale Secondary College, Kingston Heath Primary School and Parkdale Primary School. All three schools are in good hands. The new leaders are certainly enthusiastic, and I wish all the schools in my electorate well for the year ahead.

University of the Third Age Kingston

Ms WREFORD — Last week I attended the annual general meeting of the University of the Third Age Kingston. It is a wonderful organisation. The students absolutely love it — they love what they have created with lifetime learning. I would particularly like to congratulate the members of the committee on their fine work under the leadership of president Don McDonald.

Parkdale Cricket Club: ladies day

Ms WREFORD — On Sunday I attended Parkdale Cricket Club's ladies day. It was a good day, when the husbands and partners looked after the kids while the ladies played cricket. The ladies were looked after, and there were activities like face painting for the kids. It was a great day that was enjoyed by all, and I think we should see more of it.

Public transport: government performance

Ms RICHARDSON (Northcote) — Yesterday the Auditor-General released his report into public transport performance. Given that in October last year the Minister for Public Transport claimed to have fixed all the problems in public transport, you would have expected the Auditor-General to be full of praise. Instead, the Liberal government has been given a fail by the independent Auditor-General. This is an emperor-has-no-clothes moment for the Liberal public transport minister. And why? Because the report highlights the fact that funding for major capital works has stalled under the Liberals. We will have to triple the funding now because, according to the Auditor-General, the minister has fallen asleep at the wheel.

Remember, last year's budget provided not one cent for major capital projects above what Labor was already delivering. There was not one cent for new trams, not one cent for new bus services, not one cent for new V/Line carriages and no new train services either, because the seven new trains ordered will replace the Hitachi trains that the minister has already said he will

retire. When it comes to investing in public transport, the Auditor-General gets it, Labor gets it and commuters get it — but clearly the Liberals do not get it.

Honourable members interjecting.

The ACTING SPEAKER (Mr Languiller) — Order!

Ms RICHARDSON — This report also reveals that commuters have likewise given the Liberal government an F, with customer satisfaction continuing to fall. The Auditor-General highlights what commuters have known for some time — that is, that the performance measures relied on by the minister, the performance measures he crows about in this place, are not all they are claimed to be.

The ACTING SPEAKER (Mr Languiller) — Order! Before calling the next member I caution both sides of the chamber that the Chair must be able to hear the contributions.

Former government: advertising

Mr McCURDY (Murray Valley) — Commiserations to all the publishing companies in the Murray Valley who missed out on part of the \$1 billion spending spree the former Labor government wasted on advertising. They will have to make an honest dollar — unlike the mates rates that the Brumby government dished out.

Yarrawonga: Relay for Life

Mr McCURDY — On another note, last weekend Yarrawonga hosted some 20 teams in the Relay for Life event at the J. C. Lowe Oval. The event raised more than \$42 000 that will go towards fighting cancer.

Wangaratta: fun run

Mr McCURDY — Almost 500 people, including me, participated in the second annual Wangaratta Fun Run held on Sunday to raise funds for the Little Athletics club. Wangaratta ultra-marathon runner Sharon Scholz, along with her husband, Justin, organised the event with the aim of providing fitness opportunities that are fun and inclusive and will help to improve the wellbeing of our community.

Yarrawonga Football Netball Club: achievements

Mr McCURDY — Compliments to the Yarrawonga Football Netball Club for signing former AFL star Brendan Fevola to the home of the Pigeons

this year. The club held its season launch last week, with the presence of Fev creating much excitement and optimism for the competition ahead. Since winning the Ovens and Murray premierships in 2006, the Yarrawonga senior football team has played finals every year, playing in four of the last six grand finals.

Wangaratta: Lions club swap meet

Mr McCURDY — Thousands of people turned out for the 13th annual Wangaratta Swap Meet and Collectables Market. A record number of 480 site holders helped the Wangaratta Lions club to donate profits back to community causes. In the past 12 years the event has allowed the club to donate more than \$150 000 to the community.

Clarinda library: reopening

Mr LIM (Clayton) — On Friday, 17 February, I had the pleasure of attending the City of Kingston's official opening of the refurbishment of Clarinda library. I wish to thank the mayor, Cr John Ronke, and his fellow councillors for their invitation. This essential redevelopment of an additional 112 square metres will give residents of Clarinda, Clayton South, Oakleigh South and Heatherton an improved resource which will bring their local community together and provide access to services to expand their knowledge and quality of life.

Libraries are sometimes undervalued until used. First-time users quickly become addicted to the services on offer, and the injection of funds for this refurbishment will be greatly appreciated by current and future users. The refurbishment now offers a dedicated children's area, a multilingual newspaper reading area, more seated spaces, a flexible community space and an upgraded multipurpose room. The refurbishment cost was \$620 000, which I believe was money well spent. I was particularly impressed with the natural lighting aspect, designed by architect Mark Tyquin. The design offers a warm welcome to all which fits in well with the recent launch of the National Year of Reading.

The City of Kingston is a great supporter of its libraries. It provides library services in eight locations throughout the city, holds a massive catalogue of 200 000 books and other media such as CDs —

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

Merrian O'Sullivan

Mr TILLEY (Benambra) — I take this opportunity to pay tribute to the memory of Merrian Andrea O'Sullivan, nee Norton, for her service to our nation and the great state of Victoria. On 14 February this year Merrian Andrea O'Sullivan, fondly known as Norts, was farewelled by friends, colleagues and family at a memorial service in Werribee.

Staff Sergeant O'Sullivan joined the Australian Army in 1981 and was allocated to the Royal Australian Corps of Military Police direct from recruit training. She served in general police duties for three years and in 1984 transferred to the army's special investigations branch, where she served until 1991. Norts served in Ingleburn, Kapooka, Randwick, Puckapunyal and the military police school.

Norts was an inspiration to other members, both men and women, of the military police and was loved and respected by all who knew her. On her discharge from the army she joined Victoria Police as an unsworn member. There she worked as an analyst, further gaining the trust and respect of the members with whom she worked.

We are often asked in life who most inspires us. Some often respond with a person with significant name recognition. For me, Merrian, your guidance, leadership, attention to detail and the occasional clip over the back of the head has meant that you have been and will remain one of the people who have most inspired me — —

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

JUSTICE LEGISLATION AMENDMENT BILL 2012

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make this statement of compatibility with respect to the Justice Legislation Amendment Bill 2012.

In my opinion, the Justice Legislation Amendment Bill 2012, as introduced to the Legislative Assembly, is compatible with the rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Justice Legislation Amendment Bill 2012 will make amendments to the Children, Youth and Families Act 2005, the County Court Act 1958, Magistrates' Court Act 1989, Liquor Control Reform Act 1998 and Victorian Law Reform Commission Act 2000 to:

clarify the procedural framework for the Assessment and Referral Court (ARC) list of the Magistrates Court;

empower the Governor in Council to make regulations with respect to court fees for civil matters in the County Court;

streamline appointments of dispute resolution convenors in the Children's Court;

clarify requirements for the Victorian Law Reform Commission (VLRC) chair;

make a statute law revision to the Liquor Control Reform Act.

Charter act right relevant to the bill — recognition and equality before the law (section 8)

Section 8 of the charter act provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

The bill may be considered to engage section 8 of the charter act, as part 5 of the bill relates to the ARC list of the Magistrates Court which provides differential treatment on the basis of impairment.

The ARC list is designed to better achieve just, fair and effective outcomes for persons with an impairment who come before the criminal justice system. The bill provides for procedural improvements in and reporting on the operations of the ARC list. These provisions of the bill do not limit any charter act right.

Conclusion

I consider that this bill is compatible with the charter act because this bill does not limit any right set out in the charter act.

Robert Clark, MLA
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The Justice Legislation Amendment Bill 2012 will strengthen the justice system through amendments that:

clarify the procedural framework for the Assessment and Referral Court (ARC) list of the Magistrates Court;

empower the Governor in Council to make regulations with respect to fees for civil matters in the County Court;

streamline appointment processes in the Children's Court; and

allow a part-time chairperson to be appointed to the Victorian Law Reform Commission

The bill will also make a statute law revision to correct a reference to the director of liquor licensing in the Victorian Commission for Gambling and Liquor Regulation Act 2011.

Clarifying the procedural framework for the assessment and referral court list (ARC list) jurisdiction in the Magistrates Court

The assessment and referral court list was established in 2010. It is a criminal procedure framework in the Magistrates Court of Victoria (MCV) available for offenders who have cognitive impairments, including mental illness, an intellectual disability, an acquired brain injury, autism spectrum disorder or a neurological impairment such as dementia.

The bill will introduce four amendments that will improve upon the existing framework for the ARC list by:

clarifying that the Magistrates Court must also have regard to any assessment undertaken by a person with appropriate clinical qualifications and experience in relation to the particular impairment or principal impairment that the accused may have;

inserting an additional power which would allow the Chief Magistrate to create separate hearing lists and hear matters that relate to particular impairments where this may be required. The amendment will also clarify that the Chief Magistrate can make any other arrangement for the needs or requirements of persons with particular impairments;

specifying information about the operation of the ARC list to be included in the court's annual report; and

clarifying that an individual support plan must have regard to the particular functional and diagnostic criteria that apply to the accused, as well as other relevant facts.

Similar amendments were proposed by the then opposition when legislation to establish the ARC list was before the Parliament under the previous

government, but were not accepted by the then government. These amendments will give explicit recognition to the fact that offenders with different forms of impairment may have different needs and circumstances that need to be taken into account, and will provide for Parliament and the community to be kept informed about the operation of the ARC list.

Empower the Governor in Council to make regulations with respect to fees for civil matters in the County Court

The bill amends the County Court Act 1958 to provide a regulation-making power to the Governor in Council with respect to fees payable for any matter in the court and fees payable regarding bailiffs or the execution of a warrant or other process. This replaces the current outdated procedure for setting fees in the County Court.

The power granted to the Governor in Council providing for the imposition of fees may be exercised by providing specific fees, maximum fees, minimum fees, fees that vary according to value or time or class of matter, fees by way of percentage of the amount of demand, manner of payment of fees, and times when fees are to be paid.

This amendment will also make the County Court provisions consistent with all other court jurisdictions in relation to the manner of making regulations for court fees.

Children, Youth and Families Act — dispute resolution conference convenors

The Children, Youth and Families Act 2005 allows the family division of the Children's Court to refer a matter to dispute resolution conference. The bill will remove the requirement that dispute resolution conference convenors be appointed by Governor in Council, and instead provide a process for convenors to be appointed by the President of the Children's Court. This current process presents significant hurdles for the efficient allocation of resources in the Children's Court. The streamlining of the appointment of conference convenors will allow the court more flexibility in recruiting convenors at times and in locations where they are required. Most convenors are registrars, employed full-time to work in the court already. Sessional convenors may be appointed as appropriate from time to time, particularly in the regions, to meet the court's dispute resolution conference requirements.

VLRC Chairperson

The bill amends the Victorian Law Reform Commission Act 2000 in order to remove the

mandatory requirement for the chairperson of the commission to be a full-time appointee, in order to allow the option of appointing a part-time chairperson. It will remain open to the government to appoint a full-time chairperson, and the government will continue to be able to appoint full-time commissioners to work on specific references from time to time.

As members may be aware, the term of office of the current chairperson, Professor Neil Rees, ended at the end of February, and I would like to place on record the government's appreciation of the valuable work done by the commission over a number of years under Professor Rees's leadership.

In seeking a new chairperson, the government wishes to be able to consider possible appointees with the widest possible range of backgrounds, skills and experience. The amendment will create the potential for suitably qualified academic and expert candidates to contribute to the important task of law reform without having to sacrifice their existing careers.

Statute law revision to the Victorian Commission for Gambling and Liquor Regulation Act 2011

The Victorian Commission for Gambling and Liquor Regulation Act 2011 (VCGLR act) commenced on 6 February 2012. The VCGLR act established a new integrated regulator for both liquor and gambling in Victoria. In doing so, the Liquor Control Reform Act 1998 was amended to give the new commission all the regulatory powers of the former director of liquor licensing. This bill allows a statute law revision to that act to clarify a reference to the director of liquor licensing.

I commend the bill to the house.

Debate adjourned on motion of Mr WYNNE (Richmond).

Debate adjourned until Thursday, 15 March.

CITY OF MELBOURNE AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2012

Second reading

Debate resumed from 8 February; motion of Mrs POWELL (Minister for Local Government).

Mr WYNNE (Richmond) — I have pleasure in rising to make a contribution on behalf of the opposition to the debate on the City of Melbourne

Amendment (Environmental Upgrade Agreements) Bill 2012. I indicate at the outset that the opposition will be supporting this bill, because this was a bill, as members will recall from the history of it, that was an initiative of and represented a partnership between the City of Melbourne and the Labor state government to undertake quite an ambitious program of refurbishment of commercial buildings within the Melbourne municipality.

The state government was approached by the Honourable Robert Doyle, the Lord Mayor, seeking its support for this initiative as part of a broader package of initiatives that the City of Melbourne was seeking to implement. That package was to lead, I am advised, to the quite ambitious target that the city would be carbon neutral by 2020. It is a fantastic ambition, it is a fantastic target and it is fantastic leadership by the Lord Mayor.

This particular refurbishment program of 1200 commercial buildings is merely part of a broader suite of strategies that the city council has been seeking to implement. As members will be aware, this was, as I indicated, an initiative that was initially passed through the Parliament when I was the Minister for Local Government. It was dealt with expeditiously and in a bipartisan way because I think the then opposition, now the government, was also very supportive of this initiative.

What we have found in its implementation is that a number of issues have arisen. That is in some respects not surprising. There are two aspects to this bill. The first is to resolve a problem that the Melbourne City Council has identified and indeed has approached the government to rectify — that is, as I am advised, that in the order of 40 per cent of commercial buildings in the city of Melbourne are held in trust arrangements. I will come back to how the tripartite arrangements for the establishment of environmental upgrade agreements occur, but in broad terms what we have is a situation in which about 40 per cent of commercial properties are held in trust arrangements. Not surprisingly, some of those are very substantial trusts. Many are owned by superannuation funds or other various forms of investment vehicles, and there are a number of circumstances in which private individuals own these properties and have owned quite a suite of them over a long period of time.

The difficulty the city council has confronted has been in seeking to have clarity and transparency in the financial arrangements of these trusts. In a trust arrangement there may well be a whole different set of financial instruments that the trust employs to go about

its business, and it has proved difficult for the city to engage with these trust arrangements where they are in effect part of a conglomerate.

What the council is seeking through this amendment is a clear and transparent way in which it can engage with and reach an agreement with the property owner. For the property owner that would be by way of a statutory declaration — in some respects not dissimilar to what we do with residential properties, whereby you declare the particular circumstances that you find yourself in — so that from the points of view of the buyer and the seller, people are very clear about any encumbrances that may be over a property. In the residential context it is things like road widenings and any orders that might be on the property, so it is analogous to that: there will be a requirement upon the property owner who seeks to engage in an agreement with the city and the lending institution that they provide a statutory declaration as to the financial circumstances of the building they are seeking to upgrade.

I think that is entirely proper and entirely reasonable, because nobody wants to be in a situation, particularly the lending institution and indeed the city itself as one of the co-partners, where the property owner has an indebtedness which is clearly above and beyond their capacity to repay it. It is in that context that the original tripartite arrangement was put in place. It is a very clever proposition: you have the City of Melbourne, which is in effect, for the sake of this debate, a sponsoring body of this initiative; you have a number of lending institutions, and in this circumstance the National Australia Bank was the market leader, but by no means is it the only financial institution that has taken an interest in this particular environmental initiative; and of course you have the property owners themselves.

I am advised by the department there have been three environmental upgrades to date. They are properties in Queen Street, Melbourne, 460 Collins Street, Melbourne, and 100 Dorcas Street, South Melbourne. I thank the department for that advice and for the usual courtesy and thoroughness of its briefing, and I thank the minister for the timely arrangement of that briefing for me. However, I think there is quite a challenge ahead: we only have three properties on the books to date and the council has a very ambitious target of 1200 properties it is seeking to have renovated.

In addition to the environmental outcome that the council and indeed the property owners are seeking to deliver, from the point of view of the tenants the whole concept is to also lower the running costs of these properties for them. That it is what is called a win-win

situation. You get the environmental upgrade of the building and you get a lowering of costs for the owner of the building, but you also get a lowering of costs for the tenants of the building, and it is a much better environmental outcome for the tenants as well.

The City of Melbourne really has led some of this debate in terms of the environmental design of its buildings. Members will well recall Council House 2, which is the City of Melbourne's 6-star — at least — commercial office administration building in Little Collins Street, Melbourne. It is some years old now, probably seven or eight years old, but at its time it was right out there on the cutting edge of environmental design, including everything from greywater recycling to different forms of heating and cooling of the building. It was a very interesting design of the building by the city.

I think one of the more interesting aspects of it was the outcome for the staff working in the building. The council had the interesting ambition of ensuring that the building and its environment were themselves healthy, so that that would decrease illness and absenteeism, particularly in the winter months when you have recycled air conditioning and so forth, which often leads to a spike in absenteeism and illness. Some of the advice I am aware of is that there has been a very significant reduction in absenteeism and illness at the city due to this new environmental design. I think that is an excellent outcome.

I have been to a range of council buildings right across the state, and I am sure the minister has visited many of them, where local government not only has taken up the cudgels but has in fact shown some fantastic leadership in saying, 'We think it is right and proper that local government should show leadership — —

Mr Foley — What's a cudgel?

Mr WYNNE — The member for Albert Park.

The ACTING SPEAKER (Mr Languiller) — Order! The member will continue.

Mr WYNNE — What do you do, Acting Speaker?

The ACTING SPEAKER (Mr Languiller) — Order! And he will ignore the member for Albert Park.

Mr WYNNE — If he doesn't know what a cudgel is, I'll help him out a bit outside later. Perhaps he needs a bit of a cudgel.

An honourable member — A cuddle.

Mr WYNNE — I said ‘cudgel’. He has completely thrown me now. Where was I?

The ACTING SPEAKER (Mr Languiller) — Order! Even the Acting Chair would be interested in knowing.

Mr WYNNE — He is supposed to help me; what does that tell you?

Local government I think is playing a fantastic role. You can point to numerous examples right across the state where councils are right out there on the cutting edge of design when they are redoing their municipal buildings and right out there in a leadership role saying, ‘It is incumbent upon us as local governments to demonstrate these things to our local communities in the construction of our new buildings, particularly our administrative buildings’. Often they are contested spaces where citizens ask, ‘Why are you building these new buildings for your administrations?’ and so forth, but councils can demonstrate that they are showing leadership and that clever building design and sensitive environmental outcomes really ought to be part of the broader landscape and conversation for local government more generally. That leadership role I think is a really important one that councils need to play and in fact are playing.

In relation to the actual financial mechanisms of these environmental upgrade agreements, I have indicated that they require a statutory declaration from the building’s owner. Essentially the proposition is that you have the city, the financial institution and the building owner. Because the council garners — —

Honourable members interjecting.

Mr WYNNE — I am assisted by the government. I am advised that a cudgel is a ‘short, thick stick used as a weapon’. Thank you so much. I thank the minister at the table, the Minister for Gaming, for his contribution. I maintain my position that the — —

Mr O’Brien interjected.

Mr WYNNE — A shillelagh? Yes, I have a shillelagh at home, which is used for a number of persuasive purposes. It belonged to my father.

The financial mechanism is quite important, because the financial instrument is underpinned by the City of Melbourne in terms of its capacity to garner the repayments. In fact there is a security over the property, and the financial instrument made available to building owners is very sound. We think that is a very important thing. Because there is such a strong financial

underpinning of it, I am advised that there is a capacity for there to be a slightly better rate of borrowing than might be offered on the commercial market; obviously that becomes an incentive to the building owners as well. I am not absolutely clear what that differential rate might be for the building owner, but when this is taken up in a much more systematic way presumably it will become an attractive proposition for building owners.

We very much hope this initiative will be taken up by more than the three building owners who have already done so. Yes, 1200 is an ambitious target, but we applaud the city for setting that ambitious target. Through this amendment today we hope we can smooth out the process and facilitate the meeting of this ambitious target.

I turn now to a second aspect of the bill. In the second-reading speech the minister stated that the bill also amends section 5 of the City of Melbourne Act 2001 ‘to remove a conflict with section 6C, which was inserted by the City of Melbourne Amendment Act 2011’. That is very nicely put, it is very elegantly put. Can I say — —

Ms Beattie — You can say anything you like.

Mr WYNNE — It is so eloquently put that some of us might argue that it is somewhat obscure. But the bottom line is that there has been a mess-up with section 5. There has been a mess-up somewhere between — —

Mrs Powell — Are you seeking to offend parliamentary counsel?

Mr WYNNE — The minister at the table, the Minister for Local Government, asks if I am seeking to offend parliamentary counsel. No, I am not. Potentially there are three culprits in this section 5 matter: it is either the department, parliamentary counsel or — heavens above! — it is the minister. I do not know who it is; it is one of the three — or it could be all three. But we will acknowledge the fact that we have a problem with section 5, which the minister in the second-reading speech suggested is a conflict. As members will recall, the minister moved an amendment last year to bring the Melbourne City Council into any decision made by the Victorian Electoral Commission. It brings the Melbourne City Council back into the broader remit of the Local Government Act 1989 and, through an order in council, the minister of the day would be able to agree to the recommendations of the VEC in relation to the current review of the City of Melbourne.

As is my wont, I have had a look at the nature and form of some of the submissions to the VEC, which are published on the website. The closing date was only a very few days ago — submissions closed on 23 February. As I recall, the public hearings will be held in about a week's time when people can go along, speak to their submissions and argue their case. Members of the house will be aware that this is a pretty hotly contested matter. I must say I was a bit surprised that there were only about a dozen submissions; I thought there might have been more. As we would expect, a number of community organisations and resident associations made submissions to the review. That is how it is. It was an open process and a good one. People have had an opportunity to have their say.

The VEC will deliberate on them. A number of options were put forward by the VEC — as I recall five or six options were put forward, ranging from the current position, the unsubdivided position, which is the current arrangement with the City of Melbourne, through to a number of others. Obviously the minister will receive the report some time in March, deliberate on it and make a decision in relation to the VEC's recommendations to her.

I should acknowledge that the current arrangements for the election of the Lord Mayor and the deputy lord mayor remain the same, which I point out is different from the circumstance with the City of Greater Geelong. The Geelong circumstance is different from that of the City of Melbourne, and we await with interest the opportunity to see how the City of Melbourne elections roll out at the end of October this year — and indeed how the City of Greater Geelong elections unfold at that point. But I acknowledge that the stability of the Melbourne City Council was, as I have previously indicated, enhanced by the election process that we have in place at the moment. However, I also acknowledge the significant tension that exists with a number of resident groups and a number of residents feeling there is a lack of attachment to what we would always have understood to be the ward councillor — 'This is my ward councillor. This is the person I go to when I need to have some of my local concerns addressed'. This is a fundamental tension that both the VEC and the minister will need to grapple with.

Those who remember the history of the City of Melbourne will recall that we have tried a range of different propositions over the journey. We have had the unsubdivided arrangement for some years now and we have had the cocktail of some councillors being elected through wards and some being elected at large. I do not think there is a particular formula that is a

magic bullet to solve this conundrum. My plea to the minister is that she listen to what I think are very genuine concerns raised by residents who say, 'Yes, it is important that we have stability and good governance at the City of Melbourne', but express concern about a lack of connection. I would argue that good governance is not precluded by seeking to address the question of wards and the question of how that fundamental relationship between ratepayers and their elected representatives is established, because I think there is an argument — and there is evidence now to suggest this — that the councillors, because they are elected at large for the whole municipality, do not have a particular and specific relationship to their wards. Frankly, the way portfolios have been divided up has resulted in councillors working essentially on a portfolio basis.

There is nothing wrong with that, but it does suggest that the crucial day-to-day interaction that is required in dealing with a whole range of ward issues for residents, small businesses and large businesses has taken a secondary role to that of — to put it in context — the broader senatorial-type role that attends to the current structure. That is quite a difficult issue, and I acknowledge that I do not think it is easy to resolve. It is quite a contested space, and one has to try to balance out some competing demands. But it is not impossible to do so, because if you look at some of the proposed options that have been put forward by the VEC in terms of different structures, you see it has sought to try to address this question, particularly in relation to the establishment of a central city ward.

Certainly in my former life at the Melbourne City Council there was a clear understanding that elected councillors in that central city ward came almost exclusively from a business background or had a particular interest and commitment to the central city itself, which is not to say that those councillors from residential wards, like me, did not also have the same interest in the broader aspects of the governance of the city and the CBD itself.

This is not an easy task for the minister. It is a difficult task to balance up those competing demands, but the opportunity to do so will present itself in March or April when she will receive the VEC's recommendations as to how she will seek to balance out those competing demands. In that broader context it is worth acknowledging that the stability of the council can be maintained, and we should not forget that at the City of Melbourne both the mayor and the deputy mayor, whoever those candidates may be, are essentially elected on a ticket. It would not be unreasonable to assume that even in a ward structure a

number of councillors may choose to go on to that ticket, or at least be supported by a ticket, and get themselves elected. I do think there are the possibilities they are in a ward structure — —

Mr Newton-Brown — Which bill are we on?

Mr WYNNE — It is a delight to hear the member for Prahran. As always he is up to speed on these bills. Perhaps I will — —

The ACTING SPEAKER (Mr Languiller) — Order! The member for Richmond will ignore interjections and continue making his contribution.

Mr WYNNE — I will ignore the interjections, because the member for Prahran obviously has read the bill in great detail! If he had actually read clause 5 of the bill, he would know that it goes specifically to addressing the powers of the minister to implement the recommendations of the VEC in relation to the current review of the City of Melbourne. It is always good to see the member for Prahran up to speed, on the job and fully briefed on the bill! I very much look forward to his contribution, because obviously he has done a lot of work, as he usually does, in understanding what is going on here in the Parliament! It is all a bit of a mystery. He has only been here 10 minutes, and he will only be a oncer. He will only go around the block once, but that is all right. He can have a bit of fun on the way around. He will only be here as a oncer but that is okay.

Mr O'Brien — You reckon? Do you want to take a bet on that?

Mr WYNNE — I can guarantee you on that one.

Honourable members interjecting.

The ACTING SPEAKER (Mr Languiller) — Order! The member for Richmond will resume his contribution.

Mr WYNNE — Speaking specifically on the bill, as I have been for the entire time of my contribution, I say that for the minister this is going to be a very interesting couple of months in trying to address the question of how to manage these competing demands in relation to the City of Melbourne, and this goes to the very heart of clause 5 of this amending bill.

In conclusion, we support this bill. It was proposed by the previous government, and I am very pleased that the minister has continued to take up this very important initiative by the city. I commend the Lord Mayor and the councillors. This has been an important initiative and important leadership has been shown by them. It is

an ambitious target — 1200 buildings — but it would make a fundamental difference to the way our city operates. If we could find ourselves in a circumstance where 1200 of our major commercial buildings were renovated, refurbished and brought up to 6-star or 7-star environmental standard, it would show that yet again Melbourne is at the cutting edge of leadership on environmental outcomes. It is a very ambitious target to be carbon neutral by 2020.

My colleagues who will speak after me will indicate in their contributions what we regard as some of the very significant deficiencies of this government in relation to the built environment, and indeed the natural environment. We believe the government's performance in this area is a fundamental deficiency and one we would seek to hold the government accountable for. This is an important initiative. We support this amendment, and we wish the bill a speedy passage.

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

Mr MORRIS (Mornington) — I am pleased to rise this morning to speak about the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012, which amends the City of Melbourne Act 2001. The bill deals with a number of errors and oversights from previous legislation with regard to the environmental upgrade framework and will allow that act to operate more effectively.

In referring to oversights and errors I am not criticising that legislation; it was groundbreaking legislation and an excellent initiative on behalf of the Lord Mayor of Melbourne, his councillors and the city officers. As always happens when you are doing these things for the first time, you find that you do not always get every t crossed and i dotted along the way, so this bill in large part deals with those matters. It is also worth observing that when the original legislation went through this Parliament in 2010 it obviously had the support of the then government, but it also had the support of the opposition. I am pleased that in revisiting this space and in dealing with these oversights the bill will have the support of both sides again. It will not simply be not opposed but, as the member for Richmond observed, will have the support of the opposition.

The bill deals with a number of issues. The legislation that was put in place failed to make adequate provision for accurate assessment of the level of debt or other encumbrances on particular properties. It also overlooked the fact that mortgages, particularly when dealing with trusts, are often held over multiple

properties. There was no mechanism in the bill to deal with that issue. The bill also deals with a drafting error in some legislation that went through last year dealing with the Melbourne City Council electoral review.

Legislation to deal with environmental upgrades, as I just indicated, was introduced by the previous government in the Local Government and Planning Legislation Amendment Act 2010. It established the process for environmental upgrade agreements. An environmental upgrade agreement is a three-way agreement between the owner of the building, the city council — the City of Melbourne in this case, because it is the City of Melbourne Act 2001 we are dealing with — and the funder or the finance source. The intent is to offer a lower cost of financing to encourage people to upgrade buildings. It is about improving energy and water efficiency in buildings that have already had a useful life but have many years left in them.

The agreements support the 1200 Buildings program that the City of Melbourne has been running for a couple of years, and it is about encouraging people to spend money they perhaps might not otherwise have spent but which will return both an environmental and a financial dividend. The council has indicated that it has a target of reducing the city's greenhouse emissions to a point of carbon neutrality by 2020. That is a very ambitious target, and I congratulate the council on setting the bar that high, but of course the city cannot do it by itself. As the commercial sector makes up something like half of the city's greenhouse emissions, clearly the council needs commercial buildings to be included in the scope of this program.

What has been the progress to date under the existing regime? There are three projects: 123 Queen Street — a \$1.3 million refit has proceeded; 460 Collins Street — a \$400 000 refit; and 100 Dorcas Street, South Melbourne — part funding for that refit as well. What is the process? Each proposal is assessed by the Sustainable Melbourne Fund to see whether it is consistent with the criteria for the 1200 Buildings program. The council, the owners and the lenders all sign up to the environmental upgrade agreement, the levy is struck by the council, the works are undertaken, the owner pays the levy to the council in accord with the agreement, and the council then repatriates the funds to the lender.

The bill before us today makes two key changes to the existing regime. They are both changes that have been requested by the city council, as it has had the experience of a year and a bit in terms of working with the framework. As I said at the outset, it is about making some changes to conform with the experience

that has come in the last year or so. The first issue relates to establishing the level of debt that encumbers a particular building. There is a requirement that the cost of an environmental upgrade should not, once it is added to mortgages and other charges that may be due on a particular building, exceed the value of the building, which is entirely reasonable. The problem is that the only people who are in a position to put a finite figure on the total encumbrances and charges et cetera due on a building are the owners themselves, and there has been no mechanism for verifying that amount.

This legislation introduces the concept of a statutory declaration. The owners will be required to submit the information to the council in the form of a statutory declaration that deals with taxes, rates, charges, unregistered mortgages and all those sorts of factors. I should say before I continue that that is particularly important, because council has priority in terms of recovering charges due to it and we do not want a situation where an environmental upgrade agreement is entered into and then the charges exceed the value of the building and the council's priority is used as a lever to diminish the capital sum available to mortgagees. Clearly we do not want that situation.

The second change is to allow the property trust to participate in environmental upgrade agreements. One of the difficulties with the original legislation related to the way mortgage debts were calculated, which did not allow a mortgage over a number of properties to have the proportion of that sheeted back to the particular property. That was a problem, and as 40 per cent of properties in the city are owned by property trusts, if you do not have the capacity to deal with those properties then you miss out on a significant factor.

The bill also makes corrections in clause 5 to what is a contradiction in the City of Melbourne Act 2001 with regard to orders made under section 220Q. The error arises from the drafting, and it is interesting that an observation was made by the member for Richmond about the drafting. In the last sitting week the member for Altona was having a couple of goes at the parliamentary draftsman. It seems that the opposition is happy to criticise the process. Clause 5 deals with those issues.

The member for Richmond also talked about the challenges coming up in terms of dealing with the outcomes of the Victorian Electoral Commission's electoral representation review. I make the observation that this government was prepared to bite the bullet and give the public the opportunity to have a comment, which is something that Labor always failed to do.

Mr Wynne interjected.

Mr MORRIS — No, it is not easy, in the words of the member for Richmond, but we were prepared to put it out there and allow the public to have its say, which the former government was never prepared to do.

I congratulate the City of Melbourne on its initiative. The modifications proposed will significantly extend the reach of the act, and I commend the bill to the house.

Mr CARBINES (Ivanhoe) — I am very pleased to make a contribution on the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012. The bill seeks to amend the City of Melbourne Act 2001 to further provide for environmental upgrade agreements to be made and make other miscellaneous amendments that my colleagues have mentioned. In particular I note that the Melbourne City Council identified some of these obstacles to implementing environmental upgrades and has specifically requested the amendments being considered by the house. It was particularly determined to expand and further value the 1200 Buildings program that the City of Melbourne operates, and these amendments will strive to secure the rights of existing mortgage-holders and facilitate extending the option of agreements to property trusts that own multiple properties.

In her second-reading speech the minister said that the amendments will boost the rights of existing mortgage-holders by requiring the Melbourne City Council to ensure that all existing mortgage-holders are informed in advance of the proposed agreement and to ensure that the total statutory mortgage debts on the property do not exceed the value of the property before any enhancements are made. The bill seeks to achieve this by preventing the council from entering into agreements until it has obtained the relevant information and signed statutory declarations from the property owner. It is interesting that the City of Melbourne has outlined that some 40 per cent of commercial buildings are held in trust arrangements and it is not easy to identify the financial structure and the potential exposure of the building owner. These are some of the concerns the City of Melbourne has expressed that led to some of the changes that are being considered by the house.

What I note of interest is that under the Melbourne City Council's 1200 Buildings program financial institutions are able to advance funds to commercial building owners for environmental refitting works. The funds are recovered by Melbourne City Council, and this is done by charging them to rate collections. Melbourne

City Council has been able to develop the financial mechanisms with banks to build incentives for environmental retrofits and overcome the difficulties that many building owners have in accessing capital to finance their environmental projects. That is important because as legislators it is important that we provide incentives and opportunities for those in the building industry and those who invest in property and property services to make environmental refits. Part of the reason that people choose to do that is through incentives that are provided by the government, either through funding opportunities and grants or through the mechanisms that we have in planning schemes and planning laws.

I note that to do that for the benefit of future generations often government needs to provide leadership in the way that it legislates to provide incentives and opportunities for those businesses and those who invest in property to desire and choose to make those reforms and changes that are in their long-term interest. Often this requires streamlined planning processes and the support of a number of different funding options or tax breaks being made available. Melbourne City Council has been able to do that through a range of options: through the \$5 million Sustainable Melbourne Fund, which helps with environmental refits, and through the Green Building Fund, which is another very important part of the federal government's \$240 million Clean Business Australia initiative.

These are the sorts of mechanisms that have been introduced to try to help those in significant commercial buildings in the city of Melbourne to take the next step to improve their environmental sustainability. Grants can also be up to 50 per cent of project costs in relation to the Clean Business Australia initiative, and I also note that tax breaks for green buildings are a very important factor in trying to provide incentives for owners of significant commercial properties to make the sorts of changes and retrofits that we need.

What are some of the advantages that we would like to see through retrofitting of commercial properties in the city of Melbourne? In particular we would like to see lower operating costs through retrofitting to meet environmental standards and we would like to see a higher return on investment and higher rental income available to those who invest in sustainable development and retrofits of their commercial properties. They would then have lower tenancy churn. Often the government — for example, the Department of Parliamentary Services — prefers to look for environmental sustainability in long-term leases for government departments in the buildings it leases, and

commercial properties in the city are also keen to put environmental standards on the work that is done.

Honourable members interjecting.

The ACTING SPEAKER (Dr Sykes) — Order! Members should give the member for Ivanhoe due courtesy and listen to his presentation.

Mr CARBINES — Government departments require minimum energy efficiency in a number of environmentally sustainable buildings in which they may seek to take long-term leases. These are some of the advantages that are available to those who hold significant commercial property assets in the city of Melbourne, allowing them to make their tenancies more competitive and more attractive to long-term leaseholders such as government. Tenants are often prepared to pay more for lease agreements if they know that in the longer term they will save on costs because of the environmental sustainability upgrades that have been retrofitted to those buildings. While there is sometimes a higher overall capital cost for those who do retrofitting works, as I have outlined there are a number of improvements that they get to make in terms of long-term investment.

In my previous role as a Banyule City Council councillor, when the council sought to build a \$50 million aquatic centre at Greensborough — a \$50 million project that attracted federal and state government support — I noticed that one of the challenges for councillors was how to meet sustainability initiatives and how to make sure that in the longer term those facilities not only would be of benefit to the community but also would have a sustainable future. Often in the competition around the commercial viability of those projects and in making sure they are financially achievable for ratepayers, you also need to look at those sustainability options in a way that makes them affordable and achievable. Often you need appropriate planning guidelines and financial incentives from government to be able to do that.

I know that while these amendments will make the 1200 Buildings program of the City of Melbourne more achievable — and I hope it will get better outcomes than we have been able to achieve so far, despite the council's desire to pursue that program — I think it is also interesting to consider how we can provide improvements and enhancements to other local government agencies and local government authorities that are pursuing sustainable building projects in their own local government areas. That is something with which I know we had to deal in Banyule, and we were able to do that successfully, but it often comes down to

needing appropriate legislative support, planning guidelines and financial assistance and grants to do that.

I also notice that in the 1200 Buildings program that the City of Melbourne has introduced, in relation to a number of the retrofitting works that need to be done by commercial investors and operators, they need to get the right advice. They need architects, they need builders, they need commissioning agents and they need electrical engineers, energy auditors and energy performance contractors. Commercial operators need to make a range of significant investments to retrofit their buildings. Often environmentally sustainable design consultants are involved, and they need fire engineers, installation contractors, mechanical engineers and project managers. These are significant undertakings in which those in the commercial sector must invest if they are going to pursue retrofitting works. We are hopeful that some of the amendments being put forward today will provide a greater opportunity to get better outcomes for the City of Melbourne in relation to the retrofitting work that they desire to see from commercial owners and operators.

The City of Melbourne has conducted some case studies. While they are often very significant projects that commercial operators need to take on, we are hopeful that the amendments that have been put forward by the government, which are not opposed by the Labor Party, will provide the opportunity for the City of Melbourne to get better outcomes in relation to its 1200 Buildings program. In the end, I suspect it comes down to whether the benefits outweigh the risks. There are lower operating costs for investors and a higher return on investment from their rental incomes — these are some of the incentives that we hope will attract more commercial operators to pursue these options.

It would be remiss of me to touch on matters in relation to environmental upgrades that are being pursued by the government in relation to the amendments in this bill without touching on some of the other environmental upgrades that perhaps have not been taken up by the government. In particular I mention the return of cattle into the alpine national parks, despite overwhelming scientific evidence — —

Mrs Powell — On a point of order, Acting Speaker, this is a really small bill, and the member for Ivanhoe has been debating it for some time. However, he is now straying from the bill. I ask that he be brought back to it.

The ACTING SPEAKER (Dr Sykes) — Order! The member's time has expired.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING SPEAKER (Dr Sykes) — Order! I would like to acknowledge the presence of a member of the Parliament of Lebanon, Dr Khaled Zahraman. Welcome, and enjoy your time here.

**CITY OF MELBOURNE AMENDMENT
(ENVIRONMENTAL UPGRADE
AGREEMENTS) BILL 2012**

Second reading

Debate resumed.

Mr NEWTON-BROWN (Pahran) — On the face of it, this bill looks like a fairly inconsequential bill that provides for a special rating scheme for the City of Melbourne. In normal circumstances you might not pay it too much attention; however, I think in time this bill will be recognised as a significant environmental initiative of the Baillieu government that will facilitate the aims of the Melbourne City Council to retrofit at least 1200 buildings within the city of Melbourne and achieve carbon neutrality by 2020. Without this legislative change Melbourne City Council's goal would be more difficult to realise, and through this bill the Victorian government is assisting the City of Melbourne to be a world leader in environmental initiatives.

Some time ago I had the great honour of serving as a councillor at the City of Melbourne — as did my good friend the member for Richmond some time last century — and was deputy mayor to Lord Mayor Peter Costigan. When I served on Melbourne City Council it was front and centre in relation to environmental initiatives and actions. This was under the guidance of Professor Rob Adams, who strived to be ahead of his time in these areas. He certainly assisted the council in the leadership that was shown during the time I served on the council.

In 2004 the council made its first really big foray into environmental initiatives in building design with the Council House 2 project. At that time the City of Melbourne was facing an accommodation crisis; staff were being housed in a building that was out of date and at the end of its lifespan. It had the choice of building a new building or retrofitting Council House, an old building that was located at 240 Little Collins Street.

Honourable members interjecting.

The ACTING SPEAKER (Dr Sykes) — Order! I ask that we give the member for Prahran due courtesy and listen to him. If members wish to have other conversations, they can leave the chamber.

Mr NEWTON-BROWN — The council embarked on an ambitious plan to retrofit the building and in so doing to retrofit it in a manner that was world's best practice in environmental design. The idea was to retrofit the building to ensure that energy was conserved, that water was conserved and importantly that the quality of the internal environment was maximised to improve the wellbeing of the council employees housed within it. While the retrofitting cost an extraordinary amount, it was done to provide some leadership to building owners within the city of Melbourne as to what could be achieved in environmental design initiatives.

In April 2005 it became the first purpose-built office building in Australia to achieve a 6-star green star rating. Emissions from the Council House 2 building will be 64 per cent lower than those of a 5-star building. Compared to the Council House building next door, it is expected to reduce the consumption of electricity by 85 per cent, gas by 87 per cent and mains water supply by 72 per cent. Among other initiatives, the building's liquid crystal display computer monitors will consume 77 per cent less energy. The building will rely more on natural light. The solar panels on the roof provide 60 per cent of the hot water needs of the building, and the gas-fired cogeneration plant provides 40 per cent of the building's overall electricity needs.

This is a significant building. It is worth having a walk through it, because it is a leader in environmental building design. The windows all open automatically at night to purge the air in the building, and the building uses 100 per cent fresh air. This has implications for staff wellbeing: there are lower levels of absenteeism due to sickness because people are working in a more natural environment. As another indicator, I understand the indoor plants within the building have not yet been changed, which is quite unusual for indoor plants, which have a life of about two months in a normal office building.

The Council House 2 building was the Melbourne City Council's first big foray into environmental initiatives, which leads me to its relatively new 1200 Buildings program. It is a bit of a cryptic name for an environmental initiative, so perhaps it requires an explanation.

Cities worldwide are responsible for 74 per cent of global energy use and greenhouse gas emissions, and

their buildings account for about 40 per cent of these emissions. The commercial building sector in Melbourne contributes to this significant problem. According to the International Energy Agency buildings account for close to 40 per cent of energy used in most countries. It therefore makes sense for councils and the state government to focus on buildings in addressing environmental initiatives and targets. While new office buildings are required to be built in a way that is more environmentally sensitive than older buildings are built, new buildings make up only a small proportion of buildings in Melbourne and in cities worldwide. If initiatives can be introduced to encourage the retrofitting of existing building stock, that is where significant environmental gains can be made.

A report called *Zero Net Emissions By 2020 — Update 2008* sets out the Melbourne City Council's target of carbon neutrality by 2020 and identifies a number of opportunities for improvements in energy efficiency and reductions in energy consumption. The 1200 Buildings program aims to encourage and support building owners to improve energy and water efficiency in their properties. Why is it called the 1200 Buildings program? If 1200 buildings are retrofitted to improve energy performance by 38 per cent, the potential for greenhouse gas mitigation is 383 000 tonnes. As the member for Richmond noted, it is an ambitious target — 1200 buildings amounts to about two-thirds of Melbourne's building stock — but it is one the government can assist the council to meet by steering building owners into facilitating the retrofitting of existing buildings.

The City of Melbourne is doing and will do a number of things to encourage this retrofitting. One of them, through the bill, will be providing finance in a way that makes it easy for owners to make the decision to retrofit their buildings. It is often expensive to be environmentally friendly. This finance scheme will allow building owners to incur this expense and pay back the finance provider through an increase in their rates. This is a central plank in Melbourne City Council's plan, and it is fantastic that the Baillieu government is facilitating this program.

As far as case studies go, a number of buildings in the city have been retrofitted in recent years. The building at 530 Collins Street has new chillers and an on-site cogeneration plant. The building at 131 Queen Street has a new high-efficiency chiller, a digital building management system and an award-winning rooftop garden with a variety of herbs and other edible plants. The Alto Hotel in Bourke Street has new wall, floor and ceiling insulation and a hot-water reticulation system.

The list goes on, but I will run out of time if I keep going through them.

In conclusion, the bill is not only about the environment but also about jobs. Through facilitating this 1200 Buildings program, it is expected to drive \$2 billion of private sector investment and create between 3000 and 6000 new green-collar jobs — engineers, environmental and sustainability consultants, building surveyors and other industry professionals — in the city of Melbourne. Perhaps more importantly, the energy savings will make building occupiers more economically resilient and make Melbourne's buildings more competitive and marketable into the future.

Mr McGuire (Broadmeadows) — I rise to make a contribution to the debate on the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012. Put simply, the bill seeks to amend the City of Melbourne Act 2001 to streamline financial processes to allow the City of Melbourne to achieve its 1200 Buildings campaign. These processes allow for a tripartite agreement between the council, a building owner and a lending body to fund environmental building upgrades to ensure the sustainability of commercial buildings in the city of Melbourne. As I think every speaker has acknowledged, the strategy is to support an ambitious endeavour to reduce Melbourne's commercial carbon emissions to zero by 2020. It is an admirable and highly ambitious proposition and represents a reduction of 383 000 tonnes of CO₂ (carbon dioxide) each year, so the scale is worth pursuing.

The opposition supports this bill, and this latest amendment to the act continues a process that began under the Labor government. It has a number of points that deserve bipartisan support. The 1200 Buildings campaign is an Australian first and therefore the eyes of the world are on Melbourne to see how we can make this work — how we start with such an ambitious target and how the process develops between the City of Melbourne, the government and the building owners. A number of different cities will analyse what we do and how they might be able to adapt and adjust the campaign for their cities as it develops. That has leadership potential for Melbourne. It also underscores our position as the world's most livable city. From that point, it is good to see that the government and the opposition are as one with the City of Melbourne in trying to make this a progressive proposition we can all support.

The 1200 Buildings initiative seeks to transform the building marketplace, embracing green technologies and industries in a way that capitalises on new

opportunities for mature markets. It provides other opportunities for us in jobs and growth as well. Through this program the City of Melbourne has committed to retrofitting two-thirds of Melbourne's commercial building stock — that is, 1200 buildings — in an effort to reduce Melbourne's commercial carbon emissions to zero by 2020. While this is an admirable target, it is also a significant challenge. Labor's lead speaker on the bill, the member for Richmond and a former Lord Mayor of Melbourne, noted that currently only three properties are involved, so I guess that perspective is important here. We are starting from a low base, but at least we are making a start.

By using new technologies to achieve energy efficiency, by using water-saving measures and by using smarter ways of heating, ventilating and cooling, through the 1200 Buildings campaign we are taking positive steps to improve the sustainability of our capital city. That is the main frame of reference for what we are trying to achieve. This will have flow-on effects, such as productivity gains, and it will deliver ongoing benefits such as cost reductions. The program aims to attract \$2 billion in private investment and create 8000 green jobs. I was interested that in summing up, the member for Prahran got to the issue of the importance of jobs, and that is something we can develop in the future as well.

Just to put this into another context, according to Tony Cope, the head of office for property investment firm the GPT Group:

Any investment in greening up, in our view, will result in handsome dividends, and future proof the building for years to come.

That is putting it in commercial terms as well as environmental terms. Therefore I think this is a proposition that is worth applauding on behalf of the City of Melbourne. As Labor's lead speaker explained, the City of Melbourne — Lord Mayor Robert Doyle and the other councillors — came to the former Labor government and said it wanted to pursue this. It has the full backing of the council, and I think that is important for our ongoing relationship. If you know Melbourne's history, you know that relations have quite often been strained between the council and the state government under both sides of politics, so it is good to see that at least we can come up with something that has the support of both sides in the public interest.

However, there is an opportunity to expand this project, and I would like to elaborate on future work that needs to be done. I think there are a couple of other issues we can look at here. The coalition has walked away from

its previous bipartisan commitment to reduce carbon emissions by 20 per cent by 2020 — —

Ms Wreford — It is an aspirational target.

Mr McGUIRE — Reducing it to a mere aspirational target, as my colleague says. This is important because it is one of the — —

An honourable member interjected.

Mr McGUIRE — As my colleagues are saying, we have to have more than aspirations; it is what you deliver that counts. This is important. It is what I call the difference between gesture politics and actually doing something. Talk can be cheap, and this is really about what you deliver. I think this has a practical application, and I think that is important — that is, that this can hopefully deliver something on the ground that is significant.

The second-reading speech states:

The bill will improve processes for entering into environmental upgrade agreements in two ways. It will help secure rights of existing mortgage-holders and facilitate extending the option of agreements to property trusts that own multiple properties.

The rights of existing mortgage-holders will be enhanced by requiring the council to ensure that all existing mortgage-holders are informed in advance of the proposed agreement and to ensure that the total statutory and mortgage debts on the property do not exceed the value of the property before any enhancements. This is achieved by preventing the council from entering into the agreement until it has obtained the relevant information and a signed statutory declaration from the property owner.

Labor's lead speaker outlined that about 40 per cent of the buildings in the city are held by property trusts, which can cause complications in transparency and accountability. We want to get the balance right to ensure we get the environmental upgrades done and that we do it in a way that is beneficial.

I also want to raise other issues for the potential on where we can go with these sorts of industries and what can occur for the benefit of jobs and investment in the future. What I want to put on the record, which I think is within this debate, is that Monash University has established a Green Steps program. It is a not-for-profit initiative that provides training programs for students, professionals and organisations from the public and private sectors to become environmental consultants. Participants in these programs are already making their workplaces and work practices more environmentally sustainable.

I raise this because this initiative has won a United Nations Association education award, a Banksia environmental award and it was awarded a Premier's sustainability award by former Labor premier John Brumby in 2010. This program has proof of concept, and it is something we should consider and back. This was in recognition of the more than 500 participants who have been trained and the partnerships that have been established with more than 350 organisations Australia wide. The program has achieved strong results, and it has helped businesses to achieve 30 to 50 per cent reductions in waste going to landfill, reductions in water and paper consumption in excess of 10 per cent and savings of between \$5000 and \$10 000. I think we would all agree that for a small business in Victoria these are significant efficiency gains and savings.

The work of bodies such as the Monash Sustainability Institute and the City of Melbourne in trying to get the balance right, particularly on sustainability, is commendable. The green sector has evolved to become a high-tech, high-value industry which employs scientists, engineers, consultants and entrepreneurs, but as at 2010 Australia's percentage of energy produced from renewable sources was only 5.2 per cent against an average of 7.6 per cent across Organisation for Economic Cooperation and Development countries and more than 13.1 per cent worldwide. What we have here is a potential boom industry for Victoria for the 21st century economy. Victoria has an opportunity to play a leadership role in expanding industries that will create new opportunities and develop mature markets. My view is that in the 21st century, if you stand still, you are going to get run over, so this is an initiative that we should pick up. The emergence of the green technology sector represents a significant shift in global markets and the world will not wait for state governments to realise that they should catch up as soon as possible.

Ms WREFORD (Mordialloc) — I rise in support of the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012. This bill amends the City of Melbourne Act 2001 to improve the process the Melbourne City Council follows when entering into an environmental upgrade agreement. The bill will also address miscellaneous amendments.

An environmental upgrade agreement is a tripartite agreement between the Melbourne City Council, the owner of a non-residential building in the City of Melbourne and a lending body. Under such an agreement the lending body advances funds to the building owner to finance approved environmental upgrades. The council levies an environmental upgrade

charge to recover the funds and repay the lending body. The bill will enable the City of Melbourne to create initiatives to retrofit buildings with environmental upgrades. Legislation for environmental upgrade agreements was originally introduced in 2010 by the previous government at the request of the City of Melbourne. This legislation had cross-party support.

The amendments that are before the house today have been prepared in consultation with the council. These amendments address issues that have arisen since the initial legislation for environmental upgrade agreements was passed in 2010. The Melbourne City Council uses environmental upgrade agreements to assist in financing some building upgrades or retrofits under its 1200 Buildings program. This is a wonderful initiative which aims to retrofit 1200 buildings in the city of Melbourne. I certainly hope that many building owners take up this initiative.

The program aims to encourage and support building owners and managers and facility managers to improve energy and water efficiency and reduce waste to landfill of commercial buildings in the municipality of Melbourne. I believe Melbourne City Council is leading the way in this kind of initiative. I was a councillor for eight years, so I know that many councils grapple with how to construct buildings that are sensitive to the environment. There is also a bigger issue of retrofitting, which is much harder to do and far more expensive than putting environmental upgrade measures in place when a building is first constructed.

This initiative benefits building owners by future proofing building assets against rising energy costs and helps in attracting and retaining tenants. It will be more attractive for tenants to be in these buildings. It also benefits the wider community by lessening global greenhouse gas emissions — in line with the target set by the City of Melbourne.

In his contribution, the member for Ivanhoe mentioned something very important — that is, that governments need to show leadership. I agree with that. The City of Melbourne is showing leadership in this particular initiative. However, I was very disappointed to read an article in the *Daily Telegraph* yesterday which talked about a decision of the Gillard government. I will just quickly read an extract:

The Gillard government has axed household subsidies for up to \$1000 for installing solar hot water systems despite the scheme — —

Ms Beattie — On a point of order, Acting Speaker, when the previous speaker was on his feet and tried to raise the issue of cattle grazing the minister at the table,

the Minister for Local Government pointed out that this is a very narrow debate. I would say matters that touch on the federal government are outside the scope of this very narrow debate.

The ACTING SPEAKER (Dr Sykes) — Order! I ask the member for Mordialloc to return to the substance of the bill.

Ms WREFORD — I am talking about environmental rebates and the fact that governments need to show leadership, as the member for Ivanhoe has said. What is very disappointing is — —

Ms Pike interjected.

The ACTING SPEAKER (Dr Sykes) — Order! If the member for Melbourne would like to contribute to this debate, she has the opportunity to put her name on the list. The member for Mordialloc is to continue without interference.

Ms WREFORD — I am talking about the bill and I am talking about leadership of governments. Unfortunately yesterday there was an announcement. I would like to finish the quote:

... despite the scheme —

the scheme that was cut by the federal government yesterday —

being considered vital to reducing — —

Honourable members interjecting.

The ACTING SPEAKER (Dr Sykes) — Order! The member for Mordialloc should sit down.

I ask the member for Mordialloc to return to the bill.

Ms WREFORD — Thank you, but what I am trying to talk about is carbon emissions.

Honourable members interjecting.

Ms Beattie — On a point of order, Acting Speaker, the member is clearly defying your ruling, and I ask you to bring her back to this very narrow debate.

The ACTING SPEAKER (Dr Sykes) — Order! The member for Mordialloc makes the point that this is about carbon emissions, and that is fine. But I ask the member to raise that in the context of the bill.

Ms WREFORD — I was trying to do that. I thought that what I was saying was highly relevant to the bill. I commend what the Melbourne City Council is doing in looking after its commercial precinct and

encouraging environmental upgrades. Since 2010 a number of environmental upgrade agreements have been entered into. An environmental upgrade agreement helps pay for building upgrades and improve the energy and environmental efficiency of commercial buildings in the city of Melbourne.

People have to follow a process to enter into an agreement. The proposed works are assessed by the council's Sustainability Melbourne Fund to see if it meets the program's objectives; the tripartite agreement is signed between the council, the building owner and the lender; the lending body then advances the funds to the building owner for the upgrade works; the council levies the environmental upgrade charge on the building owner; the building owner undertakes the works; the building owner pays the charge to the council over an agreed period; and the council repays the lending body. That is the process informing the agreement. However, the City of Melbourne requested proposed amendments to the legislation to deal with two problems it encountered in administering the upgrade agreement process.

Firstly, the existing legislative arrangements for determining the level of existing debts on a property are not fully effective, because they require the lending body to determine the level of debt, whereas it is really the building owner that has the relevant information. Secondly, a technical issue in the way mortgage debts are calculated under existing legislation effectively prevented property trusts entering into these environmental upgrade agreements. Given that property trusts own about 40 per cent of the commercial floor space in the city of Melbourne, if the council is to reach its target of retrofitting 1200 buildings, it is very important that property trusts are also able to enter into these agreements. These important amendments will ensure that the rights of existing mortgagees are better protected when building owners enter into environmental upgrade agreements.

The miscellaneous amendment in clause 5 of the bill amends section 5 of the City of Melbourne Act to remove an inconsistency with section 6A of that act. This amendment is necessary in order to allow orders in council to be made if required after an electoral representative review is undertaken by the Victorian Electoral Commission.

In summary, the City of Melbourne (Environmental Upgrade Agreements) Bill 2012 will amend the City of Melbourne Act 2001 to improve the process that the Council of the City of Melbourne follows when entering into environmental upgrade agreements. I

commend the City of Melbourne and the government for helping with these environmental outcomes.

Mr PANDAZOPOULOS (Dandenong) — It is a pleasure to speak on the City of Melbourne Amendment (Environmental Upgrades) Bill 2012. Let me say clearly and up-front that this is a very good bill. It is a practical bill that comes from ambitious policy, and much of that policy started with the ambitious plans Labor had to deal with such issues because it recognised and understood that we have a carbon-constrained environment. With the carbon trading scheme now in place, it shows that there is great willingness among partners — in this case, the City of Melbourne and financial institutions, who are trying to find market-driven mechanisms to provide good environmental benefits, which is what this bill is really all about — to build on the ambitious plans that were put in place and have been picked up by ambitious governments such as the City of Melbourne and, it is good to see, endorsed by this government.

Consideration of this bill tells me that the City of Melbourne has a much more ambitious environmental agenda than the Victorian state government. This bill shows that the City of Melbourne has put in the hard yards and put its money where its mouth is, as have its financial institution partners, and that it is prepared to tackle the difficult agenda that needs to be followed to deliver in a practical way the cost-efficient environmental upgrades that will provide good cost savings for building owners — in this bill, commercial building owners. These upgrades will deliver great environmental benefits for the community, which shows a localised commitment to environmental improvement over time, and with this ambitious plan the City of Melbourne is showing that it is the ambitious epicentre of a new carbon-constrained environment. The retrofitting of 1200 buildings is an ambitious project and there is a lot of work to be done, but the City of Melbourne's simple calculation of 1200 buildings shows just how much pent-up demand and desire there is to find market-based mechanisms for these upgrades.

I have the pleasure of being a committee member of the owners corporation of the apartment block in which I live in Southbank. When in recent years we have had a look at how we can make improvements to our building through initial capital investment and then make savings for the residents of the building, we have found a range of formulas. It is great to see useful new examples continuing to emerge.

It is fair to say that a lot of these things have occurred during the last decade through the work of the

Department of Sustainability and Environment when we were in government. At the localised level they have been driven by renowned people such as Professor Rob Adams. Rob is not only highly respected around Australia but his voice is heard in many parts of the world. It has been great to be able to have this sort of partnership. Some of these initiatives on which the City of Melbourne has tried to show a leading light have allowed members of owners corporations to make decisions about what is a sustainable building, what is a worthwhile investment and how you can get a return on your investment.

In our building we have made lighting efficiency upgrades. There were large initial capital costs, but we are seeing a quick return on our investment every time we get an electricity bill. In recent times investments have been made in improving the efficiency of the water-heating system in the building. These are emerging practical examples of long-term cost-benefit savings highlighting that the initial capital cost of an upgrade is worthwhile. Basically this bill is trying to take the model of residential property, where it is quite clear who the owners are, and apply it to commercial buildings, where at times it is not known who the legally responsible owner of the building is. That is particularly relevant when the project means taking out a loan and recovering that money through a charge that can be levied under the Local Government Act, as occurs in many other situations. This is a great initiative that will continue to show that Melbourne and Victoria are at the forefront of dealing with the environmental challenges we face.

The reality is that this is so much more important now that we have a carbon trading scheme. There are going to be huge benefits for commercial building owners as part of the future regime. I note that the Victorian Employers Chamber of Commerce and Industry has a forum coming up about the new carbon-constrained environment and the challenges we face. There are costs and there are opportunities, which is clear when you read about these sorts of things. We are going to see a lot more of these seminars around costs and opportunities, because the reality is that having such a scheme adds a cost, but when you look at the opportunities and compare your costs to the savings you can work out that a good business case is able to be made.

This is a very good mechanism to show in a cohesive sense how the City of Melbourne intends to tackle that challenge in its local government area. The member for Prahran highlighted Council House 2, which is a fantastic building. It has been great to see how many visitors from local government authorities across the

world have come to Melbourne to look at this public building. At the time it was a very ambitious challenge to the council. It was a costly building to retrofit. The member for Prahran highlighted what the year-by-year savings are. That shows us that, although the initial cost of the capital upgrade might appear on paper to be expensive, when compared to ongoing savings it provides a good return on investment.

I was the minister responsible for the proposals to build Melbourne's new convention centre. We put the project out to the marketplace as a public-private partnership. We wanted a convention centre that met a minimum standard of a 6-star green building, and through that process we ended up with the greenest convention centre in the world. That and Council House 2 mean that in the city of Melbourne we have two great examples of public buildings which show that when the private sector is given the commercial challenge, together with the tools to be able to make investment choices, it can come up with something that is very functional, meets budget bid envelopes and at the same time delivers cost savings for the ongoing operation of the building and provides long-term environmental benefits.

When we were going through that proposal we were criticised by some. At the time Cr Peter Clarke of the City of Melbourne was a person whom I do not think necessarily took the same sort of attitude as the City of Melbourne leadership. He now chairs Places Victoria, the old VicUrban, so I hope that Places Victoria will continue the green credentials that it had over a number of years and over successive governments under his leadership, and I hope that that period was just a bit of council politics.

But we have got great outcomes as a result of that convention centre, and when we look at the ongoing savings in the long term for delivering that, the functionality and the cost of that building are affordable compared to other older buildings like what we call Jeff's Shed. That is something which we did not have green energy standards or high ambitions for. It is a great building, but it is a much more expensive building to run compared to the new convention centre. When you challenge yourself to have environmental benefits overlaid with cost savings over the long term it is quite interesting to have these two buildings operating under the one owner side by side, because you can see what the savings are. I hope we can also retrofit other public buildings in Victoria and make them greener in the same way that we are giving the private sector commercially owned buildings those challenges under this bill.

I think it is a great bill. The government needs to be congratulated for supporting the City of Melbourne initiative. This is the space we are all going to be in under the carbon trading scheme. The sooner we stop whingeing about carbon pricing and the sooner we stop whingeing and pretending that we are the only ones doing this, the sooner we are going to get on with this agenda. The reality is that Europe and North America have been doing much of this stuff for a longer period of time. They are older cities; they renew their buildings; they make them greener. Because we are still a relatively new city with high-rise, we forget we have older builders that — —

The ACTING SPEAKER (Dr Sykes) — Order!
The member's time has expired.

Mr CRISP (Mildura) — I rise to support the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill. The purpose of the bill is to amend the City of Melbourne Act 2001 further to provide for environmental upgrade agreements and to make other miscellaneous amendments.

For those of us who do not live in Melbourne, because this is a bill that is very much confined to the city of Melbourne, an environmental upgrade agreement is a tripartite agreement between council, the building owner and the lending authority — so it is a triangle — and the aim of this is to allow the loans that the building owners need to undertake some of these upgrades and then have the City of Melbourne arrange repayments. It is an interesting arrangement. I note that it is confined to the city of Melbourne and was not put in the Local Government Act 1989, so it is quarantined to that area.

The provisions of this bill are mostly around improving the processes for entering into those agreements and further encouraging people, as we heard from the member for Dandenong previously, to get involved in this project. It is an ambitious project to have 1200 buildings upgraded.

In the country areas we have certainly learnt a lot about water efficiency through the drought. Things are done differently now. Even though there is water aplenty, people are still doing things differently. In the same way we need to take that mindset and move it across to energy, because there are big savings to be made in the way we use energy and that will be very important going forward. We will be living in an energy-constrained future in the same way as we had a dose of drought. However, droughts end. An energy-constrained future is going to be very difficult and will be very much ongoing, so as we look to a future where we have an ongoing and continuous

energy drought there are things that need to be done, and there do need to be pilot programs and places where things are tried and lessons are learnt, but it all has to be paid for.

The bill helps recognise some of those issues that are with mortgage-holders. The council, in working out that everybody gets their money out of this and that mistakes are not made, must inform the existing mortgage-holders of the need to be aware of what the statutory debts are on top of the mortgage. Let us make sure this is affordable. Council also needs to protect itself by obtaining certain property information from the owner.

That is the crux of this in many ways. The original legislation for the environmental upgrades goes back some time; it was introduced in 2010 to allow this to occur. I see also that other states are involved with similar projects, though they do differ from the one we have here in a number of areas. It is a way to move forward. I think country areas will be watching very closely to see how this works. If it does work and it is affordable, then its extension to some parts of the country would bear some consideration. However, I think we all know that saving energy and water is not cheap; it is expensive, and considerable work is needed.

There are other aspects of this bill that are also of interest, and there is to be a new section 6A of the act to allow orders in council to alter the electoral structure of the City of Melbourne. This will take place after a Victorian Electoral Commission review. The VEC is currently doing a review, and I understand that the public hearings were held yesterday and the VEC's final report will be available on 21 March, because these changes that are proposed need to be in place for local government elections a little later.

This is a short, sharp bill. Other contributions have been made. I think the bill deals essentially with housekeeping matters in pursuing everybody's desire to see energy and water efficiency progressed. However, I cannot conclude without responding to comments made by the member for Dandenong in his contribution. His confidence going forward about the carbon tax is not shared by me or some other members of this house. We have concerns about it. No doubt the work that is done in the city of Melbourne is going to progress with or without a carbon tax.

Ms BEATTIE (Yuroke) — I rise to join the debate on the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012. I make it clear from the outset, as our lead speaker did, that Labor will be supporting this bill. Of course the crux of the bill is that

it seeks to amend the City of Melbourne Act 2001 to improve the processes that Melbourne City Council follows when entering environmental upgrade agreements. Those agreements will help building owners obtain finance for retrofit works that will reduce energy use, save water and lower carbon emissions through the city's 1200 Buildings program, which was launched I believe in March 2010.

It is a small bill but I think it is quite big on vision, big in its scope and big in its ambition, and I applaud the City of Melbourne for taking on that leadership role, because leadership is needed in this area. It is not cheap to have the instruments there to reduce energy use, to save water and to lower carbon emissions; however, if you make that investment, it will come back later.

These are tripartite agreements between the Melbourne City Council, the building owner and a lending body, and I understand that there are three buildings that have already undergone retrofits. Those were a \$1.3 million refit of 123 Queen Street, Melbourne, for which funding was provided by the National Australia Bank and Low Carbon Australia Ltd; a \$400 000 refit of 460 Collins Street, Melbourne, where the lending body was the Sustainable Melbourne Fund; and part funding of a refit of 100 Dorcas Street, South Melbourne, where the lending body was again SMF. That shows that lending institutions and those who are interested in the environment are willing to invest in refitting buildings. It would only be the most sceptical climate change denier who would not think this bill is a good thing.

An honourable member interjected.

Ms BEATTIE — I am reminded by my colleagues that there are a few of those. Some indeed write columns for newspapers, but those columns are not well read and are taken with a grain of salt. The original changes were made to the City of Melbourne Act 2001 by the previous government and are something of which we are very proud. We are very proud that we led the way with that legislation. The Labor opposition supports the upgrade of over 1200 commercial buildings in the Melbourne municipality.

The City of Melbourne has identified some impediments to the implementation of the strategy. I understand approximately 40 per cent of commercial buildings are held in trust arrangements, in which the financial structure and the potential exposure of the building owner are not easily identified. The amendments proposed in the bill will require the building owner to provide a statutory declaration at least 28 days before the agreement is entered into to the effect that the proposed environmental upgrade charges

do not exceed the capital improved value of the land, so that in the event of a default on the loan, those loan funds can be completely recovered. In addition to that, the ability of property trusts to enter into these agreements will be enhanced by a specific provision dealing with mortgages that can sometimes be held over multiple properties. We have probably all had some experience of mortgages held over multiple properties.

Clause 5 of the bill amends section 5 of the City of Melbourne Act 2001 to correct an anomaly — and I am sure the minister is pleased with this — which currently does not allow the Minister for Local Government to implement recommendations by the Victorian Electoral Commission by order in council. Clause 5 relates to some changes that are being made for the representation review of the City of Melbourne that the electoral commission is doing currently. That has to be done prior to the 2012 elections. If those amendments were not made, it is unlikely, if the VEC recommends such changes, that orders could make changes to the number of councillors or the electoral structure.

There are a number of councils which are being reviewed at the moment with a view to increasing the number of councillors. I am sure those municipalities will each make their own cases as their own populations grow and indeed as the population of Victoria grows. Each municipality will have to make its own case on its proposed boundary changes and proposed changes to its number of councillors.

This is a bill that Labor is pleased to support. In conclusion, I would like to say that I think it is a great exercise in leadership by the City of Melbourne, and I commend the City of Melbourne on its efforts.

Mr THOMPSON (Sandringham) — The City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012 establishes a tripartite framework in order to facilitate the environmental upgrade of buildings in the CBD. It comes in the context of an interesting range of decisions that have occurred over the last 24 hours. I was on my way into the city yesterday when I heard on the radio a report about the axing of a federal solar rebate some three or four months earlier than expected and without any warning or notice. While we are trying to upgrade the CBD of Melbourne, a scheme that constituents in my electorate, the city of Bayside and the federal electorate of Goldstein, which incorporates the Sandringham electorate, have taken great advantage of over a long period of time to upgrade their hot-water systems through a federal rebate has been axed.

I understand that this is a matter of great interest on the part of members on the other side of the house, and I think there is this dichotomy of a practical scheme that was achieving good outcomes at one level occurring in another context of the City of Melbourne initiative. It is my view that, whilst members on the other side are supporting a good initiative for the City of Melbourne, more work needs to be done by those members to encourage their colleagues in Canberra to support good initiatives in their own electorates across Victoria so that there can be a better environmental outcome and so that people invest in solar hot-water systems. The subsidy that was abolished in Canberra provided up to \$1000 to switch from old electric systems to solar heat pumps or water heaters. It was a matter of intense interest to people in my electorate, and while we are supporting something that is taking place today in the city of Melbourne that will have good environmental outcomes, an important environmental initiative has been axed in Canberra.

It is in that context that I am on one level pleased to support the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012, but on another level I am expressing the disappointment of people who were lining up for their hot-water upgrades, which was a system that was in place not just in the precinct of the city of Melbourne — and I congratulate the City of Melbourne on this initiative — but across Victoria. Households will no longer have the opportunity to take advantage of an important initiative that has operated since 2007 but was axed in the dead of night, without notice.

Mr FOLEY (Albert Park) — I rise to make a contribution to the debate on the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012. As has been suggested by a number of members on this side of the chamber, we will take great delight in seeing the successful passing of this bill as soon as possible. We will do so because this bill reflects a measured, necessary and practical approach to the smart cities program that the City of Melbourne seeks to encourage in partnership with the private sector to upgrade its target of 1200 buildings in the city of Melbourne to meet energy efficiency and a range of water efficiency requirements. It is a limited, technical and practical measure that seeks to ensure the green retrofitting and upgrading of a number of buildings. The program is driven by the private sector, and that reflects the reality that most of those buildings in the marketplace are owned by a series of private sector trusts. The bill seeks to facilitate the arrangements whereby those trusts can seek the necessary assistance from their backers and bankers to make that happen.

I am happy to support this bill in the sense that I am the member for Albert Park, because hopefully many of those 1200 buildings will be in the district that I represent, which includes areas of the city of Melbourne. With a bit of luck it will also impact on the yet-to-be-seen plans for those areas of Fishermans Bend where the Minister for Planning is apparently going to deliver some 20 000 units. Most of those units will be in the city of Port Phillip, but some will be in the city of Melbourne. I suspect we will all be significantly older and greyer and that many of us will have retired — some of us on pensions, some of us not — by the time that transpires.

It is interesting to contrast this visionary approach by the Melbourne City Council with the more blinkered approach taken by other levels of government in Victoria. It is particularly odd that it is this government that is bringing forward this bill to help the City of Melbourne approach this necessary work. The City of Melbourne has gone through a process of community consultation, setting targets for energy efficiency and targets for reducing the environmental energy footprint of areas within the city of Melbourne. It has set itself a target whereby it will be seeking to significantly reduce its environmental impact by 2020. The City of Melbourne has a plan to be a zero emissions city, including in those parts of my electorate that fall within the city of Melbourne, such as Southbank and Albert Park. To achieve that it needs to have in place a whole range of practical measures of which this is but one — albeit a very important one. Members should contrast this with the arrangement whereby at some stage during the life of this Parliament we will have to reconsider legislation to set a similar goal for the rest of Victoria, so energy efficiency measures will hopefully be writ large across the state.

We will be watching with great interest the process that the Minister for the Environment and Climate Change, who must be the least taxed minister in the government because his entire portfolio seems to be run by his friend the Minister for Agriculture and Food Security and Minister for Water, will bring forward having supported this bill and supported the City of Melbourne in seeking to meet its environmental target of reducing its emissions to zero by 2020. We will watch with great interest how this government and this most ineffective minister in the form of the Minister for Environment and Climate Change, the member for Warrandyte, seek to do this. If during the life of this Parliament the government brings forward a bill to do away with the very thing it is seeking to facilitate for the City of Melbourne, it will smack of nothing but rank hypocrisy — but then rank hypocrisy and double

standards are a matter of daily fodder for this government.

While we wait to see how climate change and energy efficiency measures will be applied across the rest of Victoria, we can see at least one real-world, practical outcome. We wish the City of Melbourne the greatest of luck as it negotiates with its private sector partners over this measure. We recognise that it is an opportunity for the public sector, the private sector and their backers to come together to drive the sorts of necessary changes that we need to deliver not just good environmental outcomes and not just good built-form outcomes but good financial and solidly backed outcomes that will encourage private sector investment across the city of Melbourne. We would be more than happy to see that delivered in the district of Albert Park.

We also hope that over the course of this Parliament we will have the opportunity to debate the same issue for the whole of Victoria. While those opposite may have been dragged kicking and screaming in terms of a public policy approach to support the particular philosophy underlying this bill, it does reflect the leadership of the City of Melbourne and its hardworking Lord Mayor, who is also a constituent of mine. I support his efforts in delivering this important outcome of public policy.

We look forward with great interest not only to the passage of this bill and the City of Melbourne meeting its environmental targets, meeting its energy efficiency measures by 2020 and meeting its goals of carbon neutrality as a zero emissions city, but also — with even greater interest — to the opportunity to debate with this government how it approaches that same public policy dilemma for all of Victoria, because what we know is that having said one thing before the election, this government will now seek to do the complete opposite when it comes to these important matters.

Mrs Powell — On a point of order, Acting Speaker, this is a very narrow bill. It deals specifically with amendments to the City of Melbourne Act 2001 to provide for environmental upgrade agreements, and while there has been a lot of discussion, the member for Albert Park has raised a number of other issues and is now straying from the bill and talking about other opportunities. I ask you to bring him back to the bill.

Mr Herbert — On the point of order, Acting Speaker, the member for Albert Park was being absolutely explicit in terms of the core function of this bill, which is ensuring reductions in environmental impact in the built form in the city. He was being

absolutely specific in terms of the core principles that underpin the bill. In a debate that has been relatively wide ranging I would have thought he has restricted his contribution remarkably well.

Mr FOLEY — On the point of order — —

The ACTING SPEAKER (Mr Morris) — Quickly on the point of order.

Mr FOLEY — On the point of order, with the greatest respect, Acting Speaker, my contribution was as relevant, if not more relevant, than water efficiency in Mildura and solar rebates in Sandringham.

The ACTING SPEAKER (Mr Morris) — Order! I have listened to the entire debate with interest. It has been reasonably wide ranging, and the contribution from the member for Albert Park has been particularly wide ranging. I uphold the point of order, and I ask him to return to the bill.

Mr FOLEY — I take on board your considered ruling, Acting Speaker. In the remaining time I will restate the proposition that what this bill reflects is a leadership position being taken on private sector investment partnering between the City of Melbourne and the backers of the various 1200 targeted buildings that are to be retrofitted in order to drive efficiency, to drive carbon reduction and to drive jobs into the future. At the same time the bill reflects the looming policy dilemma that those opposite will have as they seek to negotiate their way through this most significant public policy issue during the remainder of this Parliament.

Mr WATT (Burwood) — I take great delight in rising to speak to the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012. As many have said, the environmental upgrade agreement is an agreement between the Melbourne City Council, the owner of a non-residential building and a lending body. The council will levy a charge to make the rates more attractive for the building owners.

The bill amends the City of Melbourne Act 2001 and was prepared in consultation with the council, as you would expect. During 2011 the Melbourne City Council entered into three environmental upgrade agreements: a \$1.3 million refit of 123 Queen Street, Melbourne, with funding provided through the National Australia Bank and Low Carbon Australia Ltd; a \$400 000 refit of 460 Collins Street, Melbourne, with lending provided through SMF; and a part funding of a refit of 100 Dorcas Street, South Melbourne, with lending also through SMF.

When I first looked at the bill I wondered why the council would be getting involved and how the process would work. I will run quickly through the process of how this actually works for those people who are interested. The council's Sustainable Melbourne Fund assesses whether the program meets the objectives and compares the proposed works with those objectives. The agreement is then signed by the three parties, which, as I said earlier, are the Melbourne City Council, the building owner and a lending body. The lending body then provides the funds for the works, and the council then levies the environmental upgrade charge, including any interest, on the building owner. The building owner then undertakes the works, and the building owner pays the council the charge by way of repaying the loan. The council then repays the lending body.

Two problems have been identified with the original environmental upgrades. Firstly, the building owner is the person, or the body, who has the relevant information with regard to the level of debt. The lending body is unable to satisfactorily determine the level of debt because only the building owner would know all of the debt surrounding the particular property. The bill will fix that problem by allowing for a statutory declaration from the owner about the level of debt on the property.

Secondly, a technical issue with the way mortgage debts are calculated currently prevents property trusts from entering into environmental upgrade agreements. This is because they may have mortgages over multiple properties, and most of them do. With property trusts owning around 40 per cent of all commercial floor area in the city of Melbourne this becomes quite problematic. It makes the council's target of 1200 buildings almost impossible, given that, as another member has already mentioned, 1200 buildings would make up around two-thirds of all buildings in the city of Melbourne. As you can see, if 40 per cent of buildings are owned by property trusts and are excluded, there is no possible way of getting to the 66 per cent, which is the target. The bill makes amendments that allow mortgages to be notionally apportioned across all properties within the property trust.

What this bill comes down to is a carrot-and-stick approach. We as a government are of the opinion that it is better to offer a carrot than to bash someone over the head with a stick. This bill is the carrot, whereas the carbon tax is the baseball bat. It is interesting that this government is committed to helping owners and businesses deal with environmental issues while other governments are intent on shredding their carrots, such

as the Gillard government's shredding of the solar hot water rebate scheme. As I said, it is in our DNA to provide a carrot, while it is in the DNA of the Labor Party to bash people over the head with a baseball bat to beat them into submission.

Mr Herbert — On a point of order, Acting Speaker, I note your last ruling on relevance, but we have just heard from the member about the commonwealth solar rebate scheme, which has absolutely nothing to do with this bill. We have just heard something about carrots being part of the member's DNA — I do not know what that means, quite frankly; it is beyond my medical knowledge — et cetera. I really think he is straying miles from anything to do with this bill, and I ask that he be brought back to it.

The ACTING SPEAKER (Mr Morris) — Order! I thought for a minute we were back to cudgels and shillelaghs. I ask the member for Burwood to return to the substance of the debate.

Mr WATT — As I said, it is very simple: this bill is about helping people to provide environmental upgrades and helping the Melbourne City Council to provide help to people undertaking those upgrades. The previous speaker, the member for Albert Park, talked about real-world, practical outcomes. This is an example of the government providing real-world, practical outcomes for people to allow them to get on with doing the job they want to do, and that is to provide environmental upgrades to help the environment. That is something which I am sure every member of this house would appreciate, and I appreciate the fact that the opposition is supporting this bill.

While I am on my feet I want to add that the bill also makes minor amendments to allow orders in council to be made if, after the electoral representation review, some changes are needed to be made to the Melbourne City Council's structure. That follows on from a bill that we passed recently. I commend the bill to the house.

Mr LANGUILLER (Derrimut) — It gives me pleasure to be able to speak on the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012. At the outset I want to say, as other speakers from our side of the chamber have indicated, that we will be supporting these amendments. This is a good opportunity to place on record two things. They are, firstly, that the City of Melbourne Act 2001 was introduced by the former government, and that was good work — I think that is well acknowledged by the minister; and secondly, that the government is now

putting forward an amendment which will improve the functioning of the act. This bill responds to an important request put to the government and to the Parliament in relation to environmental upgrade agreements and how they can best function. This is government and opposition — and opposition and government, I might say — working for the benefit of a community.

This bill seeks to amend the City of Melbourne Act 2001 to improve the processes that the Melbourne City Council follows when entering into an environmental upgrade agreement. These agreements help building owners to obtain finance for retrofit and refurbishment works. Their main purpose is to save energy, to save water and to aim — a very ambitious aim — for the city to be carbon neutral by 2020. It is important not to be distracted by the inevitable things that happen in parliamentary chambers. We ought to focus on how important this legislation is for the country and for the city, and we should take this opportunity to commend the City of Melbourne for its stewardship and leadership, especially that provided by the Lord Mayor, the Honourable Robert Doyle.

An honourable member interjected.

Mr LANGUILLER — Bring him back. Again, the Lord Mayor is doing something good for the city and for Victoria, and as I understand it from the minister, this is a world first. How important is that for the city and for Melbourne? This bill is fantastic. It is one of those bills which gives me pleasure, particularly before lunch, to comment on in a very constructive and positive way. I commend this important initiative and objective of the City of Melbourne to become carbon neutral by 2020.

The other important thing in terms of the stewardship provided by the City of Melbourne and the Lord Mayor is that this legislation is the first of its kind, and it provides the opportunity to encourage other councils to consider perhaps in the future adapting these environmental upgrade agreements to their economics, to their demographics and to their local circumstances. Perhaps there is room for councils throughout Victoria in a much broader way to follow the leadership shown by the City of Melbourne. That is the first thing that I think is important to place on record. I am delighted that we have introduced this bill and I am equally delighted that the government has responded positively to an important request and an important initiative advanced by the City of Melbourne.

One of the issues that arose during the course of the implementation of this bill, as other speakers have

placed on record, is that 40 per cent of commercial buildings in the city of Melbourne are held by trusts. Trusts, as we know, can sometimes have complex arrangements in their financial structure; some of them are very substantial. There are superannuation funds, to give one example of so many. These are very complex structures in terms of trusts, and it is difficult for the municipality to work through them and be able to, very quickly, get to the point it needs to get to in terms of environmental upgrade agreements.

As I understand it, these amendments are going to resolve the difficulties in dealing with the issues that are complicated by the trust arrangements, some of which are very complex, in the city of Melbourne. The dealings need to be transparent and open, and the council will seek a clear path to engage with the property owners. These are tripartite arrangements that need the cooperation and goodwill of all the parties, and it is important that they work in that way.

The original changes were made by the City of Melbourne Act 2001 introduced by the previous government precisely to support the environmental upgrades. As I understand it, the council's target is to have some 1200 commercial buildings in the city of Melbourne carry out upgrades. This mechanism was created to make it easier for the purposes of retrofitting, refurbishing and upgrading the buildings.

An important point that was made by the member for Richmond, who led the opposition members in the debate, and other members relates to circumstances where on occasion we see ratepayers and residents of the city of Melbourne and others query whether some new buildings should be supported. In the future when we have to tackle climate change challenges, we have to drive the objective that the City of Melbourne puts before us of becoming a carbon-neutral city, and sometimes that warrants the emergence of new buildings. They will be good in terms of meeting the environmental challenges of the 21st century.

However, the environmental upgrading of existing buildings that will be facilitated by these amendments requested of the government by the City of Melbourne will lead, I am quite confident, to competitive rental leasing arrangements. If water, electricity and a whole range of other fixed costs are cheaper and can be reduced, then one would expect the rental leasing arrangements in the city of Melbourne to be competitive. That is an incentive for owners. If the owners are able to put onto the market competitive buildings with competitive leasing arrangements and competitive costs associated with electricity, water and so on, one would imagine that that would be an

attractive proposition both in financial terms and in terms of environmental outcomes.

The other matter I briefly comment on relates to section 5 of the City of Melbourne Act 2001, where it appears there is some contradiction with section 6A. Given my knowledge, association and friendships with many residents of the city of Melbourne — particularly around the high-rise buildings — who are tenants and not commercial residents, I point out that there is the important ongoing challenge, which I think is a genuine one, of how the residents relate to the councillors. That goes to the issue of governance, and some recommendations that have been advanced. It is an existing issue and a challenge that I do not quite have an answer for, but I understand the complexity of those relationships.

It is important on an ongoing basis that the government and the City of Melbourne review that relationship to make sure that a good balance is struck between the interests of the commercial residents and the business community, which certainly have to be looked after and where good care should be taken, as well as those of the residential tenants who wish to have access to their councillors if they wish to raise issues that are important to them. With those very few remarks I commend this bill, and I think it is terrific that we have had this debate.

Mr McCURDY (Murray Valley) — I am particularly delighted to speak on the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012 today. Anything that has a proactive approach to energy savings is something that we look forward to. The carbon footprint in every community is getting larger, and this bill will go a long way towards not just telling people what they need to do but showing the way. For the City of Melbourne it is a tremendous initiative. It is first-class, forward thinking. This is not a do-as-I-say bill, it is a do-as-I-do bill, and it is terrific that the council is starting out on this foot. The purpose of the bill is to amend the City of Melbourne Act 2001 to further provide for environmental upgrade agreements and to make various other amendments. The amendments will improve the processes the Melbourne City Council follows when it is entering into environmental upgrade agreements. Furthermore, in relation to section 5 of the City of Melbourne Act 2001, the bill will remove a conflict with section 6A of that act.

The environmental upgrade agreement is a three-way agreement between the council, the building owner and the lending body. The purpose of the agreement is to help to fund environmental upgrades, particularly of

commercial buildings, in the city of Melbourne. Under an environmental upgrade agreement the lending body provides the funds to the building owner, who pays for approved environmental works, and the council then levies an environmental upgrade charge on the property to recover the funds, which it repays to the lending body. The council uses these agreements as part of its 1200 Buildings program, and we heard earlier today that more than two-thirds of the buildings in Melbourne will be affected. This is a great initiative. It will also encourage and support building owners to undertake upgrades that improve energy and water efficiency and otherwise enhance environmental sustainability.

Talking about water efficiency, with the rain we have had in the Murray Valley in the last week we are busy trying to sandbag and stop water coming into people's homes at the moment rather than saving water. We would be pleased to see a little water leave the Murray Valley at the moment, but that is another issue.

The council has identified obstacles to the effective implementation of the upgrades and has specifically requested the amendments in this bill, which will assist it to continue to develop and expand its program. It will also improve the process of entering into the environmental upgrade agreements in two ways: it will help secure the rights of existing mortgage-holders and it will facilitate extending the option of agreements to property trusts that own multiple properties, and that is a great initiative.

The rights of existing mortgage-holders will be enhanced by requiring the council to ensure that mortgage-holders are informed in advance of the proposed agreement and by ensuring that the total statutory and mortgage debt on the property does not exceed the value of the property before any enhancements. We can achieve this by preventing the council from entering into an agreement until it has obtained the relevant information and a signed statutory declaration from the property owner. The ability of property trusts to enter into environmental upgrade agreements with the council will be improved by making specific provision to deal with mortgages that are held over multiple properties.

Again I congratulate the City of Melbourne on this proactive approach. All energy savings are good — for example, shower heads, shower timers and all the approaches we can take to save energy and water are terrific and send positive messages to the whole community. It is not just saying, 'We will do it in a few of our buildings'; we are sending those messages out to the greater community and to the private sector as well. I commend Robert Doyle on his leadership of the

Melbourne City Council, and I applaud the initiatives it has taken. I commend the bill to the house.

Mr PERERA (Cranbourne) — I rise to speak on the City of Melbourne (Environmental Upgrade Agreements) Bill 2012. This bill is about facilitating Melbourne's 1200 Buildings program, which is ambitious but a step in the right direction towards establishing an environmentally sustainable city. It is also a great move by the Melbourne City Council towards a low-carbon economy, and I congratulate it on such a great push coming from Victoria. It will also create jobs.

The bill amends the City of Melbourne Act 2001 to improve the process that the Melbourne City Council follows when entering into environmental upgrade agreements (EUAs). The bill also includes a technical amendment to correct an anomaly that currently does not allow the Minister for Local Government to implement recommendations of the Victorian Electoral Commission by order in council.

The EUA is a tripartite agreement between the council, the lending body and the building owner. The Melbourne City Council requested this amendment to deal with two problems it has encountered in administering environmental upgrade agreement processes. The current legislative arrangements for determining the level of existing debt on a property are not fully effective because they require the lending body to determine the level of debt whereas it is the building owner who has the relevant information about the level of debt. Currently the way mortgage debts are calculated under the existing legislation in effect prevents property trusts from entering into environmental upgrade agreements. This is a big drawback, and the entire purpose is defeated because property trusts tend to have mortgages over multiple properties. As we have heard from previous speakers, property trusts own 40 per cent of the commercial floor area in the city of Melbourne.

Legislation for EUAs that empowered the council to levy environmental upgrade charges was passed in 2010 by the previous government. The provisions in the Local Government and Planning Legislation Amendment Bill 2010 relating to environmental upgrades received cross-party support. Those provisions were incorporated into the City of Melbourne Act 2001 but not into the Local Government Act 1989; as a result only the Melbourne City Council is able to enter into EUAs, but at least it is a start. The provisions of the bill before the house are important in ensuring that the rights of existing

mortgagees are better protected when building owners enter into EUAs.

As the proposed council charge would take precedence over any mortgages in the event of a forced sale of the land to repay the debts, the lender will be more forthcoming in lending finance for EUAs than he or she would otherwise have been. It is important to ensure that the value of the land is sufficient to pay out any mortgages. The council will be prohibited from entering into agreements if the total debt would exceed the pre-upgrade property value. Therefore there is no risk involved, even if there is a financial downturn, because all financial matters are safeguarded.

The provision that requires building owners to sign statutory declarations emphasises the importance of owners complying fully with the requirements in the act. These requirements aim to protect the interests of existing mortgage-holders who are not parties to an environmental upgrade agreement. A person who makes a false statutory declaration may be prosecuted for perjury, for which the maximum penalty is 15 years imprisonment.

This bill addresses all aspects of financial risk and is also an environmental initiative that will create jobs. Therefore I congratulate the City of Melbourne, and I commend the bill to the house.

Mr KATOS (South Barwon) — It is my pleasure to rise this afternoon to contribute to the debate on the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012. It is very fitting that you are in the chair, Acting Speaker, as the Parliamentary Secretary for Local Government, and also that the Minister for Local Government is in the house, listening intently to all of the contributions to the debate. It is good to see both of you in the house.

Local government has a very strong leadership record when it comes to the environment. During my time as a councillor in the City of Greater Geelong, Geelong had a very strong environmental record, with initiatives such as ecoCHALLENGE, energy audits of buildings, solar panel installations and even a website where you could view in real time renewable energy usage and reductions in energy usage by using renewable energies.

The City of Melbourne is also showing very strong leadership with regard to the environment, with the environmental upgrade agreements that it has for many buildings in the City of Melbourne, particularly in the CBD. A lot of the building stock in the Melbourne CBD is of a reasonable age, and it does need

retrofitting. Obviously you do not have the efficiencies of modern heating and cooling and double glazing; those efficiencies are simply not there in older buildings. I give great credit to the Honourable Robert Doyle, Lord Mayor, who, through his council, has introduced the 1200 Buildings program, which is a fine initiative and shows leadership in retrofitting these buildings to make them more energy efficient. Again I must commend the Lord Mayor and his council for doing this and for their vision in trying to reduce greenhouse gas emissions and even in trying to achieve carbon neutrality in Melbourne's CBD, which is a very fine and noble approach.

These environmental upgrade agreements are tripartite agreements; they are an agreement between the City of Melbourne, the building owner and a lending institution. The way they operate is that when a building owner wishes to do an upgrade the Melbourne City Council, which is the only council permitted to do this, effectively goes guarantor on the loan. The City of Melbourne then puts a levy on council rates in order to recoup the charge. That levy remains even if the property is sold in the future, because obviously there must be safeguards for City of Melbourne ratepayers to ensure the funds are kept safely. The council then levies that charge and recoups back the debt that the building owner used to do these environmental upgrades. As I said, the levy remains even if the property is sold in the future. It must be there as a strict safeguard, as ratepayers money is involved. If there were any shenanigans, or if anything went wrong, it would be the City of Melbourne ratepayers who would bear the cost; so it is very important to have that measure in there to ensure that those funds are not lost.

As I said, the process for entering into the agreement is that the council effectively goes guarantor and repays the lending body, but it levies that charge it has incurred. It so happens that there have been some issues around the law with regard to property trusts in relation to mortgages. Property trusts own approximately 40 per cent of the building stock — the commercial floor area — in Melbourne's CBD. Basically, when a property trust takes out a mortgage, it takes out a mortgage across the entire property ownership portfolio, so the mortgage is taken out over multiple properties. There was a problem with that, because you could not actually isolate the amount of debt and the banks were reluctant to enter into any agreements or mortgages, and you could not actually have that debt there.

This proposed amendment will allow debt to be notionally apportioned — for example, if there were 15 properties in a portfolio and a debt of \$1.5 million,

then you would apportion \$100 000 to each property. That provision is there for the purposes of lending institutions, but this bill also makes a technical amendment with regard to the City of Melbourne Act 2001 to allow changes by order in council following the review by the Victorian Electoral Commission (VEC) that is going on at the moment. Amending legislation was passed last year, but unfortunately this was overlooked during the drafting process. The amendment corrects that error to allow the recommendations of the VEC to be implemented by order in council. This is a good piece of legislation. It has come about through good cooperation between the state government and the City of Melbourne. I commend the state government and the minister, and I commend the City of Melbourne on its leadership with environmental upgrades. With that, I commend the bill to the house.

Mr HERBERT (Eltham) — It is a pleasure to support this bill and the important environmental work of Melbourne City Council in terms of maintaining and improving the environmental health of the buildings in our great city. This of course comes from Labor's initiative to try to ensure that we can successfully retrofit buildings and so on. It is an important amendment in terms of speeding up that process and assisting the ratepayers of the City of Melbourne, so that Melbourne ratepayers do not end up footing the bill — that is, so that they are not liable should there be a default on a loan or should the retrofitting, refurbishment or renovation activity exceed the actual value of the land, of the building or of the owner's percentage. What is important in this bill is that we can make Melbourne a better environmental place to be, a place in which our buildings and our city are better, and these are the sort of mechanisms we like to see from government to make that happen.

I remember the time when the Commonwealth Games were held here in Melbourne. Melbourne is a great place. We put on a great Commonwealth Games, and the minister at the time, the member for Essendon, did a fantastic job with that. But while walking around Melbourne I saw some pretty shabby buildings, such as some of the backpackers accommodation and buildings which had pretty low returns. Given we have a beautiful city like Melbourne, there are buildings around town that even on the surface really let the city down — and I would hate to think what they are like inside. They did not present well, and I think many of us have seen those buildings around.

Mr Kotsiras — Name one.

Mr HERBERT — The member for Bulleen wishes me to name them. Of course I would not do that, because this is about improvement and not going backwards. I do not think we should be punitive in these measures. The whole point of this bill is not to punish but to support the owners of these buildings in proper legislative fashion to get them to improve and upgrade those buildings, not just so that they look good but also so they are environmentally healthy. Every building that is environmentally outdated presents a health risk to people, pollutes the environment and adds to Melbourne's generally poor air space. We need to stop that, because we do not only want to live in a beautiful city on the river or to have the most livable city; what we want to have is a clean, environmentally sustainable city — and that is what the bill is all about.

I am pleased that the government has introduced this bill. The Minister for Environment and Climate Change has had a few controversies lately, and we have seen a lot of controversies in planning. I would hate to know how many times this bill went backwards and forwards between those who supported it and those who opposed it, and I would not want to know how many Liberal Party ex-ministers turned lobbyists received huge payments for lobbying for this bill.

Mrs Powell — On a point of order, Acting Speaker, the member for Eltham has been staying on the bill for quite some time, but in the last few minutes he has decided to stray far from the bill and talk about lobbyists and all sorts of things. This is a tight bill about environmental upgrades in the city of Melbourne. I ask you, Acting Speaker, to call him back to the bill.

The ACTING SPEAKER (Mr Morris) — Order! I uphold the point of order and ask the member to return to the substance of the bill.

Mr HERBERT — I am delighted to return to the substance of the bill. We need to encourage green buildings. There are some great green buildings in Melbourne, and the new buildings that are being built in Carlton and in a number of places around town are great examples of environmentally sustainable buildings. However, we need to retrofit many other buildings. Let us look at Parliament House, for instance — and I will name this building. If there was ever an example of a building that needed to be retrofitted to make it more environmentally sustainable, it is this one. It was only a couple of years ago that Parliament House got dual-flush toilets. I daresay there are many buildings in Melbourne, including the one in which we speak today, that desperately need to be retrofitted. They need to be brought into the modern

age to play their part in an environmentally sustainable future, and that is what the bill is about.

With that, I commend the bill to the house.

The ACTING SPEAKER (Mr Morris) — Order! I call on the member for Ferntree Gully.

Mr WAKELING (Ferntree Gully) — Thank you, Acting Speaker.

The ACTING SPEAKER (Mr Morris) — Order! Time!

Mr WAKELING — That has been my best contribution!

The ACTING SPEAKER (Mr Morris) — Order! Now is an appropriate time to break for lunch.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Police: enterprise bargaining

Mr ANDREWS (Leader of the Opposition) — My question is to the Deputy Premier and Minister for Police and Emergency Services. I refer the minister to the allied benefits memorandum of understanding, central to the police EBA (enterprise bargaining agreement), which was finally released today, and I ask: what is the full dollar cost to Victorian taxpayers of the police enterprise bargain per annum, and will the minister now release full costings of the alleged productivity offsets? We will see if the minister answers either.

The SPEAKER — Order! There is one question allowed at question time.

Mr ANDREWS — I am not holding my breath for him to answer to either of them, so — —

The SPEAKER — Order! I will give the Leader of the Opposition the right to choose which of the two questions he wants answered.

Mr ANDREWS — Perhaps, Speaker if you would like me to rephrase the question, Speaker, I am more than happy to do that.

The SPEAKER — Order! Rephrase the question then.

Mr ANDREWS — My question is to the Minister for Police and Emergency Services. I refer the minister to the allied benefits memorandum of understanding, central to the police EBA, released for the first time today, and I ask: what is the full dollar cost of the police enterprise bargain to Victorian taxpayers?

Mr RYAN (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. What a great day for all Victorians and for Victoria Police. We have today had tabled in the house the report arising from the inquiry by Mr Jack Rush. That report was commissioned at the request of the Premier back in May last year — —

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk!

Mr RYAN — We have also had tabled in the Parliament today the government's response to that report, and as the house knows, we have accepted either in full or in part 24 of the 25 recommendations provided by Mr Rush in that report. We have also tabled in the house the memorandum of understanding which deals with the allied benefits, which is to be read in conjunction with the enterprise bargaining agreement, and it is important therefore that everybody who has an interest in these matters read those two documents together.

Honourable members interjecting.

Mr RYAN — We have achieved enormous gains in productivity as a result of these negotiations — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The Leader of the Opposition has asked his question, but he is interjecting constantly. I do not want him or other members of the house to keep interjecting like that. If they want to hear the answer, they should listen.

Mr RYAN — Of course, as is self-evident from both those documents, enormous productivity gains have been gleaned.

Mr Andrews interjected.

Mr RYAN — The member interjects and says it is not self-evident, so let us take just one aspect of it. Historically on the transfer and promotion issues, which were of particular concern to Mr Rush — —

Honourable members interjecting.

Mr RYAN — They were. Back in the days of the former Labor government — going back to 2009 — the delay in actually dealing with — —

Mr Foley interjected.

The SPEAKER — Order! The member for Albert Park is on a warning.

Ms Hennessy — On a point of order, Speaker, the Minister for Police and Emergency Services has had almost 2 minutes to try to engage with the question. He has been debating the question in breach of the standing orders. The only thing Victorian taxpayers want to know is: how much did it cost?

Mr RYAN — On the point of order, Speaker, the question went directly to issues to do with productivity savings. Of course the preamble to the question becomes part of the question, and I am answering the question as put.

Mr Andrews — On the point of order, Speaker, I was invited to rephrase the question. I duly complied with your request to do that, and I removed the productivity reference. What I want to know, and what taxpayers want to know, is how much the EBA costs.

The SPEAKER — Order! As has already been mentioned by the member for Altona, the Minister for Police and Emergency Services has been speaking for 2 minutes. There is still 2 minutes available for him to speak. I do not consider the minister has been debating it; I consider he has been adding facts to the answer.

Mr RYAN — Although once upon a time those delays were 112 days; under these arrangements the delay will be 15 days. What a fantastic outcome. Enormous productivity has been able to be achieved.

On the issue of the overall cost, it is just priceless that this opposition should ask that question. When you go back to the commentaries offered by — —

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition is on a warning — and that is priceless.

Ms Hennessy — On a point of order, Speaker, the Minister for Police and Emergency Services continues to debate the question, and the only thing that is priceless about this deal, and he refuses to reveal the figure, is that it seeks to save Private Ryan — and that is about it.

The SPEAKER — Order! I do not uphold the point of order.

Mr RYAN — As the Leader of the Opposition very well knows as a member of the former government, and as is replete in answers given by Mr Lenders in the other place —

Mr Noonan interjected.

The SPEAKER — Order! The member for Williamstown is on a warning.

Mr RYAN — stretching back to 2007 at the time of the previous enterprise bargaining agreement — —

Mr Andrews — On a point of order, Speaker, the question related to the costs of the EBA; it did not relate to Mr Lenders or former ministers. This is this minister's EBA with police, and he ought to detail how much Victorians are paying for it. If he cannot, then he ought to sit down.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition!

Dr Napthine — On the point of order, Speaker, it is absolutely clear to all Victorians and all taxpayers that in these negotiations there are savings and there are costs. When you are dealing with the overall cost to the community, the productivity savings are just as important as the costs, and that is what the minister is talking about.

The SPEAKER — Order!

Dr Napthine — That is something the Labor Party does not understand. It does not understand productivity — —

The SPEAKER — Order! The Minister for Ports should raise a point of order, not a point of rant. I ask the minister not to do that. He will be removed from the chamber if he does.

Mr RYAN — The Leader of the Opposition well knows the conventions around these matters. They are the same as those employed by the former Labor government at the time the last EBA was negotiated in 2007. The simple answer to the question — —

Mr Andrews — I renew my point of order, Speaker. The minister was asked how much taxpayer money is being spent on this deal, and that is what he should relate his answer to, not me or the former government. I renew my point of order.

The SPEAKER — Order! In the Leader of the Opposition's preamble he talked about a memorandum

of understanding, and he talked about an enterprise bargaining agreement; he talked about all those things, and to date the minister has been addressing those things. The member may not like the answer.

Mr Andrews interjected.

The SPEAKER — Order! I cannot direct a minister as to how to answer a question, but the answer has to be relevant to the question that was asked, and the minister was being relevant.

Mr RYAN — As the Leader of the Opposition well knows, the clear convention in this, particularly in circumstances where there are other EBAs being negotiated across the public sector, is that these issues are not dealt with chapter and verse; they are not dealt with line by line. We have successfully concluded negotiations with the police. It is a magnificent result for the people of Victoria. For those who so proudly wear the blue in the name of Victoria Police we are thrilled to have been able to announce the detail today. What a great outcome it has been.

Honourable members interjecting.

India: trade delegation

Mr SOUTHWICK (Caulfield) — My question is to the Premier. Can the Premier advise the house on how the recent trade mission has gone about rebuilding education links between India and Victoria?

Mr BAILLIEU (Premier) — I thank the member for his question. International education has been one of Victoria's largest exports for some time. It is worth between \$4 billion and \$5 billion presently, although in recent years it has declined as a consequence of a number of issues, including matters of safety, the level of the Australian dollar, private providers and visa arrangements.

I am proud to say that education was one of the 10 high-priority sectors that we took to India on the trade mission we recently completed. More than 220 organisations were represented and nearly 280 delegates attended — and there was unprecedented attention. India is Victoria's second-largest source country for student enrolments in Victoria, with more than 30 000 students currently enrolled here. Those students add immense value to our community and are an important part of our rich multicultural state.

Victoria is the destination of choice for international students, having some of the world's best education providers and courses. The London-based QS organisation recently rated international student

destinations and ranked Melbourne fourth in the world in the company of Paris, Boston and London. There is no doubt that livability in Melbourne is a key component of that, but equally our providers also play a part.

On Tuesday of last week I had the privilege of being in Delhi with representatives of the education sector. One of the first important meetings we had I shared with the CEOs and directors of Central Gippsland TAFE and the Chisholm, Holmes, Goulburn Ovens, Holmesglen, Northern Melbourne, South West, Kangan, William Angliss and Wodonga TAFEs; the vice-chancellors of Deakin and La Trobe universities, RMIT and Swinburne; and representatives of deputy vice-chancellors from the University of Melbourne and others. In the course of that visit they met with the vice-chancellors and vocational providers of the major universities in India in an unprecedented gathering, described as such by all who attended.

Honourable members interjecting.

The SPEAKER — Order!

Mr BAILLIEU — When we recognise that India's National Skills Development Corporation aims to train 500 million students in India by 2022, it is classic that the opposition plays the game of mock. We are embarking on helping to increase the number of graduates at the higher education level in India, which requires hundreds and hundreds of additional university places — it is huge growth — yet what we get from the opposition is what we got when it was in government, when it neglected this sector — it neglected it and it let it decline. We are not going to do that.

Honourable members interjecting.

The SPEAKER — Order! This is the second time I have had to get to my feet. I will not get to my feet again for interruptions; I will just start throwing people out. Members should make up their minds. Members will listen in silence or they will be out of the chamber.

Mr BAILLIEU — In the process of those meetings, I think 15 new memorandums of understanding were signed. On behalf of the Australia India Business Council, Ravi Bhatia said this:

... the trade mission was an unqualified and resounding success and many MOUs and agreements were signed. More importantly, we built strong relationships with leading businesspeople, senior civil servants, academics and thought leaders ...

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling the next question I acknowledge the presence in the gallery of members of the Philippines Centre of Young Leaders in Governance. They have been brought here by the Australian Political Exchange Council, and they are led by the Honourable Alfredo Garbin. We welcome you all here to the Parliament.

QUESTIONS WITHOUT NOTICE

Questions resumed.

**Minister for Police and Emergency Services:
industrial dispute representations**

Mr ANDREWS (Leader of the Opposition) — My question is to the Deputy Premier and Minister for Police and Emergency Services. I refer the minister to his answers yesterday in which he confirmed that he and his office had received a number of representations regarding the police presence during the Baiada industrial dispute, and I ask: did the minister or anyone in his office have contact of any kind with Michael Kroger about this issue?

Mr RYAN (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. The answer is no.

Police: command structure review

Dr SYKES (Benalla) — My question is to the Minister for Police and Emergency Services. Can the minister advise the house on the coalition government's response to the inquiry into the command, management and functions of the senior structure of Victoria Police conducted by Mr Jack Rush, QC, and tabled in Parliament today?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for Benalla for his very timely question. The report arising from the investigation by Jack Rush, QC, was tabled in the house earlier today. In particular we welcome that element of the report which describes, in the words of Mr Rush, the:

... great strengths associated with the culture of Victoria Police —

namely —

... loyalty, resilience, courage, adaptability ... and an unwavering commitment to public safety.

Honourable members interjecting.

The SPEAKER — Order! The member for Monbulk is now on his second warning.

Mr RYAN — The report provides a blueprint for comprehensive reform to ensure that Victoria Police remains responsive to contemporary needs. We recognise that, through the processes that are outlined in both the EBA (enterprise bargaining agreement) and the memorandum of understanding which has been tabled today, there will be a number of amendments that are necessary to the Police Regulation Act 1958, and as the year progresses we intend to bring legislation before the house to give effect to those undertakings. I might say that has been done through a negotiated outcome between the parties. The Labor Party tried to do it years ago but could not do it — it is as weak as water. We as a government have done it. It has been done, and even still this lot over here complain.

Honourable members interjecting.

Mr RYAN — Further consultations will now occur with the parties involved to make sure the amendments to the act accord precisely with the agreements that have been reached, and I am confident that such will be the case. The reforms are many; they are across the whole range of policing in Victoria.

Mr Carbines interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Ivanhoe

The SPEAKER — Order! The member for Ivanhoe can leave the chamber for half an hour.

Honourable member for Ivanhoe withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Police: command structure review

Questions resumed.

Mr RYAN (Minister for Police and Emergency Services) — Some of these reforms include better workforce planning, modernising the regulatory framework under which the force operates, clarifying the accountability of police command and improving accountability for and delivery of information

technology in a manner whereby we can actually get a budget that is built on a proper business case and the government can fund it in accordance with what the business case dictates, as opposed to putting \$60 million on the table and telling police to build something that fits with it. Radical changes of that nature will be made.

Central to the response we have made, we have today tabled the memorandum of understanding (MOU) with the Police Association. I might emphasise that at all times the negotiations were conducted in good faith, both by us and by the Police Association. It conducted itself in good faith right throughout. There were something in the order of 70-odd meetings before this was able to be brought to ground. Yes, it is the case that it was a bit robust on the way through, but that is in the nature of these things.

The reforms deliver very significant productivity improvements through a variety of streamlined processes and much more flexibility in the delivery of services to the community. Both the EBA and the MOU provide a very strong foundation for the future of the work undertaken by the chief commissioner and his command team.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition is on his second warning.

Mr RYAN — We look forward to the implementation of these many benefits, not the least of which will be the establishment of a police registration and services board. This was something that Labor undertook to do, but it never did it and could not do it — it is as weak as water. We are going to have the board established, and the Police Association has agreed to it. We are going to improve the efficiency of the appeal system in the manner I have already indicated. It is a fabulous result for the people of Victoria and for police at large. I thank Mr Rush for his work.

Planning: Phillip Island

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to reports that decisions by the Minister for Planning regarding rezoning of farmland at Ventnor were strongly influenced by lobbying from Mr Robert McClelland, a former Liberal minister. Can the Premier inform the house — —

Mr Ryan — Conspiracy theories are going to be the death of you!

Mr ANDREWS — Why don't you lecture us again about loyalty and trust?

Can the Premier inform the house of whether this specific instance of lobbying by an unregistered Liberal Party identity influencing government decisions was a breach of the Premier's code of conduct?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. I do not accept the premise of his question. The code of conduct was posted this week. In regard to the matters around Ventnor and those planning decisions, as the Leader of the Opposition knows, they are subject to legal action, and I do not intend to make any comment.

The SPEAKER — Order! There is a point of order, but the Premier has concluded his answer.

Mr Merlino — Speaker, the member for Altona got up to raise to her point of order before he sat down.

The SPEAKER — Order! I did not see the member for Altona get up.

Ms Hennessy — On a point of order, Speaker, the Premier is clearly trying to behave in a way that breaches standing order 58, and it is important — —

The SPEAKER — Order! The Premier has resumed his seat.

Honourable members interjecting.

The SPEAKER — Order! The Premier had resumed his seat and concluded his answer.

Mr Andrews — On a point of order, Speaker, you have every entitlement to rule on points of order — no-one is questioning that — but I am sitting just here, very proximate to the member for Altona, and I could not hear the point of order she was making. If you heard it, good for you, but I could not hear her. With respect, how you could possibly rule on a point of order that was inaudible because of the interjections from the government side, I do not know. I would have thought that it was appropriate to provide the member for Altona, the acting manager of opposition business, with a modicum of protection so she could make her point of order. Then you could make your ruling, and every member of this house and all those watching could know the basis for your ruling. That is what I ask of you in accordance with the traditions of this house and your responsibilities in that esteemed office.

The SPEAKER — Order! I have heard enough. The Premier had concluded his answer.

Mr Merlino — On a point of order, Speaker, the member for Altona was on her feet before the Premier resumed his seat. Members pointed this out to you and you called for the member for Altona to state her point of order, so the member for Altona had the call. You accepted that the member was on her feet before the Premier had resumed his seat. You gave her the call. She should be able to finish her point of order.

The SPEAKER — Order! I had heard enough of her point of order. It referred to what the Premier was saying in his previous answer, and that was all that I needed to hear. The Premier had concluded his answer.

Schools: funding review

Mr MORRIS (Mornington) — My question is to the Minister for Education. Will the minister outline to the house the government's position on the Gonski review of school funding, and is he aware of any alternative views?

Mr DIXON (Minister for Education) — I thank the member for Mornington for his question and for his great interest in education. I welcome the release last week of the Gonski report of the review into school funding, because now we can seek some clarity regarding some of the detail in the report.

From the outset it is worth noting that Victoria is the second-largest provider of education services in this country. We are not a stakeholder; we are a provider of education in this country. I am pleased that the Gillard government has listened to my call that we need to undergo some very early and deep consultation regarding the implications of the review and of the follow-up to the review. In the last couple of weeks our senior officials have already been meeting across the country, and I will also be talking with my fellow education ministers in a phone hook-up tomorrow.

My starting point, and the starting point of this government has always been in the past and is now that not a single family should be disadvantaged by any changes to commonwealth government funding arrangements. For example, any move away from the current indexation arrangements would see a cost of up to \$388 million to the Victorian economy, so it is really important that we talk about the implications of this and discuss this at a very deep level. That is why I am concerned that the federal government is looking at rushing into legislation in 2012. It will either be sham legislation or sham consultation.

Some of the principles we established in our submission to Gonski remain unchanged and have been

recognised by Gonski. They are that all students are entitled to some public funding in support of their education, that every child who comes from a disadvantaged background is funded accordingly, that we also need to support parents in the choices they make in their children's education and, finally, that the federal government always respects the territories and the states and their responsibility for providing education. That was our submission, and we are pleased and happy to be involved in the deep consultation that needs to follow now regarding the implications of this report.

Another submission was made from Victoria which attacked the concept of choice in education. This submission also warned that 'middle level fee, private schools deprive lower SES government schools of students'. This submission also argued that there is significant overfunding of many non-government schools and made this recommendation to the federal government: that all subsidies should be completely removed from schools that are already operating at a level that is above the established community standard. In a vast intrusion into non-government schools and parents who make that choice, it said 'schools that receive public funding should ... have a limited scope to charge fees'. This submission was made by the Victorian ALP policy advisory group, which advises the Deputy Leader of the Opposition on his education policy.

Mr Nardella — On a point of order, Speaker, party political matters are not within the purview of Victorian government business regardless of whether they are in submissions or not in submissions. There have been rulings in the past in this house in regard to involving political parties in questions. They have been ruled out of order in the past, and I ask you to do the same in this particular instance.

Dr Napthine — On the point of order, Speaker, the minister was outlining the response to the Gonski report. He was referring to a submission to the Gonski report. That is what he was referring to, and therefore it is entirely relevant to the question.

The SPEAKER — Order! I do not uphold the point of order. It was in regard to a submission. It could have been a submission, any submission that — —

Ms Barker interjected.

The SPEAKER — Order! The member for Oakleigh is on a warning.

Mr Foley interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Albert Park

The SPEAKER — Order! Under standing order 124 the member for Albert Park will leave for half an hour — now.

Honourable member for Albert Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Schools: funding review

Questions resumed.

Mr DIXON (Minister for Education) — Members on both sides of this house support parent choice in education and members on both sides of this house have attended both government and non-government schools, so this policy submission is totally incongruous with what the members of the Victorian community believe.

Western Autistic School: principal

Mr MERLINO (Monbulk) — My question is to the Minister for Education. I refer the minister to comments by Mr Bernie Finn, a member for Western Metropolitan Region in the other place, calling for the principal of a specialist autistic school in Melbourne's west to be sacked, and I ask: will the minister force Mr Finn to apologise for his extraordinary attack and categorically rule out the sacking of this dedicated and highly regarded principal?

Mr DIXON (Minister for Education) — I thank the Deputy Leader of the Opposition for his question. The provision of education for students with autism and the various models of education really do evoke a great deal of passion, because there are a range of views regarding what sort of education is most appropriate to the students. There literally is a spectrum of autism disorders. Children who have these disorders have a range of needs, and we need a range of educational settings to meet those needs. As I said, there are a range of views out there. What we are doing out in the western suburbs is providing a —

Mr Merlino — On a point of order, Speaker, the minister is debating the question. It was specifically about the bullying of a highly regarded principal by a

member of this government. If the education minister had any guts, he would pull him into line.

The SPEAKER — Order! I do not uphold the point of order.

Mr DIXON — In the western suburbs we have provided a further educational —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Essendon

The SPEAKER — Order! The member for Essendon can leave the chamber for 30 minutes.

Honourable member for Essendon withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Western Autistic School: principal

Questions resumed.

Mr DIXON (Minister for Education) — This government has provided a further educational option for students with autism disorder in the western suburbs. We are providing the existing P-3 option, and we have promised and are delivering a P-12 option right next door to the current P-12 Laverton campus. We are fulfilling our election commitment. We recognise that there are a range of views on this, and we are acting on our commitment.

Mr Nardella — On a point of order, Speaker, the minister is debating the question. The question was quite specific in regard to comments made and whether action was going to be taken by the minister, and I ask you to bring him back to answering the question that was asked.

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

Victorian Indigenous Honour Roll: inductees

Mr WAKELING (Ferntree Gully) — My question is to the Minister for Aboriginal Affairs. Can the minister update the house on the 20 inductees to the Victorian Indigenous Honour Roll?

Mrs POWELL (Minister for Aboriginal Affairs) — I would like to thank the member for Ferntree Gully for his question and also for the great work he does for the Aboriginal people in his electorate. The Victorian coalition government is committed to closing the gap on reconciliation and on indigenous affairs. To do that you need to do two things — recognise and value our indigenous people. You also have to start with respect. The coalition government has delivered on its election promise to recognise indigenous Victorians who have contributed to our shared history by establishing the very first indigenous honour roll in Australia.

I want to thank the Premier for his commitment in supporting and championing this very important historical record of our indigenous history. The honour roll, as I said, is Australia's first, and is possibly a world first. We have checked the records, and we cannot find another one.

The Premier and I had the honour of inducting the first 20 Victorians at a gala event on Friday, 17 February, in Melbourne. This was a very proud moment for the 20 inductees and their families and friends, and it was a very special event. Everyone there talked about the buzz in the air, about how important it was that this was finally happening and about the pride and the passion. It was very emotive for the family and friends of the inductees and for all of us there who heard the wonderful stories, including the life stories, of those who were inducted.

The gala event was attended by about 300 people, including the Premier, the commonwealth Minister for Families, Housing, Community Services and Indigenous Affairs and the Victorian shadow Aboriginal affairs minister — and I acknowledge the bipartisan support for this important honour roll. The member for Seymour was also there, as of course were many family members and friends of the 20 inductees.

The Victorian honour roll will be a permanent record, celebrating the achievements and contributions of indigenous Victorians. In keeping with the important and symbolic significance of this honour roll, it will be permanently housed in the Victorian Parliament in a purpose-designed volume and display case. A dedicated web page will ensure that current and future generations will understand, appreciate and respect the extraordinary contribution of indigenous Victorians to our shared history and their place as the oldest living culture in the world.

I would like to put on record those names: Alfred Bamblett; William Barak; Geraldine Briggs, AO; Albert Clark; William Cooper; Lester Marks Harradine;

Merle Jackomos, OAM; Melva Johnson; Johnny Mullagh; John Stewart Murray, OAM, JP; Sir Douglas Nicholls, KCVO, OBE, JP; Lorraine 'Bunta' Patten; Dorothy Peters; Elizabeth Pike; Joan Robinson; Archie Roach; Lionel Rose, MBE; Nessie Skuta, OAM; Alma Thorpe; and Joan Vickery, AO. Some of those will be names that you know and others are the names of quiet achievers.

The stories of these inaugural inductees demonstrate their extraordinary values and the extraordinary achievements and sacrifices that these individuals have made. We were all moved by the stories they told; the stories of courage, tenacity, resilience, persistence, passion, hope, love and survival. I look forward to the names of many other fine individuals being added to the honour roll in years to come. I urge all members to go back to their electorates and seek out those indigenous people who have contributed to Victoria and to put their names forward when nominations for the indigenous honour roll open later this year.

This is an important time for Victoria and Australia. It is a great world first we have established, and we all need to embrace it. I acknowledge that there is bipartisan support for this wonderful Victorian Indigenous Honour Roll.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling the next question I would like to acknowledge the presence in the gallery of Helen Shardey, the former member for Caulfield.

Honourable members interjecting.

The SPEAKER — Order! I think they are calling her back.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Western Autistic School: principal

Mr ANDREWS (Leader of the Opposition) — A warm welcome to her.

My question is to the Minister for Education, and it follows his previous answer and the unprecedented bullying attack led by Mr Finn in the other place. I ask the minister: will he condemn this attack on a fine

educator in Melbourne's west, or is it the policy of this government that it is open slather on principals across Victoria who dare to criticise this government?

Mr DIXON (Minister for Education) — I thank the Leader of the Opposition for his question. As I said in answer to the previous question asked of me, I recognise there are a range of views and some quite passionate views about the provision of education.

Ms Hennessy — On a point of order, Speaker, the minister is clearly debating the question in breach of standing order 58. The question did not relate to a range of views; it related to the bullying view of a member of his government and whether or not he is prepared to condemn it.

The SPEAKER — Order! The minister has been speaking for 14 seconds, which is not a very long period of time in which to put together an argument to answer the question. I do not uphold the point of order.

Mr DIXON — As I said, there are a range of views on the provision of education for students with autism and they raise quite high passions, because there are strong views about this. In the western suburbs we are providing a range of educational opportunities and settings for students with autism.

Ms Hennessy — On a point of order, Speaker, I appreciate that the minister has been speaking for only 35 seconds; however, he has had two opportunities to answer this question and on both occasions he has refused to condemn the bully in the other place. I ask that you direct him back to directly answering the question. It is not a question about educational provisioning; it is about Mr Finn in the other place and his attack on a principal in the western suburbs.

The SPEAKER — Order! I cannot direct the minister to answer the question in any way. It is up to the minister to answer the question in the way that he sees fit. Does the member for Altona have a further point of order?

Ms Hennessy — On a further point of order, Speaker, I accept that under standing order 58 you do not have the authority to direct the minister how to answer the question, but standing order 58 is also limited by the requirement that the minister's answer be direct and factual. He was being neither. All we ask is that you uphold the limitation in standing order 58.

The SPEAKER — Order! We do not know whether or not the answer was factual. I believe the minister was being direct and relevant to the question that was asked.

Mr DIXON — In providing that range of educational opportunities for our students, the staff, the principals and all those involved in education are doing a fantastic job in the western suburbs for those students.

Regional and rural Victoria: government advertising

Mr TILLEY (Benambra) — My question is to the Minister for Regional Cities. Can the minister advise the house on the Auditor-General's report into government advertising, particularly as it relates to regional Victoria, and how the government is delivering for regional Victorians?

Mr Andrews — On a point of order, Speaker, I sense you might be evaluating whether that was two questions, but I thought I would spring to my feet and point out that in my judgement there was more than one question in that alleged single question. I ask you to be consistent, as I am sure you will be, and give the member for Benambra the opportunity to rephrase his question and limit it to just one question, so we have a limited rant from the minister.

The SPEAKER — Order! I will be consistent. I do not uphold the point of order.

Mr TILLEY — My question is to the Minister for Regional Cities. Can the minister advise the house on the Auditor-General's report into government advertising, particularly as it relates to regional Victoria?

Dr NAPHTHINE (Minister for Regional Cities) — I thank the member for Benambra for his question and for his clear interest in regional and rural Victoria. The coalition government has a clear plan to grow jobs, the economy and the quality of life in our great regional cities and across rural Victoria. This plan is backed by the \$1 billion Regional Growth Fund.

Honourable members interjecting.

The SPEAKER — Order! I would like to hear the minister's answer, and I am sure there are other members in the house who would like to hear the answer and not the interjections that are coming from both sides of the house.

Dr NAPHTHINE — Already this fund is delivering important investments and job outcomes in regional cities across Victoria, including \$2 million for new jobs at Hazeldenes in Bendigo, \$2.2 million to support jobs at Bruck Textiles in Wangaratta, new jobs and opportunities in dairy processing in Tatura and Warrnambool, developments at the Mildura Airport and

riverfront, and a \$6 million leadership program to invest in young people as they come through and become leaders across regional and rural Victoria.

The coalition plan, a total strategy, includes the terrific Regional Victoria Living Expo to be held at the Melbourne Convention and Exhibition Centre from 27 to 29 April to showcase the jobs, investment opportunities and great lifestyles available in regional and rural Victoria. This is a comprehensive plan and strategy to grow jobs and opportunities in regional and rural Victoria, and it is backed by the \$1 billion Regional Growth Fund.

By contrast, yesterday the Auditor-General tabled a report entitled *Government Advertising and Communications*. In part of that report the Auditor-General commented on previous government programs and in particular on page 34 referred to:

The blueprint for regional Victoria was portrayed as the government's new plan for regional Victoria.

But what did the Auditor-General say about the previous government's blueprint for regional Victoria? He said:

... the campaign could be perceived as misleading and not an accurate presentation of the facts.

The Auditor-General went further and said on page 35:

... the blueprint for regional Victoria advertising campaign where potentially inaccurate and unverifiable statements were presented ...

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Kororoit

The SPEAKER — Order! Under standing order 124, I ask the honourable member for Kororoit to leave the chamber for half an hour.

Honourable member for Kororoit withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Regional and rural Victoria: government advertising

Questions resumed.

Dr NAPHTHINE (Minister for Regional Cities) — The Auditor-General also referred to other government advertising campaigns, which he said were party political. He said that the previous Labor government spent taxpayers money on party-political campaigns that were inaccurate and contained misinformation. By contrast, on this side of the house we have a strategic plan to grow jobs and opportunities in country Victoria. Under the previous government — the city-centric Labor government; the latte sippers of North Fitzroy — the only plan it had for country Victorians was to deceive them, lie to them, to use taxpayers money to con them through advertising. That is what the Labor Party is about.

Ms Hennessy — On a point of order, Speaker, I know it is crazy Thursday and the angry Big Bird impersonation brings a degree of levity to this, but clearly this is an attack on the opposition. How far does it have to go before you will enforce the conventions and rulings from the Chair in this house in respect of the minister's so-called contribution?

The SPEAKER — Order! The minister was quoting from the Auditor-General's report.

Mr Andrews — On a point of order, Speaker, you have already sat the minister down once today for ranting. This is a rant without any doubt. The minister is not quoting from anything other than his version of history. He is on about the Labor Party this and the Labor Party that. That is not a matter of state government administration; that is not a matter he is allowed to go to. If the standing orders mean anything, then rant no. 2 should end now.

The SPEAKER — Order! I do not uphold the point of order.

Dr NAPHTHINE — Just to make it clear, they are not my words; it is the Auditor-General who said that the former Labor government's campaign — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition could not have heard the answer because of the screaming that was coming from his side of the house in regard to the answer the minister was giving. The minister has 7 seconds left in which to give his answer. He was quoting from the Auditor-General's report, and he was talking about the previous government.

Mr Andrews — On a further point of order, Speaker, with the greatest of respect, how the minister ranting about the type of coffee he thinks people drink

in North Fitzroy could possibly be construed as quoting the Auditor-General is unfathomable. It is unfathomable that that could be considered by you, as the Chair, as quoting from the Auditor-General. It is out of order, and he ought to be sat down.

The SPEAKER — Order! I do not consider it to be out of order. I suggest to the minister that he has 7 seconds left.

Dr NAPHTHINE — The words used by the Auditor-General included ‘misleading’, ‘not an accurate presentation’ and ‘inadequate’ — and that is what the Labor Party is all about.

The SPEAKER — Order! What is not in order is the way opposition members were interjecting, yelling, screaming and carrying on. I think I suggested during the last sitting Thursday that opposition members were carrying on like a pack of ratbags, and unfortunately — I am on my feet! — today has been evidence that I was right in what I said.

Mr Pandazopoulos — My point of order relates to your comments, Speaker, and the appropriateness of them. The reality on this side of the house is that we have to look at the traditions of standing orders and the precedents in other Speakers’ rulings. When we ask the Minister for Education two quite simple and direct questions, and he does not answer them, we then look, with the greatest of respect, Speaker, at the inconsistency of your rulings compared to those of the President of the upper house, who today said that a minister was deliberately avoiding answering a question. With respect, it is a bit hard to try to sit here in silence when that inconsistency occurs daily.

The SPEAKER — Order! This is not the upper house.

Ms Campbell — On a point of order, Speaker, you made the claim that members of the opposition are ratbags — —

Honourable members interjecting.

Ms Campbell — I ask you to withdraw that comment.

The SPEAKER — Order! I do not intend to withdraw the comment, and in fact I suggest that if you look at the TV replay, you will see that I was right.

Mr Andrews — On a point of order, Speaker, I put it to you that if you are going to characterise members on one side of the house or provide an inflammatory character assessment of any group within this house to

the exclusion of all other members, knowing full well that it would be disorderly for those members to reflect upon you — I have not reflected on you, Speaker; I asked a question yesterday that was carefully constructed so as not to offend a standing order that I take seriously and that I would hope all members take seriously — that is neither appropriate nor in the spirit of the way this great chamber has operated.

If a Presiding Officer disparagingly characterises a group within this chamber, he or she knows full well that that group or any individual within that group is powerless, without offending the conventions and the rules of this house, from having a go back at him or her. That is not fair; that is not right. You have already rejected a call to withdraw your comment, as is your right, but I would ask you — implore you — to take some time to reflect upon what you have just done. I do not believe in any way that that behaviour bodes well for the conduct of this house, and I would ask you to have a close think about what you just did and whether you might agree with some of the points I have respectfully submitted to you today.

Mr McIntosh — On the point of order, Speaker, this is absolutely disgraceful. The fact is that this is deliberate, orchestrated behaviour by members of the opposition to disrupt question time and to prevent ministers from answering the questions. Yes, when you have felt that something is out of order you have ruled so; when you have felt it is in order you have not ruled that it is offensive or in anyway something that should not continue. The principal thing, Speaker, is that you have behaved appropriately; the behaviour that is outrageous has been demonstrated by those on the other side of the house. It is an orchestrated campaign to disrupt question time, and you should rule the points of order of all three members out of order.

The SPEAKER — Order! We will return to the government business program.

Ms Campbell — Speaker, my point of order relates to *Rulings from the Chair*. I ask that we have an update, based upon your rulings this week, so that people on this side of the house may begin to understand the new conventions that are applying from this week. Without that update, it is very difficult to operate in this house.

The SPEAKER — Order! Returning to the government business program.

Ms Campbell interjected.

The SPEAKER — Order! I did not make any comment, no. Returning to the government business program.

Honourable members interjecting.

The SPEAKER — Order! If the Leader of the Opposition wants to raise an issue with me, he should come to see me in chambers.

Honourable members interjecting.

Mr Andrews — Are you refusing to give me the call? If you are, say that you are refusing to give me the call and *Hansard* can record that. Are you refusing to give me the call?

The SPEAKER — Order! I am suggesting that you come to see me in chambers.

Mr Andrews — No, are you refusing to give me the call? If so, *Hansard* can reflect that.

The SPEAKER — Order! I am suggesting you come to see me in chambers.

Mr Andrews — On a point of order, if you are refusing to give me the call, just say that and I will sit down and *Hansard* can record that you refused to give me the call. That is fine. I am asking for the call.

The SPEAKER — Order! We are moving on with the government business program.

Mr Andrews — Speaker, I am simply requesting the call. If you do not want to give it to me, that is fine, I will sit down.

The SPEAKER — Order! I have not recognised you.

Mr Andrews — And the record can show that; that is fine.

CITY OF MELBOURNE AMENDMENT (ENVIRONMENTAL UPGRADE AGREEMENTS) BILL 2012

Second reading

Debate resumed.

Mr WAKELING (Ferntree Gully) — I am very pleased to contribute to debate on the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012. This important piece of legislation seeks to make the necessary amendments to allow the City of Melbourne to work collaboratively with private building owners within the city to enable environmental upgrades to their facilities. Environmental upgrade agreements ensure that

businesses that wish to upgrade their facilities to improve their environmental status will be able to have access to a levy on that property that will repay the debt to the lending body. The significance of this arrangement is that any outstanding moneys that are owed as part of the redevelopment will be retained by the building itself as opposed to the individual owners.

The City of Melbourne has something called the 1200 Buildings program, which is a program to upgrade or retrofit that number of buildings throughout the city to improve their environmental footprint. Members on this side of the house congratulate the City of Melbourne on the approach it is adopting, and we are very pleased to see that through this bill we can assist it in delivering that outcome. As someone who, like many members on this side of the house, has worked throughout the city of Melbourne I know firsthand the nature of many of our buildings and that we need to ensure that these buildings are retrofitted to improve their environmental standing, be that in terms of lighting, heating or water use. A building I worked in at 31 Queen Street needed to be significantly improved, and this program enables buildings like that to undergo improvements.

When you compare buildings in other locations and overseas — and many years ago I visited Lucerne in Switzerland and saw the environmental standing of its buildings — with those buildings, you see what can be achieved with retrofitting. I am very pleased to see that the request to help deliver these outcomes made by the City of Melbourne has been listened to by the Minister for Local Government, and I congratulate her on the work she has done. I am very pleased to support this bill, and I look forward to its speedy passage through the house

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011

Second reading

Debate resumed from 28 February; motion of Mr RYAN (Minister for Police and Emergency Services).

Mr GIDLEY (Mount Waverley) — It is my great pleasure to rise this afternoon to make a contribution to debate on the Control of Weapons and Firearms Acts Amendment Bill 2011. This bill makes a range of amendments to the Control of Weapons Act 1990 and

the Firearms Act 1996. There are a couple of key changes. Firstly, the bill creates an indictable offence for prohibited persons to possess, use or carry imitation firearms. This is a new offence which is modelled on an indictable offence in the firearms act that applied when imitation firearms were previously classified as firearms.

Another aspect of the bill is that it will give effect to the election commitment of the coalition government to improve public safety. It is pleasing to see this particular aspect of the bill being discussed by the Legislative Assembly, because it is, as we know, part of a wide-ranging package of measures to improve public safety. The coalition went to the election in 2010 with a comprehensive, well-targeted program to improve public safety, which included everything from restoring front-line police numbers, police on the beat, and increasing those numbers, to ensuring that sentencing reflects the impact on victims, and other things.

This is one more step in the direction of reclaiming our streets from the days of the previous government, which did not seem to have that as a priority. This bill will give rise to that election commitment to remove the seven-day notice period in relation to planned declarations of designated area searches under the Control of Weapons Act 1990. As a result of that amendment and this bill, the distinction between the planned areas of designation which require pre-notice and the unplanned areas of designation which do not require pre-notice will be maintained. The only change will be to the publication of that notice. A planned designated area search will now be able to occur any time, rather than with seven days prior notice.

That is an important part of our election commitment because it will provide Victoria Police with another tool in their toolbox. It is not a one-size-fits-all approach and it is not a single-bullet approach to public safety, but it is another tool in the toolbox that the coalition government is committed to providing to Victoria Police officers on the street, who, with appropriate resourcing and proper front-line police numbers, are in the process of reclaiming the streets. Whether that is happening in Mount Waverley — during this term of government the 24-hour police station at Mount Waverley will be restored — or through the \$27 million upgrade to the Victoria Police Academy in Glen Waverley, I very much welcome that commitment, and I know the constituents I represent in this place welcome it too.

The bill also makes the following changes to the Firearms Act 1996. One change is that it extends the definition of firearm to include blank-firing devices that

resemble operable firearms and are capable of being modified to fire a live round. That is important because we have an expectation in this place, and the community has an expectation, that where there are developments in common law based on judicial decisions, and if the Parliament believes there needs to be greater clarity in legislation to ensure that the intent of the Parliament is upheld and interpreted by the judiciary, that actually happens. The amendments this bill makes to the Firearms Act 1996 will ensure that there is no doubt that weapons that the Parliament believes should be covered will be covered, and that is a very welcome development.

The other change that this bill makes to the Firearms Act 1996 is to provide a sensible, logical and reasonable improvement to the participation requirements of sporting shooters. It does this in a couple of ways. Firstly, it does so by ensuring that international shooting events are recognised for the purposes of handgun participation rules, which require that handgun licensees demonstrate an ongoing valid reason for holding a licence by participating in a number of shooting events. The practical effect of this amendment is that if somebody who is a sporting shooter wants to participate in a competition in another state or in another country, as long as that competition meets the rules set out to Victorian standards, their participation in that competition will enable them to be counted for their participation requirements.

In the context of sporting shooting being an Olympic event and in the context of it being a genuine sporting interest held by law-abiding citizens who undergo very rigorous checks to gain and maintain access to a firearm licence, it is a welcome step. As I said, it is a sensible step, it is a logical step and it is a step that the Liberal-Nationals coalition government has taken to reduce the burden on sporting shooters whilst maintaining a fair, balanced and safety-first regulatory system. It also indicates that the Liberal-Nationals coalition government understands and more importantly respects the importance of sporting shooters being able to participate in those competitions and in addition to have them count in terms of the participation requirements. As I said, it is a very welcome step.

There are a couple of other aspects of the bill which will improve the operation of firearm licensing. It exempts specified firefighting and emergency services personnel from firearm licensing provisions. That is just to ensure that those hardworking firefighting and emergency services personnel have the ability to use incendiary pod devices classified as category A firearms for back-burning or planned burning

operations. As I said, it is another sensible, logical change to that act, and it is another improvement.

I also want to talk about the importance of sporting shooters to our state, the importance of our sporting shooters generally and the fact that the Liberal-Nationals coalition government recognises sporting shooting as a legitimate sport. I say that in the context of this bill, because from page 1 to the last page that commitment to sporting shooters is very evident. In the past I have met with a number of organisations, from the Sporting Shooters Association of Australia to other sporting shooter bodies and representatives, and in my short time in this place I have met with the Minister for Sport and Recreation and made representations to that minister in relation to facilities for sporting shooters. In that time I have also met with the Minister for Police and Emergency Services in relation to other access requirements for sporting shooters.

I take a great deal of personal interest in not only the obligations but also the rights of sporting shooters, who are, by and large, law-abiding citizens and simply people who are keen to practise their Olympic sport. I have demonstrated that personal interest and my commitment to that in the representations I have made. In addition to that, I place on record my thanks to a number of the other members of the coalition, including the members for Benalla and Benambra and other members who have acted similarly. As I said, it shows the commitment we have to the genuine sport of shooting.

It would be remiss of me not to correct the record in terms of the state shooting centre. Labor members have indicated that Labor was going to fund the state shooting centre, that it had put money aside for it and that in addition to that it had a grand plan to put money aside for building the centre. Putting aside some money for some land does not deliver a state shooting centre. It is like building a hospital without paying for the fit-out; it does not deliver a hospital. We have seen two examples of that. As I said, I acknowledge that funds were put aside for land. Those funds are still there. They remain, but not one cent was put aside for the building of that centre — not one cent. That is in the budget papers. It is clear, and it is another funny money commitment where Labor members went to the election trying to kid people that they had written a cheque, when in reality they had not.

I note the comments of other coalition members yesterday in relation to our position on the state shooting centre. I note that the funds that were there for the land remain, but let us set the record straight; let us

not have another misleading and deceptive line from the opposition. There was no funding for the state shooting centre in relation to the building of that facility. I think it is important that the record shows that.

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise today and speak on the Control of Weapons and Firearms Acts Amendment Bill 2011. From the outset I think it is important to say that handgun target shooting is a sport of skill and precision that is enjoyed very much in Australia and around the world, and certainly in the western suburbs of Melbourne, where there are a number of clubs and very responsible participants who comply with the licensing regime and with the regulations that are in force. Evidence of how popular this sport is and has become can be seen from the Commonwealth Games and Olympic Games records, and I take the opportunity to congratulate those participants and every responsible member of the many pistol clubs in Victoria and in the western suburbs of Melbourne.

Firstly, the purpose of this bill is to amend the Control of Weapons Act 1990 to remove the seven-day notice requirement in relation to planned declarations of designated areas and to create a new indictable offence for prohibited persons to possess, use or carry imitation firearms. That is an important measure, and one which every member of this house would support because we want to see a licensing regime and regulations that are tight and responsible. There ought to be an offence for those who carry weapons that they should not be carrying, and I support that.

The second important purpose of this bill is to amend the Firearms Act 1996 to alter the minimum number of shooting events in which a person who is licensed for two, three or four classes of handgun must participate and to classify certain blank-firing devices as firearms within the meaning of the Firearms Act 1996. Of course this is a common-sense exercise. We want to make sure that those who participate in this sport remain skilled — that they continue to have the skills that are required and that they continue to be licensed. For that purpose an important requirement is that they continue to engage with the sport on a regular basis.

The Firearms Act 1996 requires that handgun target shooters be licensed in Victoria, and it is a condition of that licence that they attend a minimum number of target shooting events in each calendar year. It is important that we reiterate that, and we commend Victoria Police on putting out very clear, plain English guidelines that explain to participants in the sport what the requirements are. There are some exceptions. As I

understand it, the participation requirements do not apply to junior handgun licence-holders, to holders of a licence to possess or carry a handgun on behalf of a junior or for target shooting purposes and to those who hold a general category handgun licence with a genuine reason other than handgun target shooting.

The opposition does not oppose the bill in the Legislative Assembly, but another important point in relation to this is that there were amendments which were to be moved by the opposition that have now been picked up by the government. From conversations I had with a couple of members of western suburbs shooting clubs they acknowledged that there was a long period of discussion and consultation — there had been some 18 months of conversation and engagement — but they did not understand or were not prepared for some of the amendments. They understood there would be some amendments that would meet the expectations and requirements made clear in the discussions that had been held over the period of 18 months, but at the 11th hour that did not happen.

As a result of that the opposition did the responsible thing, which was to prepare the amendments and to anticipate that it would be moving certain amendments that would meet the expectations following the discussions that had been had with many clubs over a long period. At the 11th hour the government and the minister moved on to in effect pick up the very amendments the opposition had in mind. I think it is important to say this, because over the last two weeks there have been two examples of developing policy and legislation — and in this case amendments to a particular bill — on the run.

My suggestion is that it is very early, and in fact too early — only 12 months into a government — for these sorts of incidents to occur. We caution the government to make no mistake about the fact that people out there in the community become very cognisant of what is happening, particularly when they have been engaged in conversations with the government. It becomes very clear to people that although they might well spend a lot of time talking to members of the government and their expectations might be raised, those expectations are not translated into the effective amendments they thought would be made, and consequently they become very disappointed. We call on the government to provide an explanation as to why this has happened.

Labor's amendments are absolutely necessary to rectify the government's badly planned and appallingly executed exercise, so we make no apologies for them. It was our duty — it is the role of the opposition, as a matter of fact — to do exactly what we did, which was

to bring the problem to the attention of the government and to advance the amendments that we thought were pertinent and would meet the requirements and expectations of clubs and their members. We welcome the fact that the government has now picked up the amendments. We seek an explanation as to why these incidents took place, and we call on the minister to explain this in his summing up.

By way of background to the bill, under the Firearms Act 1996 handgun target shooting licences are conditional on, amongst other things, the licence-holder attending a minimum number of target shooting events each calendar year to demonstrate an ongoing and genuine engagement with the sport and the reason for that person to continue to have a licence. As I understand it, the regulations divide handguns into four classes: class 1, air pistol; class 2, rim-fire .22 calibre; class 3, centre-fire up to .38 calibre; and class 4, centre-fire .38 to .45 calibre. To be perfectly honest, I know little about weapons, and I am glad that is the case. I respect their users, but I try to keep away.

Dr Naphine interjected.

Mr LANGUILLER — Actually, I do not know. I respect those who participate in target shooting. It is interesting that there are four classes.

Section 16(3) of the Firearms Act 1996 currently imposes on licences the condition 'in each calendar year for which the holder holds the licence, subject to subsection (4), he or she must participate in, either as a competitor or as the supervisor, a competition judge or range officer' a number of different shooting events. These are important requirements. The message I convey to those I represent in my electorate and in the broader community of the western suburbs is that target shooting is a sport that has a licensing regime, the requirements of which must be met. There are expectations; there is regulation.

As members would appreciate, government amendments have been circulated. The opposition does not oppose them. We call on all target shooting participants to do the right thing and to continue to upgrade their knowledge. I am sure this information will be publicised by Victoria Police and other bodies to ensure that target shooters and members of shooting clubs are updated in terms of the requirements for remaining a genuine licence-holder. There are a certain number of requirements, including participation in the sport or in clubs on an ongoing basis. It is important to continue to call on each and every good member of this community to achieve a greater knowledge of the law, to make sure they understand the requirements and also

to make sure they understand that everyone in this chamber expects them to remain responsible users of weapons.

Mr SHAW (Frankston) — I too am pleased to make a short contribution to the debate on the Control of Weapons and Firearms Acts Amendment Bill 2011. In November 2010 the coalition's election platform consisted of five distinct points we wanted to cover. The first was that we wanted a strong and growing economy. I will link the bill before us to the five points we had. The second point was to fix the fundamentals and the third was to have vibrant and strong families and communities. The only point that does not fit with this bill was the fourth, having sensible water solutions. The fifth point was to be a government that can be trusted. We are delivering on the promises we made in the election campaign. The bill is one of our election promises, and it relates to the last point — being a government that you can trust.

One of the points was having vibrant and strong families and communities. One of the major aspects of that is ensuring safety and confidence. A plethora — a smorgasbord — of safety initiatives have come out since we came to government, and this fits into that point about having strong and vibrant families and communities. The second point was to fix the fundamentals of transport, safety, and law and order. Once again this fits right into the law and order and policing arrangements. The first point was to have a strong and growing economy. This requires a government that you can trust, but it relies on business to get the job done. The government cannot do everything, but here we are with four of those five points being covered off in the Control of Weapons and Firearms Acts Amendment Bill 2011.

The bill amends the Control of Weapons Act 1990 and the Firearms Act 1996. The first purpose of the bill, which I think is a pretty good one, is to remove the seven-day notice requirement in relation to planned declarations of designated areas. I think this is quite sensible. Among the smorgasbord of law and order reforms we have made, not so long ago we allowed school principals to search kids for knives. Imagine if you were to say to the kids, 'Guys, next week we are going to have a search for knives, other weapons and drugs'. Kids are right up with that; of course they would clear these things out and seven days later nothing would be there. I do not know what this exercise achieved given the seven-day notification period to say, 'Hey, we are going to be looking for weapons in this area'. I do not know how that worked. Was it wasting police time? I am not too sure.

It has been fantastic to see on a number of occasions police in safety gear walking down the streets of Frankston and around stations with their dogs — German shepherds — without notice. Everybody asks, 'What is going on?', but we know we are safer there with that extra police presence. If I have not mentioned it before, I say now that it has been fantastic to see the 75 extra police in Frankston — the biggest increase in the state. I want to put that out there. The people of Frankston are feeling safer and the crime rate has dropped as well. This legislation is right in there with our law and order policy.

The bill will create a new indictable offence for a prohibited person to possess, use or carry an imitation firearm. What does it mean to be a prohibited person? A prohibited person is someone who has been found guilty in any Australian state or territory of an offence under the Firearms Act 1996 for which a court can impose a penalty or a term of imprisonment. A person could be found guilty and not imprisoned, but they would still be a prohibited person under the bill.

New section 5AA makes it an offence to possess, use or carry a firearm for which a court could also impose a term of imprisonment. A person who has already served a prison term or who is subject to an intervention order is also considered to be a prohibited person. This new section makes sense to me. We do not want to see knives or other prohibited weapons on the street. We want weapons to be in the hands of our defence forces and our police force; we do not want them in the hands of prohibited people. We do not want them in the hands of criminals or, as the member for Benalla said, in the hands of the baddies. The new section provides for a penalty of up to two years imprisonment. It is also an offence to possess, use or carry an imitation firearm, and the bill provides for a penalty of up to two years imprisonment for that.

The bill includes provisions for blank-firing pistols capable of being modified to fire live rounds. A constituent who had laser guns came up to me and said, 'Are these ones that could be modified?'. I said I did not know and that maybe it had not yet come up in Parliament. He went away and found out a bit more, because he thought it might affect his business. He found that it would not, and it is a blessing for his business that that is not the case. But laser guns still need to be kept under lock.

The bill also provides for the removal of the distinction between registered and unregistered firearms, and that makes perfect sense. You do not want to have unregistered firearms around. A weapon is a weapon whether it is registered or unregistered.

So far as shooters are concerned — that is, people who own and carry handguns — the bill includes some participation rules. In my former profession as an accountant and financial planner I had to do what is called CPD — or continual professional development — hours, as do people in a lot of other professions, and if you do not meet the criteria, you are penalised. In the bill we are saying, ‘If you hold a handgun, you must participate in a number of shooting events throughout the year for each type of handgun you hold’. That makes sense. What we are doing here is reducing the number of events to 10. Up until now the highest number of events that a person needed to attend was 22.

The bill makes sense. It is part of the government’s whole thrust of law and order initiatives. It has been well accepted by people in the state and exceptionally well by people in my area of Frankston. We want to see the number of assaults with knives reduced, and to give the police these extra powers, including less notice to the public that they are going to be searching for things, is fantastic. Surprise is always better than mentioning to people that there is going to be a planned search. Having that element of surprise allows the police flexibility — and they do a great job. It will allow them to do their job without worrying about the seven days notice. They will just be able to do their searches. With that contribution, I commend the bill to the house.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution on the Control of Weapons and Firearms Acts Amendment Bill 2011. I thought I would open with a few comments in regard to the four classes of handguns that apply currently in Victoria: class 1 being air pistols, class 2 being .22 rim-fire weapons, class 3 being centre-fire weapons up to .38 calibre and class 4 being centre-fire weapons over .38 calibre and up to .45 calibre. The law imposes a condition that for each calendar year that an owner holds a licence they must be able to show that they have participated as a competitor, a supervisor, a competition judge or a range officer in at least six approved handgun target shooting matches on at least six separate days and at at least four handgun target shoots that comply. It is some of these aspects we are looking to amend.

I thought it would be interesting to have a look at some of the different types of permits which are required under the law. In particular, you can get a permit to acquire a longarm, a permit to acquire a handgun, import permits and also populous place permits and international visitor firearm permits. Believe it or not, you can even get theatrical armoury permits. These permits are important to give the community

confidence about who has firearms in the community and the legitimate purposes under which they do so.

I thought it would be interesting also to look at the types of permit applications that people have to fill out, the rates that apply and where they can lodge their permit applications. I notice that you can take your permit application to a local police station and lodge it with Victoria Police, but I note also that people in my electorate of Ivanhoe are unable to avail themselves of that opportunity because the police station in Heidelberg West has been closed by the current government. That will provide concerns for people in the way in which the Control of Weapons and Firearms Acts Amendment Bill 2011 can be implemented — that is, how people fill in their application forms and meet their obligations under the bill.

A claim was made on Jon Faine’s radio program on 15 February that a shopfront is available to the folk at Heidelberg West. That statement was made by the Minister for Police and Emergency Services in relation to the ability of people in Heidelberg West who may, in this particular instance, have an application for a firearm permit to lodge. Those people may wish to lodge their application at a local police station, and the minister indicated that a shopfront is available in Heidelberg West for them to do that. What is clearly the case is that they cannot go to the Heidelberg West police station to lodge their firearm application as outlined in the bill because the police station has been closed since late December 2010.

I have written to the Minister for Police and Emergency Services on this matter, because people in the Ivanhoe electorate are confused, having been advised by him on radio that a shopfront is available for the folk at Heidelberg West. That is quite confusing for people who may choose to lodge their firearm permit application as stated in the bill. There is an obligation under the law on those people who wish to use firearms, and people who may choose to take their application to a local police station in my electorate do not have the opportunity to do so.

Mr Katos — On a point of order, Acting Speaker, I understand the point that the member for Ivanhoe is making, but he is straying quite significantly from the bill. We are not talking about the lodging of applications for firearm permits; we are talking about controlled weapons, knives and search areas. I ask you, Acting Speaker, to bring the member back to the bill.

Mr Pallas — On the point of order, Acting Speaker, it is quite apparent that the member for Ivanhoe is speaking on matters with relevance to the bill. Of

course one cannot control weapons unless people are subject to licensing procedures, and access to those licensing procedures is a critical precondition to that. As a consequence, I think it is entirely within the scope of debate, as that would ordinarily be applied.

The ACTING SPEAKER (Mrs Victoria) — Order! I do not uphold the point of order. However, I would say that the member was straying from the bill, and I ask him to confine his comments to the content of the bill.

Mr CARBINES — I note that it is important under the changes to the control of weapons and firearms that we are considering here that people in my electorate are very clear not only about the obligations they are required to meet under these proposed amendments but also about where they are meant to go in order to comply with the law. Communicating where people go to lodge their permit applications in order to comply with the law is important and is part of controlling weapons in our community. The place where people in my electorate have been told they can lodge applications in order to comply with the law in relation to firearm permits is the Heidelberg West police station, and that is where people expect to go in order to comply with the law. I leave my comments at the fact that we need further clarification about people's capacity to do that at the Heidelberg West police station in the Ivanhoe electorate.

Turning to other issues that need to be pointed out, I note that a number of the amendments the government has suggested are those that were previously forecast by the opposition, based on a number of consultations on these matters that it held with important stakeholders. It is disappointing that in relation to this bill the government chose to brief the opposition only on Tuesday of this sitting week. It is very disappointing that, despite 18 months of opportunity to consult with stakeholders, an opportunity that the Labor Party availed itself of, the amendments the government has proposed found their way to the Labor Party only on Tuesday. There has been ample opportunity to brief the opposition. This is disappointing, as this is now the second bill on which we have been briefed at the last minute.

I note that the member for Geelong made an interesting contribution during which he talked about the Geelong gun club and in particular the \$13 million of funding that was provided to it for a multipurpose shooting facility. I know that the member for Geelong is keen to see that project come to fruition. A number of comments made to us about the amendments to this bill have related to stakeholders' desire to see this facility

completed. The funding was provided back in 2009–10, but unfortunately, despite it now being 2012, a number of shooting clubs and gun clubs have been unable to avail themselves of that funding. It seems to have stalled. That is particularly disappointing.

It is important to note that the Sporting Shooters Association of Australia has also raised concerns. It suggested to the Labor Party a range of changes that it wanted to see made in the amendments, and I am pleased to see that the government has adopted those changes by mirroring the amendments to the bill put forward by the opposition. It is disappointing, however, that despite 18 months of alleged consultation with a range of sporting shooters clubs the government has had to rely on the consultations undertaken by the Labor Party to come up with the amendments it has now decided to put forward.

Many of these amendments are the same as those suggested by the Labor Party earlier in the week. It just goes to show that when it comes to appropriate consultation, it has been the opposition that has brought these matters to the government's attention. If the government had briefed the opposition on these amendments sooner, it could have made a fuller contribution to the amendments that have arisen as a result of the consultation process that the government claims to have undertaken with the Sporting Shooters Association of Australia and other gun clubs across Victoria.

I make the point that matters relating to the control of weapons and firearms in the community are very serious. As legislators it is important that we give people in the community clear guidelines about our expectations. Part of those expectations include that people will comply with the laws that we make in this place, and the best way people can comply with the law is to have access to justice, to police and to those services that enable them to lodge their forms, permits and applications. Unfortunately in Heidelberg West in my electorate it is very difficult for people to do that because the police station at Heidelberg West has been closed by the current Liberal government — and the police minister is in denial that it has been closed.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Control of Weapons and Firearms Amendment Bill 2011. The purposes of the bill, as set out in the explanatory memorandum, are:

to amend the Control of Weapons Act 1990 to remove the seven-day notice requirement in relation to planned declarations of designated areas and to create a new indictable offence for prohibited persons to possess, use or carry imitation firearms;

to amend the Firearms Act 1996 to alter the minimum number of shooting events in which a person who is licensed for two, three or four classes of handgun must participate, to classify certain blank-firing devices as firearms within the meaning of the Firearms Act 1996, to combine the two offences relating to prohibited persons possessing, carrying or using registered or unregistered firearms, and to authorise the use of certain devices in back-burning and planned burning operations.

This bill is about the coalition delivering on its commitment to community safety, and we are doing this by tightening up these laws and delivering more police. It was the Victorian community's desire to live in a safer place, and we have committed to make Victoria a safer place.

I now turn to some of the details of this bill. The bill amends the Control of Weapons Act 1990 to make it an indictable offence for prohibited persons to carry, possess or use imitation firearms. Those of us who have seen these firearms know it is very difficult to tell the difference between an imitation firearm and a real one, particularly if someone is behaving in an aggressive manner. The bill is a common-sense tidying up to make sure this disappears. We need to ensure that, when dealing with imitation weapons, toy guns stand outside this legislation; toy guns are covered off. Similarly, there are certain firearms that fire blanks but can be altered to fire live rounds. This is also tidied up by this bill, as it should be. Starting pistols for sporting events are also exempt.

The knife legislation is also a concern. I think all of us who pick up the daily papers are concerned about the number of crimes involving knives that are occurring, and we definitely want to see that area tightened up.

Similarly with searches — many members have spoken on this previously — the seven-day declaration period does not work in our favour for searches that take place at special events and events where there has been a history of some problems. It still has to be gazetted and requires newspaper notification, but the time of those searches will be the most effective for police, and that is certainly worthwhile. Clearing up the problem about what prohibited persons can do in terms of possessing, carrying and using firearms, whether registered or not, is common-sense housekeeping.

I turn to the section of the bill which is of interest to me — that is, CFA (Country Fire Authority) use of implements for back-burning and planned burning. It appears that the humble drip torch has had its day and has been replaced by much better technology, particularly devices to discharge incendiary pods. That apparently makes them category E firearms and they would need licensing. The exemption for the CFA to

carry out its work is also common sense. I pay tribute to those volunteers who go and fight those fires or who do the planned burning to increase the safety of our communities. We owe these people a great deal for their efforts and for the safety we enjoy. To tidy up this part in their lives is of considerable use.

With those words, I am happy to commend this bill to the house and wish it a speedy passage.

Ms HALFPENNY (Thomastown) — I rise to make a contribution to the debate on the Control of Weapons and Firearms Acts Amendment Bill 2011. While opposition members will not be opposing this bill, as others before me have said, we call on this government to get its legislation right the first time rather than having to make amendments to it after its deficiencies have been highlighted.

Despite months of consultation on this bill, which was a pre-election commitment made by the government, government members have yet again found themselves having to amend a poorly constructed bill. This self-proclaimed 'open and transparent government' has introduced amendments on which its members had not properly consulted and on which there had been no consultation with members of the opposition. Despite all the work and involvement on the part of stakeholders at least, the initial bill failed to deliver on what was promised.

Soon I will turn to the amendments incorporated in this bill, but before doing so I think the house should know that this is not the first time the government has failed to introduce legislation that does what the government says it will do. As I have said, opposition members are ready to do the job at hand, and we have undertaken our own consultations with stakeholders and interested parties about the measures that are contained in this bill. It was from consultation with interested parties that opposition members were able to come up with amendments that have been incorporated in the bill. We were able to do that because Labor listens, and this allowed us to bring those amendments to the house.

When opposition members were briefed on the bill at the end of January we were told that the bill was the outcome of ongoing consultations and discussions with stakeholders. However, when we undertook our own consultations with such stakeholders as the members of the Victorian Amateur Pistol Association, we found they were very surprised to find out the government's position in terms of this amendment bill.

Taking our responsibilities seriously, opposition members proposed amendments to try to tidy up the

government's mess, and as a result we are here today discussing a bill that incorporates the amendments that are the result of consultations with stakeholders.

The amendments suggested by the opposition that are now incorporated in the bill include an amendment to the conditions applying to handgun licences. Clause 10 of the bill amends section 16 of the Firearms Act 1966, specifically relating to the total number of handgun target shoots or matches, or a combination of both, that a holder of a handgun licence must participate in in order to hold a licence. As it stands, the bill provides that the licence-holder must participate in a number of events on separate days as a condition of holding their licence. During the consideration-in-detail stage the opposition will move an amendment so that the condition applies to events held on at least 10 days rather than on separate days. This will bring the bill into line with comparable legislation in other jurisdictions and with the agreement that stakeholders thought they had with this government. I am also pleased that the government's 11th hour amendments reflect this change, and I imagine that shooters in Victoria are pleased that opposition members are on the case, particularly as government members clearly are not.

Our other amendments cover the number and nature of target shoots that are required to maintain a licence, and they again ensure that shooters are able to comply with the national handgun agreement. Again belatedly the government has recognised how the bill it introduced and second read fell short. Again the government's amendments reflect work done by the opposition.

The amendments proposed by the opposition meet the bill's minimum requirements under national agreements, they meet the requirements as agreed in the government's own consultations with stakeholders and they will also ensure that Victoria retains the most stringent compliance regime in relation to the licensing of firearms. These amendments show that we recognise and understand not only that there are legitimate shooting sports but also that community safety needs to be maintained at the highest level.

It is pleasing that the government eventually recognised where the initial legislation fell short, but it is frustrating that the opposition time and again has had to point this out to the government. Labor has a proud record of controlled weapons and firearm reform and recognises that shooting sports are legitimate. Our reforms have included requiring licence-holders to live in Victoria, regulating imitation firearms and improving tracking and serial number registration of weapons, to name a few. Unfortunately this government's track record is less than proud, unlike that of the previous

government, and we hope that its members will soon wake up and get on with the job of governing Victoria.

Mr KATOS (South Barwon) — It is my pleasure to rise to speak on the Control of Weapons and Firearms Acts Amendment Bill 2011. This bill makes a number of amendments to the Control of Weapons Act 1990 and the Firearms Act 1996. One of the key changes is that the offence of possession of an imitation firearm was changed when its jurisdiction was transferred to the Control of Weapons Act 1990, and it became a summary offence with a lighter penalty. This amendment restores that offence to being an indictable offence and reflects the seriousness of carrying imitation firearms, with the penalties increased to 1200 penalty units or 10 years in jail.

One of the key amendments of this bill is the removal of the seven-day notice period for weapon searches. This was a key election commitment around knife crime at the last election.

Dr Napthine — A stupid idea.

Mr KATOS — As the Minister for Ports rightly says, it was a silly idea of the previous government. Why on earth would you have a designated area, have searches for knives and let everyone know seven days prior, 'We're coming down to that event in seven days, and we're going to check people for knives'? That is absolutely ridiculous. Probably some civil libertarians are too worried about people's rights. We need to be worried about the rights of the everyday person in the street and not the latte sippers in Albert Park, and we need to be worried about — —

Mr Foley — On a point of order, Acting Speaker, we do not sip lattes in Albert Park; we take chai lattes. Would the member please get it right?

The ACTING SPEAKER (Mrs Victoria) — Order! There is no point of order.

Mr KATOS — This amendment corrects this situation, fulfils a key election commitment and makes common sense. If you are going to search for knives and catch people who possess these weapons, then it has to be done in a way where seven days notice is not given. You do not say, 'Hey, we're coming in seven days to do this'. One thing that does not change is the way that these searches are carried out. The searches are as unintrusive as possible, with the use of a metal detector wand and a pat down. Obviously the method of conducting searches has not changed.

With regard to blank-firing firearms, there are three types. Firstly, there are starter pistols, which are clearly

not firearms. Then there are firearms that have been modified to fire blanks, which are already categorised as firearms, so there is no issue with that. There is the grey area of a purpose-built device that has been made to fire blanks and which resembles a firearm. Because such a device is not classified as an imitation firearm yet is not classified as a firearm, it falls into a grey area. This bill broadens the definition so that a blank-firing firearm that looks like a real firearm is now considered to be an imitation firearm and hence comes under the regime.

There are also some key amendments. Clause 10 of the bill makes amendments with regard to the handgun participation rules. The present rules were originally worked out in a national handgun agreement, which was supported by the Council of Australian Governments. However, Victoria's interpretation of these rules differs from those of the other states. Under Victoria's interpretation there is a more stringent requirement to attend more shoots, because it is a requirement of owning a handgun licence that you have to attend a designated number of shoots for each type of handgun that you own, which is obviously the proper way to do it. If you have a handgun for sporting purposes, it needs to be legitimate and you need to show that you have a legitimate use for that firearm by attending target shoots. This bill lessens the requirements around the number of shoots you need to attend and also recognises shoots that are interstate or even overseas, which were previously not permitted.

Clause 12 relates to Country Fire Authority volunteers and other emergency service personnel who are engaged in back-burning and planned burning events. They use a type of incendiary device, which is a category E firearm. This is basically in the same category as a cannon, a mortar or a bazooka, which are also classed as category E firearms. They need to be allowed to operate those devices, so those people who are engaged in such activities are granted an exemption to be able to use them. They do not need to have a firearm licence for category E weapons.

This bill is common sense. It tidies things up, and it delivers one of the coalition's key election commitments in relation to getting tough on crime. I commend the bill to the house.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 10, page 6, line 1, after "on" insert "at least 10".
2. Clause 10, page 6, line 13, in Column 2 of the Table omit "12" and insert "10".
3. Clause 10, page 6, line 13, in Column 2 of the Table omit "14" and insert "12".

Third reading

Motion agreed to.

Read third time.

BUILDING AMENDMENT BILL 2012

Second reading

Debate resumed from 29 February; motion of Mr CLARK (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CARERS RECOGNITION BILL 2012

Second reading

Debate resumed from 29 February; motion of Ms WOOLDRIDGE (Minister for Community Services).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**CITY OF MELBOURNE AMENDMENT
(ENVIRONMENTAL UPGRADE
AGREEMENTS) BILL 2012**

Second reading

**Debate resumed from earlier this day; motion of
Mrs POWELL (Minister for Local Government).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CARERS RECOGNITION BILL 2012

Clerk's amendment

The DEPUTY SPEAKER — Order! Under standing order 81 the Speaker has received a report from the Clerk that he has made a correction in the Carers Recognition Bill 2012 as follows:

In clause 1, line 3, I have deleted 'bill' and inserted 'act'.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Planning: Brunswick terminal station

Ms GARRETT (Brunswick) — I wish to raise a matter for the attention of the Minister for Planning. The action I seek is that he publicly release the independent analysis and advice, if any, that he and the government sought or received which informed his recent decision to rezone the site of the Brunswick terminal station.

As members of this house will be aware, I have raised a series of questions and requests of the government regarding the proposed massive fourfold expansion of this station. The response, or lack thereof, has continued to leave the community significantly anxious and concerned. Residents have been given no confidence about the health and safety impacts of the massively expanded facility. Their own research has shown that there is no exposure standard for a substation of the size

proposed for an entirely residential setting, nor is there an example of a substation of the size proposed in a residential setting anywhere in the world.

The government was asked to involve itself in this matter over more than 12 months, given these significant concerns, to assist the power companies to find an appropriate alternative site. The government refused to do this, saying the process that was being undertaken was a local planning process, that this was the appropriate course of action and that the residents should participate in that process and let it run its course.

Pursuant to this local planning process, Moreland City Council twice rejected the massive expansion, with the power companies appealing to the Victorian Civil and Administrative Tribunal (VCAT) and a hearing date set for later this month. In an extraordinary display of contempt and hypocrisy, the Minister for Planning came in two weeks ago, rode roughshod over the local community, ignored the local council decision and rezoned the site. This disingenuous action flies in the face of the government's own inaction on this matter over the last 14 months, and it flies in the face of its own responses. The government has contemptuously denied the residents the rights they would have been afforded at VCAT, and at the same time it has set up no other independent process.

The residents have rightly called for an independent review of the process and the minister's decision. Similarly, opposition members in the other place made the same calls for an independent process when the shadow minister yesterday moved a motion to revoke the Minister for Planning's decision. I thank my colleagues in the other place for the fight they took to the government regarding this appalling decision. Government members in the other place, however, upheld this government's contemptuous attitude to the community, members of whom were present in the chamber.

The Minister for Planning failed to respond to questions. The government member whose electorate also covers the site failed to contribute to the debate. Those government members who did contribute to the debate described the debate as a 'criminal waste of time of the Legislative Council', which is extraordinarily offensive to my community and other local communities. The fact that in their responses government members pointed to the reasons why wind farms were disallowed for 2 kilometres within sight of a rural town just shows the hypocrisy, given that this power station is located some 2 metres from my residents' homes.

I reiterate: I call on the minister to release any independent advice sought when he made this outrageous decision.

Public transport: Mount Waverley electorate

Mr GIDLEY (Mount Waverley) — I rise to contribute to the adjournment debate tonight, and my matter is for the Minister for Public Transport, who is also the Minister for Roads. The action I seek from the minister is that he visit Monash University and undertake a review in relation to public transport improvements for the Waverley and Monash areas. Since being elected to Parliament and representing the people of Waverley and Monash, I have met with a number of stakeholders in relation to public transport services. As a regular user of public transport, I take a great deal of interest in ensuring that residents in Monash and Waverley have access to regular, reliable and safe public transport services.

I very much welcome the minister's quick delivery, within six or seven months of coming to office, of an express bus service to Monash University. I note that after 11 years of inaction by the previous Labor government it was great that the Minister for Public Transport was able to come out to Monash and deliver a \$1.25 million trial of the new frequent bus services. I note for the record that the route 601 bus service is fantastic and seems to have strong patronage.

In addition to that, however, there are further improvements that can be made, whether in relation to the 601 bus service or other services. We must always — and on this side of the house we will always — look for improvements in terms of providing reliable, safe and regular public transport services. Monash University is a key stakeholder in my electorate, and I met with representatives of the university on a number of occasions in 2011. I have listened to the university's concerns. I also acknowledge Monash's very encouraging words in relation to the coalition's investment in that express bus route, but, as I said, Monash takes the view and I certainly take the view that there is more to be done.

What I would like the Minister for Public Transport to do is to undertake a further review and to visit both Waverley and Monash to see what further options are available to improve public transport services. I think it is important in this particular debate to note the record of both Labor and the coalition. Within seven months of coming to government the coalition not only delivered a \$1.25 million trial of this new service but was also the party that committed to a feasibility study of the Rowville rail line. The Labor Party refused to do

so. So on those two points we are far ahead of the Labor Party, and I must say it is unbelievable that the member for Oakleigh, after 11 years of inaction, after 11 years of not standing up for residents to get improvement in services — —

The DEPUTY SPEAKER — Order! An adjournment debate is an opportunity to ask for action not to criticise the opposition. The member's time has expired.

Rail: Mitcham and Nunawading grade separations

Mr DONNELLAN (Narre Warren North) — The matter I raise is for the Minister for Roads, and the action I seek is a solid commitment that the grade separations for Mitcham Road, Mitcham, and Rooks Road, Nunawading, will actually be built. I have many concerns regarding the promises made at the last election by the Liberal Party. They include the fact that those particular projects were not mentioned in the recent budget update and furthermore that the 25 August 2011 Liberal Party media release headed 'Mitcham and Rooks Road level crossings one step closer to removal' begins:

The coalition government has moved one step closer to ridding road and public transport users in the south-eastern suburbs of one of Melbourne's worst level crossings at Mitcham Road and Rooks Road, Mitcham.

Unfortunately those level crossings are in the eastern suburbs, so that is rather confusing. I then looked at the information update on the rail grade separations that VicRoads has put out, and it states quite clearly that for this project VicRoads will:

... develop a business case for the government to approve.

In other words, it may or may not be approved. The VicRoads update goes on to say:

It is likely that the Mitcham and Rooks Road rail grade separation project ...

VicRoads is saying it is 'likely' — in other words, there is no actual commitment.

Supposedly the recommendations for both of these projects were going to the government before the end of 2011, so they would have gone with the various outlines of what projects could have been undertaken there, but it does not look as if these have come through. This project is very much like the dead parrot in the Monty Python sketch. Realistically it does not look like these projects are going to go ahead. The cost of them would be something like \$450 million because we are looking at grade separations at Blackburn Road,

Mitcham Road and Rooks Road. At the end of the day it does not look like anything has been put forward apart from a process. We know that the only party that has actually undertaken grade separations is the Labor Party, and they include those at Middleborough Road, Box Hill; Springvale Road, Nunawading; the Dynon Road port separations; and Taylors Road, Keilor Plains.

The residents of Mitcham have been promised three major grade separations, including one at Blackburn Road, but to date it does not look like there is a serious commitment to these projects apart from the delivery of a process. We have community consultation in relation to the grade separations — that is, asking people in the community whether they would like the grade separations, which seems a bit ridiculous. I could provide the answer to the minister right now: most people in the community would want the grade separations. I would be very shocked if the community were to suggest anything but that. However, to date all we have is a promise that somehow or other those grade separations will be done by the middle of 2014. To date all we have is a process starting and no actual work.

Kids Under Cover: funding

Mr WATT (Burwood) — My adjournment matter is for the Minister for Consumer Affairs, and it concerns housing assistance for the most vulnerable members of our community, homeless youth. The action I seek is that the minister provide financial support to the charity Kids Under Cover. I draw the minister's attention to the disturbing reality of youth homelessness, the long-term damage it can cause to those it affects and by extension the effects it has on the greater community if it is not tackled adequately — not only by all tiers of government but by the community as a whole.

Homeownership is a traditional aspiration of people in this country, going back to the beginning of settlement and our need to establish roots. It is also the fundamental building block of modern prosperity. Housing or property rights and concerns about these rights were also highly valued when only people with property were able to vote. Things in the early 21st century have certainly changed, but our belief that our home is our castle, our love of homeownership and our need for a place to establish roots still exist.

I am led to believe that at any one time there are almost 105 000 homeless people in Australia with nearly half of those being under the age of 25. I know in most cases it is transitional, but in a lot of instances it can be a long-term problem which leads to a downward financial, physical and psychological spiral for those

involved. This brings me to the main point of the matter I raise for the minister. I draw the minister's attention to the hard work of Kids Under Cover and the demand for its services in my electorate of Burwood. It not only highlights the scourge of homelessness but also acts to counter it among the most vulnerable, our youth.

Kids Under Cover was created by Ken Morgan, a former president of the Variety club, whom members who are old enough will recall from his guest appearances on and as a sponsor with his auto dealership of *Hey Hey It's Saturday*. Ken formed Kids Under Cover with his fellow board members from Variety after hearing about the gap in the support provided to homeless youth. The method used by Kids Under Cover to tackle youth homelessness is quite straightforward. It offers one or two-bedroom demountable studios that it constructs in the grounds of the homes of families or carers. This allows families to stay connected, providing the stability of the family unit as the bedrock of wellbeing for the person affected.

The studios will last for up to 20 years. When a studio is no longer required by a family, it is dismantled and moved to another family in need. It can be reused up to four times. In line with the straightforward model that I have just outlined, I ask the Minister for Consumer Affairs to provide financial support for the valuable work that Kids Under Cover undertakes in my electorate of Burwood and in the state as a whole.

Hospitals: children's beds

Ms GRALEY (Narre Warren South) — My adjournment matter is for the Minister for Health and concerns the availability of children's beds and cots at Casey Hospital and Monash Children's. The action I seek is that the minister ensure that these beds are opened as soon as possible. It is nothing short of cruel that 14 of 20 special care nursery cots at Casey Hospital and 17 of 19 new beds at Monash Children's will remain closed in 2012. While critically ill children are being sent interstate for treatment, the beds and cots remain empty because the Baillieu government continues to refuse to invest in the health of our children. Such heartlessness and cruelty have been rightly condemned by various sections of the community, including the Australian Medical Association (AMA) and the Australian Nursing Federation.

Mr Gidley — On a point of order, Deputy Speaker, I refer you to the Speaker's ruling on members reading their speeches — —

The DEPUTY SPEAKER — Order! I will ignore that point of order.

Ms GRALEY — AMA vice-president, Dr Stephen Parnis, told the *Herald Sun* in January:

We are talking about the acute health of children — if that isn't arguably the highest priority for the government —

and the member for Mount Waverley —

then I don't know what should be.

To make matters worse, the Baillieu government has abandoned its pre-election promise to build the \$250 million Monash Children's hospital, instead delaying it several years to the point where many in the community doubt it will ever be built.

Honourable members interjecting.

Ms GRALEY — Give me some guarantees right now that it is going to open.

By walking away from the Monash Children's hospital, the Premier is walking away from a centre that would provide care for an extra 7300 children each year —

An honourable member interjected.

Ms GRALEY — Many of those children would be in the member's electorate. By refusing to open the existing children's beds and cots, the Premier is walking away from the 330 000 children who live in the south-east. The basis of this is a real disrespect for Victorian nurses, midwives and patients. The Baillieu government plans to end nurse-to-patient ratios, and I know many people in my electorate are very concerned about the impact this will have on patients, children and their families.

An honourable member interjected.

The DEPUTY SPEAKER — Order! The member for Albert Park is out of his place and is being disorderly.

An honourable member interjected.

Ms GRALEY — I beg your pardon! I doubt that that is parliamentary language, Deputy Speaker.

The DEPUTY SPEAKER — Order! I was trying to let the member finish her matter. Members should cease interjecting. Let us get on with the adjournment debate.

Ms Campbell — She is not on her feet; I am.

The DEPUTY SPEAKER — Order! The member for Bentleigh has missed the call. The member for Pascoe Vale was on her feet.

Department of Human Services: personal records

Ms CAMPBELL (Pascoe Vale) — Thank you, Deputy Speaker. I am glad the opposition is on its toes and ready to take up important matters on the adjournment.

The DEPUTY SPEAKER — Order! The member will speak on the adjournment.

Ms CAMPBELL — Tonight I raise a matter for the attention of the Minister for Community Services. The action I seek is that immediate and adequate staffing be provided to ensure that all the personal records held by the Department of Human Services relating to state wards and adoptions are urgently and safely catalogued and stored. This work should be considered front line and should not be subject to the callous staffing cuts being imposed by the Baillieu government. State wards and mothers whose children were adopted, many forcibly and illegally, need ready access to all their DHS-held personal records.

Today there was tabled in the Parliament the very important Victorian Ombudsman's report on the investigation into the storage and management of ward records by the Department of Human Services. I will quote from a number of paragraphs of the executive summary of the report, specifically paragraphs 10, 12 and 17 at page 4, in which the Ombudsman identified one example where a collection had been in the department's archives since 1990 and had only recently been identified as containing numerous references to former wards of the state. Paragraph 10 states:

... This collection of 48 boxes, which was thought to have contained only administration files, had been marked for destruction.

How catastrophic would it have been for any state ward whose personal documentation is in that collection had the records been destroyed? Paragraph 12 states:

Another collection of 100 boxes of records discovered by the department in 2008, thought to relate to former wards and institutions, is yet to be examined due to resourcing issues.

Paragraph 17 states:

I consider that the department should take immediate action to ensure that it has a thorough understanding of the records it holds in its collection so that former wards can be assured that they have been provided with all the available information regarding this often traumatic chapter of their lives.

There is reference in the report to some records being stored in rat-infested premises that could be subject to flooding with resultant water damage to those records. Now that this has been identified, the minister needs to ensure that the relevant cataloguing and storage of these personal records is undertaken immediately.

Australasian Police and Emergency Services Games: funding

Ms MILLER (Bentleigh) — Tonight I raise an adjournment matter with the Minister for Tourism and Major Events. The action I seek is that the minister allocate funding to market the Australasian Police and Emergency Services Games, which are to be hosted in Melbourne in April 2014. These games, which were originally held in Melbourne, are held on a biennial basis, and emergency service personnel from Australia and New Zealand compete in a range of sporting events. Victoria has a proud history of involvement with the emergency services games, as the inaugural games were held in Melbourne in 1984 and the games were held here most recently in 1999. During the games, events will be hosted not only in Melbourne but throughout regional Victoria, showcasing our wonderful state and its many fantastic sporting facilities.

I have a particular interest in the upcoming games to be held in New Zealand, as Moorabbin and Caulfield police stations will both be represented in different events. The staff of those police stations do a wonderful job for the people of my electorate, and I will be watching their progress closely and wishing them luck in April this year. The 2014 games will be hosted by Victoria Police, and participation by all present and retired emergency service workers is welcomed. Up to 20 emergency services agencies will be participating in almost 40 sports during the 10 days of events. Encouraging participation and attendance at the games is consistent with the coalition government's strong commitment to ensuring that Victorians develop healthy lifestyles, which include good nutrition and frequent exercise. My electorate has a proud history in individual and team sports, and I consider the participation in the emergency services games by representatives of the Bentleigh electorate to be another wonderful example of our community enjoying the benefits of exercise through sport.

The games are usually well attended, with participants coming from New Zealand, New Guinea, the Pacific Islands and all states of Australia. I am pleased that these visitors will have the opportunity to enjoy our state and its sporting venues. While encouraging all emergency services workers to participate, I am

particularly proud of those competitors who will represent my electorate in the hockey and soccer events.

These games will be a wonderful celebration of sport and recreation, with both participants and spectators inspired to maintain healthy lifestyles. With this in mind I ask the minister to allocate funding to market the games so that residents and visitors to Victoria have the opportunity to go along to the events and support the competitors.

Nelson Park School: senior campus

Mr EREN (Lara) — I wish to raise an urgent matter for the attention of the Minister for Education, and the action I seek from the minister is to directly intervene and address the need for the ongoing use of the Nelson Park School Hendy Street campus.

Nelson Park School was established in 1967 and caters for students with complex needs, including intellectual disabilities and social, emotional and behavioural challenges. Nelson Park School currently operates out of two campuses. The early years education campus is located at Libau Avenue, Bell Park, and the secondary years campus for years 10 to 12 is at the old Flinders Peak Secondary College site in Hendy Street, Corio.

At the end of last year the Department of Education and Early Childhood Development advised the school that the Hendy Street campus would close at the end of term 1. After the school pleaded its case to the department it was, to its surprise, granted a further extension to use the site until the end of term 2 only. This is obviously not good enough because the school needs to operate on an ongoing basis.

The Nelson Park School community is concerned that if the school is forced to house all of its students at the current Libau Avenue site, the safety and wellbeing of the nearly 350 students will be compromised due to overcrowding on a site with inadequate play and learning space. And the fact is that the number of students at this school will only increase as the population grows in Geelong.

In an article in the *Geelong Advertiser* of 25 November 2011 a spokesperson from the education department said, 'Ensuring these students are supported is a high priority'. Clearly the minister needs to intervene on this matter because this is not occurring. The spokesperson also stated that 'the school community will be kept informed every step of the way as developments occur' — this is not happening either. The school is still in limbo and waiting in anticipation that the school will

continue. The evidence further indicates that the minister does not care for these students and nor is the minister looking to rectify the issue at hand.

So again, the action I seek from the minister is that he intervene in this matter to allow Nelson Park School to remain operating on the Hendy Street campus in 2012 until the school finds an alternative site or is allowed to remain on its current site permanently. This is the preferred option, because the site has ample space to accommodate all of the current students and allows for future growth as the need arises. I urge the minister to protect these children.

Murray Valley electorate: cycling trails

Mr McCURDY (Murray Valley) — I am delighted to rise to speak on the adjournment debate and raise a matter for the Minister for Sport and Recreation.

Mr Weller — A good minister.

Mr McCURDY — He is a good minister. The action I seek is funding for a strategic planning guide for the further development of significant trails and tracks in the Murray Valley electorate. As the minister is well aware, because he has visited the Murray Valley on numerous occasions, the north-east of Victoria and more specifically Wangaratta is the cycling capital of Australia. Whatever the level of fitness or the type of cycling you do, there is a ride for you. You can follow the scenic Murray to Mountains Rail Trail, an 83 kilometre track which goes from Wangaratta to Bright, you can do smaller side loop rides, pedalling your way to all the local food and wine producers — which the minister might do with me one day as he is a bit of a fan of that — or you can challenge yourself on some of the mountain bike trails or road climbs.

Cycling has been identified as one of the key product strengths in the rural city of Wangaratta, along with the late Ned Kelly, jazz, and food and wine. Thousands of tourists come from all over the world, and every year they enjoy what we in the Murray Valley take for granted. We are spoilt to have such world-class cycling opportunities in our region. The Wangaratta to Oxley project was a great boost for tourism in the region, and it links existing trails to create a gourmet cycling experience from the Wangaratta train station at the heart of the Milawa gourmet region. It also provides a link in the Murray to Mountains Rail Trail from Wangaratta to Oxley via Everton and Milawa.

Recently I launched the Murray to Mountains website, which creates a one-stop shop for tourists and locals to plan their trip and learn how best to take advantage of

the rail trails and tracks. To continue to be proactive and focused on the cycling tourist trade a strategic plan is required to take the existing infrastructure to the next level. This will ensure that as we move further down this path we have a goal in mind and that each piece of this puzzle fits perfectly into place.

With that, I ask the minister to consider the Murray Valley electorate and assist us to embark on this overdue strategic vision. These trails encompass many local government boundaries and have significantly added value to the north-east's appeal to Melbourne and national visitors and certainly international travellers. I seek the minister's support for this excellent project.

Caulfield electorate: open space

Mr SOUTHWICK (Caulfield) — I rise to speak on the adjournment tonight and address a matter to the Minister for Sport and Recreation. The matter I raise relates to the important issue of open space and sporting facilities in my electorate of Caulfield. I ask the minister to investigate whether his department can provide some support for my local councils to investigate improving and increasing the available open space in my electorate. This is a great problem within our community because we have so many young up and coming people who want to play sport, including juniors who are coming through the clubs, and they are in desperate need of grounds to play on. Open space is a real concern in the community, and it is an issue I have raised on countless occasions in this chamber. I have noted that the city of Glen Eira has the lowest amount of open space of any municipality in Melbourne, with only about 6 per cent of the city's 230 hectares classified as public land.

There is open space in our neighbouring areas that many of our constituents use. Elsternwick Park in the Brighton electorate is an area that is used, and the member for Brighton has also been advocating for some time for the upgrade of the facilities in the park. The park is a great facility, but it is in desperate need of an upgrade. Given the growing population of Melbourne and the importance of local people being able to utilise open space, we need something to be done about it. Access to open space is as important as roads and infrastructure, and it provides the much-needed heart that breathes life into a city. There is no question that in our case we are in desperate need of a heart transplant.

We need to look at ways to get more open space. I have looked into this issue, and it was back in the 1990s that work was last done within the council to look at how

open space could be utilised. We have a number of areas within my electorate that could be further utilised, such as the former reservoir on the corner of Glen Huntly and Booran roads, which is currently fenced and not used. It has been fenced for some time.

Whether it be passive space or whether it be active space for sporting clubs such as football, cricket or soccer, which has experienced increased participation rates right across Victoria, there is a desperate need to do something about this issue. We have a number of people using open space passively, including for dog walking, and we have recently done some work on the five precincts of open space at Caulfield Racecourse. That also needs to be factored in as part of a review.

I ask the Minister for Sport and Recreation to provide some much-needed funds to conduct research into how we could better utilise our open space and come up with a better plan for the city.

Responses

Ms ASHER (Minister for Tourism and Major Events) — The member for Bentleigh raised with me the very important matter of funding for the 2014 Australasian Police and Emergency Services Games. She also indicated to the house her interest in the police games as a result of her electorate participating in the 2012 games, which will be held in New Zealand this month. The member for Bentleigh has been a very strong advocate for the 2014 games, which will be held in Melbourne from 19 to 24 April 2014. Not only is the member for Bentleigh aware of how popular these games are amongst police and emergency services personnel but she is obviously aware of the economic boost to tourism that these games will bring.

The 2014 games will be the third time Melbourne has hosted these biennial games. Melbourne hosted the inaugural games, as the member for Bentleigh said, in 1984 and held them again in 1999. We are expecting around 3000 competitors from Australia, New Zealand, New Guinea and the Pacific Islands to come for these games. The program includes a wide range of sporting action which will be held across Melbourne and in regional Victoria, as the member for Bentleigh alluded to.

I am delighted to inform the member for Bentleigh that the coalition government, through Tourism Victoria's events program, has allocated \$10 000 to help market the games. The idea is to encourage spectators, competitors and their accompanying family members and friends to stay on and explore Melbourne and regional Victoria. As the Deputy Speaker knows,

Victoria is a very compact state and people can get around very easily. I know the member for Bentleigh will be forcefully advocating this event among members in her own electorate, and she will obviously advocate the event strongly in the run-up to the April 2014 games.

The funding will be used for website development and for advertising in agency journals, magazines and newsletters as well as for posters, postcards, brochures and promotional activities at the upcoming 2012 games to be held in New Zealand next month. I am sure the Victoria Police members from the Moorabbin and Caulfield police stations who service the member for Bentleigh's electorate will be very involved in promotional activities for a very good purpose rather than for purposes that have nothing to do with the economic development of the state of Victoria.

Events such as these games have the capacity to generate a significant economic benefit for the state. As I said earlier, the funding will be used to attract increased registrations from outside Victoria and to promote visitor experiences in Melbourne and in regional Victoria. I wish all Victorian participants, including the member for Bentleigh's constituents and the police who work in her electorate, all the very best in the upcoming games. I am looking forward to welcoming a whole range of visitors to Melbourne for the 2014 Australasian Police and Emergency Services Games.

Mr DELAHUNTY (Minister for Sport and Recreation) — I am pleased to respond to matters raised with me by the member for Murray Valley, who is a very passionate community worker for his electorate. In fact I am looking forward to catching up with the member for Murray Valley on Saturday when I attend the opening of a facility in Wangaratta and make some announcements at Katamatite.

I also rise to respond to a matter raised by the member for Caulfield, who is another very passionate member. He has been doing work in relation to bowling and getting more bowls on TV. He does a lot for sport.

Tonight I am pleased to announce the allocation of the latest round of funding from the community facility funding program in the planning category. Today I have allocated over \$700 000 to 23 planning initiatives across Victoria, including a regional tracks and trails strategy, municipal recreation plans, open space strategies and facility feasibility studies.

I am particularly pleased to inform the member for Murray Valley that \$50 000 has been allocated to the

Wangaratta Rural City Council, which is in his electorate, for the Hume region significant tracks and trails strategy. As the member for Murray Valley said, Wangaratta has been a hub of activity, particularly for rail trails and tracks. He spoke about the fact that I have walked Kokoda, and I would love to go up to Wangaratta and do a trail with him. Importantly he also spoke about the fact that there is a lot of interest in cycling. With the resurgence of cycling, particularly after Cadel Evans's great win, this funding will be very helpful to the council in developing a detailed strategic planning document to guide the further development of regionally significant trails and associated infrastructure across the Hume region.

I am also pleased to inform the member for Caulfield, who is here tonight, that the Glen Eira City Council has been provided with \$30 000 for its open space strategy. The member for Caulfield spoke about the fact that we cannot create any more open space; it is about how we use the space we have. It is important that we plan for its use and all those types of things. One of the things that was brought to my attention when I was the shadow Minister for Sport and Recreation was people's concern about access to sporting facilities, whether that be for passive or active recreation. As we know, Melbourne is the sporting capital of the world and Victoria is the sporting state. We need to plan for the further use of our sporting facilities.

I am also pleased to announce that the Bayside City Council has been awarded \$22 500 for the Elsternwick Park precinct. I know that the member for Caulfield raised this matter, but the member for Brighton, who is in the house, also spoke to me about it; it is in her electorate. I had a brother who used to live not far from there, and I know the park very well. This funding will enable options to be investigated for providing new and upgraded sporting facilities at Elsternwick Park.

The Victorian government is committed to helping communities stay active, enjoy their sport and recreation facilities and lead healthier lives. The first step in achieving this is to identify opportunities and priorities through strategic planning. This funding will support a strategic approach through community working with councils in the provision of sport and recreation facilities and programs. We want to see people stay more active more often, and this planning will allow that to happen.

Ms WOOLDRIDGE (Minister for Community Services) — I thank the member for Pascoe Vale for her matter on the adjournment debate tonight. The Ombudsman's report is a very important report because it reflects on the records that are held by government in

relation to a range of issues over many years, but in particular these records often hold information in relation to former wards of the state, and for many people these records are the only link to the information they desperately need in relation to their history, life, family and what has happened to them. As the report notes, the Department of Human Services is responsible for records dating back more than 150 years, covering more than 100 different institutions. These records relate to groups like the forgotten Australians as well as the relinquishing mothers who were the subject of a Senate inquiry report released yesterday. I am very pleased that my department has accepted in full or in principle all of the Ombudsman's recommendations.

The current situation has been unsatisfactory, but it has been an issue that has been a longstanding and ongoing problem for governments across the board and certainly across the Victorian government. I have asked my department to work with other key agencies, including Public Record Office Victoria, to provide me with advice about a whole-of-government approach to record storage for the future. We are also investigating a business plan to move from the current Bourke Street storage site to alternate facilities outside the CBD and also some options about how we can address the volume of unindexed records so that at least we can get started on some preliminary cataloguing.

It is interesting to note the audacity of the member for Pascoe Vale, given that she was the Minister for Community Services for three years and that this Ombudsman's report relates to a time when she was the minister directly responsible for this area. For those three years clearly nothing happened to address these issues, and in fact there is a very clear indictment from the Ombudsman about the lack of action during the 11 years of the Labor government. One of the key things that happened, as mentioned by the member for Pascoe Vale, related to the inadequacy of the storage facilities that are both rat infested and subject to flooding — both obviously big issues for records. Interestingly, it was the member's successor, the former member for Greensborough, Sherryl Garbutt, who signed an ongoing 10-year lease in 2006 for the exact facility that is highlighted in this report as being rat infested and subject to flooding. Those costs to us are approximately \$1 million a year for storage facilities that reflect 80 lineal kilometres of storage in Bourke Street in the middle of the CBD in Melbourne. I do not think it was a very sensible decision, and it is clearly something we need to work on.

That contract goes through to 2016, and we will look at options to get that storage out of the CBD, which makes sense, but of course there will certainly be

penalties that the government will have to pay in relation to that. This is a very serious issue and one that we are taking seriously. We appreciate the Ombudsman's report highlighting the challenges and that we have got a pathway forward, but it is a very clear indictment of the lack of action by both the member for Pascoe Vale as minister and the previous Labor government over its 11 years.

Mr DIXON (Minister for Education) — The member for Lara raised with me an issue regarding Nelson Park School, which is currently operating over two sites. The member was making representations that that should remain the case, and he pointed out the background to the issue when an extension was given. I have been advised that the site onto which the school would be consolidated is adequate in terms of the size, not only for classroom facilities but also car parks, playgrounds and the range of activities that would take place on the school site. The decision was made in the context of an overall review of special school services and needs throughout the Geelong region. The report of that review is just about to be completed.

I understand the member's concern that there has been no communication or follow-up regarding that matter, and I will follow through and see what stage it is at, especially insofar as it might relate to any change to the previous decision to have the school located on the one site. As I said, I am advised that the site that is envisaged for use in the near term is adequate for the school. I will talk to the department about any updates on that as well as the progress of the review, and I confirm that we will work together with the school and the school communities if there are any specific issues relating to being located on the one site.

Mr O'BRIEN (Minister for Consumer Affairs) — I thank the member for Burwood for raising this important matter with me during the adjournment debate, specifically in relation to support for vulnerable members of our community, in fact some of the most vulnerable members of our community — homeless youth. I advise the member for Burwood and the house that the government is acting to address the continuing problem of youth homelessness. We appreciate the important work of Kids Under Cover, to which the member for Burwood referred, in providing stable homes for Victoria's disadvantaged youth. On any given night there are around 3900 homeless young people in Victoria. Young people can become homeless for a variety of reasons. Tension with families that are blended or otherwise, drugs and alcohol, mental health issues and financial issues can all be deciding factors in a young person leaving home and becoming homeless.

Kids Under Cover provides assistance and support to young people from low-income and disadvantaged backgrounds and focuses on early intervention and prevention of homelessness. In particular, the Kids Under Cover studio program installs demountable backyard studios to provide a medium to long-term accommodation solution to ease the pressure that some young people are faced with when living at home. The studios are prefabricated one and two-bedroom units with a bathroom, which are erected in the backyard of an existing house. This program allows young people, many of whom might be at risk of becoming homeless, to remain with their carers and often their families by having their own space in which to live and to study. Each of these studios has a lifespan of 20 years and can be moved up to four times. The studio program of Kids Under Cover provides a flexible and inexpensive early intervention solution which helps to prevent long-term costs to the Victorian community, but it also provides short and medium-term relief for vulnerable youth.

Recent research shows that the studio program delivers an estimated \$13.3 million per annum in economic benefits to the Australian economy, or an average of \$42 632 per year per studio. This indicates that a break-even return on investment on a studio is achieved before the end of one year of use. That is talking purely in economic terms. Obviously the social impact of being able to prevent youth homelessness is far in excess of the pure dollar value. But even on a dollar value basis, the work that Kids Under Cover does certainly stacks up. KUC has constructed 13 houses and 428 demountable studios in Victoria since 1989. In 2010–11 it constructed 36 studios in Victoria, accommodating 448 young people.

As Minister for Consumer Affairs I have responsibility for the Victorian Property Fund, which is a trust fund established under the Estate Agents Act 1980 and administered by Consumer Affairs Victoria. Grants from the VPF are available for a range of property-related purposes, and the government's current priority is to fund housing assistance programs that will increase affordable accommodation options for low-income and disadvantaged Victorians. As is reflected in the government's homelessness action plan 2011–15, we have made a strong commitment to implementing effective solutions to address homelessness. Kids Under Cover is considered an important community partner in this aim.

I welcome the strong support of the member for Burwood for this program, which I believe does some terrific work in the Burwood electorate. I assure the member that we will be giving every consideration to funding applications made by Kids Under Cover to the

Victorian Property Fund so that it can keep doing the terrific work it is doing to help youth at risk of homelessness.

Mr McINTOSH (Minister for Corrections) — The member for Brunswick raised a matter for the Minister for Planning relating to the public release of documents on the rezoning of land for the Brunswick terminal station.

The member for Mount Waverley raised a matter for the Minister for Roads and Minister for Public Transport which concerned visiting and reviewing Monash and Waverley public transport services.

The member for Narre Warren North raised a matter for the Minister for Roads relating to grade separation in and around Mitcham, Blackburn and Rooks roads.

Finally, the member for Narre Warren South raised a matter for the Minister for Health relating to the reopening of beds and cots at the Monash Children's hospital.

I will make sure that each of those matters is referred to the respective ministers for their attention.

The DEPUTY SPEAKER — Order! The house is now adjourned until the next day of sitting.

**House adjourned 4.47 p.m. until Tuesday,
13 March.**