PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 28 August 2012

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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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] Elected 24 March 2012
[3] Resigned 27 January 2012
[4] Elected 21 July 2012
[5] Elected 19 February 2011
[6] Resigned 7 May 2012

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Tuesday, 28 August 2012

The SPEAKER (Hon. Ken Smith) took the chair at 2.04 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Fire services levy: reform

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to recommendation 64 of the 2009 Victorian Bushfires Royal Commission's final report, which is that:

> The state replace the fire services levy with a property-based levy and introduce concessions for low-income earners.

I further refer the Premier to the Department of Treasury and Finance's fire services levy fact sheet released today, which states:

> The government will provide a $50 concession for holders of pensioner concession cards and Department of Veterans Affairs gold cards …

I ask: can the Premier confirm that health-care card holders will not receive a concession under his scheme?

Mr BAILLIEU (Premier) — The government is proud to announce reforms to the fire services levy (FSL) — something that was not done for 11 years under the previous government and something that was ignored by those who stayed silent for years about the inequity of that system. Those reforms are significant. Addressing the member's particular question, we have included a concession for pensioners and veterans. That is a concession now not available to pensioners and veterans card holders under the insurance-based model. That is entirely consistent with the property-based model which is collected by local government and provides a concession for people in Queensland.

I am sure the Leader of the Opposition is now no longer going to be silent, because he is going to have a bob each way. Before the election those opposite said they would change this — —

Mr Andrews — On a point of order, Speaker, the Premier is clearly debating the issue. I asked a simple question about health-care card holders, and I would like an answer, as they would, I am sure. It was not an opportunity to run a commentary on me or anyone on this side of the house. It was a simple question and one on which I think I am entitled to an answer.

The SPEAKER — Order! I ask the Premier to come back to answering the question.

Mr BAILLIEU — The concession, as was indicated today, will apply to pensioners and veterans card holders. Victorians who take out insurance will benefit because they take out insurance and pay an FSL at the moment under a system endorsed by the previous government which the previous government chose not to change even though it was unfair. Benefits will flow to all of those who have had property-based insurance in the past because their FSL will no longer be on an insurance base. I would have thought the Leader of the Opposition would have welcomed that.

Mr Andrews — On a point of order, Speaker — —

The SPEAKER — Order! I believe the Premier has concluded his answer.

Mr Andrews — So health-care card holders don't get an answer.

The SPEAKER — Order! I believe the Premier has concluded his answer.

Fire services levy: reform

Mr MORRIS (Mornington) — My question is to the Premier. Can the Premier outline to the house how reform of the fire services levy will create a fairer system which better supports both our professional and volunteer firefighters?

Mr BAILLIEU (Premier) — I thank the member for his question, and I thank all of those who have supported a change from the insurance-based model to a property-based model. I know there are some members on that side of the house who support that. I suspect that those sitting up the back realise that this is a good proposal.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the Deputy Leader of the Opposition! Enough.

Mr BAILLIEU — We know that over 11 years the previous government did nothing about the inequity of the fire services levy **(**FSL) — absolutely nothing. All that the former government could say before the last election was that it might change this. When in government, those opposite introduced a piece of legislation to have a feasibility study.

This is a major reform. It is a reform that will make the system of collecting the FSL fairer and more equitable. It is a change and reform that will fix a broken system. It will provide that the collection of the FSL will shift

from an insurance-based model to a property-based model. A property-based model is used in Queensland, Western Australia, Tasmania and the Australian Capital Territory, and this reform has taken place successfully in other areas. The industry has been calling for it, the Victorian Farmers Federation has been calling for it and industry groups have been calling for it. Anybody who has paid the FSL under their insurance system will be calling for it.

In addition we will be eliminating the tax on tax. I should have thought opposition members would have welcomed a reform that eliminated the tax on tax, but for 11 years members of the former government were silent. They had a chance to speak up then and now all they can do is nitpick and whinge. We will provide a concession to pensioners and veterans card holders that was never available under the previous government. The FSL will be collected through local government.

Mr Wynne — Hallelujah! What does local government say about that?

Mr BAILLIEU — Come in spinner! Local government collects the FSL in Queensland, Western Australia and Tasmania. Clearly that is too much for the shadow minister over there.

This reform was recommended by the 2009 Victorian Bushfires Royal Commission. It has been recommended by the industry. The previous government did not want to touch it. It went through some motions and now it is embarrassed by its failure over 11 years to do nothing about it. It is time members of the opposition spoke up to support a fundamental reform that is consistent with the policies of other states in this country.

Fire services levy: reform

Mr HOLDING (Lyndhurst) — My question is to the Premier. I refer to his announcement today in relation to Victoria's new property-based fire services levy and the discussion of its impact on average Victorian bills, and I ask: can he guarantee that no currently insured Victorian property owner will pay more as a consequence of this change?

Mr BAILLIEU (Premier) — I thank the shadow Treasurer for his question. It was always guaranteed that the shadow Treasurer would have asked that question. This is the shadow Treasurer who sat in the cabinet of the former government and did nothing about the FSL and its inequity.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier not to debate the answer.

Mr BAILLIEU — The shadow Treasurer knows that someone who has had an insurance policy and who is underinsured will not have been contributing equitably to the fire services levy. It makes sense then that if people are contributing equitably, they will be picked up, and the shadow Treasurer knows that.

In a global sense what occurs now is that every year the budgets for the Metropolitan Fire Brigade and the Country Fire Authority are determined and then under the insurance-based system the charges for insurance policies are set by the insurers. That will change. The contribution made by the community through the property-based fire services levy will reduce, and more people in the community will contribute. That will be of benefit to all Victorians because it is fair, it is equitable, it is what was recommended and indeed it is what happens in other states.

Fire services levy: reform

Mr NORTHE (Morwell) — My question is to the Deputy Premier and Minister for Police and Emergency Services. Can the minister outline to the house the benefits for regional and rural Victoria from the coalition government's fairer and more transparent fire services levy (FSL).

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for Morwell for his very timely question. From the perspective of rural and regional Victorians this is without a doubt the most significant and beneficial change in public policy for literally decades. It is a change that people who live in the regions have sought for years and years, and it has taken a Liberal-Nationals coalition government to deliver it. We have delivered on it.

The system which this new system will replace is flawed. Everybody knows it is flawed. Everybody in this chamber knows it is flawed. We are the only ones who are actually going to deal with it. It is flawed for a variety of reasons. Not the least of these reasons is that regardless of whether people have insured their house or not, there has always been the expectation that if a fire breaks out the CFA (Country Fire Authority) will turn up out the front to fight it. This is an unfair expectation, because as a matter of logic everybody should be contributing to the cost of funding the CFA system to enable it to respond to fires as and when they inevitably occur.

It should be borne in mind that the CFA's region extends into some of the outer suburbs of the metropolitan area, so it is a huge area of coverage. On that basis alone this system has been flawed. That has played out in a variety of ways with a pecuniary system that has been imposed upon various elements of our regional communities over the years. In the case of the farming sector we have modelled this new system in a number of ways to make sure we get the best structure in place.

We looked at 11 farms that are producing in a variety of ways, including dairying, mixed farming, horticulture and variations of these. Under the current system those farms have together been paying about $30 000 for the FSL annually. Under the system we are now putting in place, from 1 July next year those same property owners will pay about $22 000 annually. That is a saving of about $8000 — more than $700 per property on average.

That is not the end of it — not by far. In the case of the small business sector we found that, because of the imposition of a tax on top of a tax on premiums, over the years the small business sector in regional areas of Victoria has been loaded up with an additional figure of anything up to 95 per cent of the base premium. That has been a terrible cost for it to bear. With the application of this new system there will be much relief for people in small business. The modelling also tells us that across the residential areas of regional Victoria the cost of the FSL will reduce on average from about $260 per property to about $140 per property. These are enormous savings.

The benefits go beyond that. The system as it stands patently discourages people from taking out insurance. That in turn means we have less people who are insuring and less people who are paying the FSL. The number of people in the pool is therefore diminishing and accordingly the cost of the FSL keeps going up. We are going to deal with all of this under our changes. These are changes which are fair, which are equitable and which have long been sought by the people of regional Victoria. We are thrilled to be able to deliver on them, bearing in mind that those who sit opposite did absolutely nothing about this for 11 years. They did nothing. We once again are going to deliver.

VicHealth: future

Mr HOLDING (Lyndhurst) — My question is to the Treasurer. Will the Treasurer rule out the closure of the Victorian Health Promotion Foundation, VicHealth, as recommended by the government's Vertigan review?

Mr WELLS (Treasurer) — It would appear from the question that those opposite have run out of steam and are supporting a fire services levy; that is what that tells me. They are saying, 'Two questions, and that is it; we will move on to something else! We will get in behind the Baillieu government, and we will support the fire services levy'.

In regard to the substance of the question, we commissioned the Vertigan report. It was the first time in 20 years that an independent audit had been done. We did this; it was important to do an audit of the previous Labor government's accounts — the mess those opposite left us with. One of the important points in the Vertigan report was that the previous budget was unsustainable under the Labor government. How can you have a situation where your revenue is growing at 6.9 per cent on average but expenditure is growing at 7.3 per cent year on year on average?

There was no doubt the point had to be made that the previous Labor government could not manage money. Its members could not manage money, and the Vertigan report said that was unsustainable. That is why we had to take the tough decisions. We had to take the hard decisions in the budget update and in the budget of this year. We believe now that Victoria is on a sustainable footing and that the finances are going to put this state in a great place to improve budget capacity.

Fire services levy: reform

Mr BURGESS (Hastings) — My question is to the Treasurer. Can the Treasurer outline to the house how a more equitable fire services property levy will benefit Victorian households?

Mr WELLS (Treasurer) — I thank the member for Hastings for his question and for his support and interest in the fire services levy. Today the Baillieu government proudly announced significant reform regarding the fire services levy. There have been calls for reforms for decades and decades, and the previous government was dragged kicking and screaming on this in the run-up to the last election. Labor members had 11 years to fix this, and they did not. The 2009 Victorian Bushfires Royal Commission recommendation 64 made it very clear that there was a need to move from an insurance-based to a property-based fire services levy. This was also an election commitment, and we are very proud to deliver on this election commitment. The current fire services levy is unfair and inequitable.

Let me explain. It is unfair because not everyone who owns property pays insurance, and under this system

this will be fixed. Farmers and regional businesses, apart from paying the insurance premium, have been paying up to 95 per cent as part of the fire services levy. Of course it was grossly inefficient; because the fees were so high, it discouraged people from taking out insurance. Most of the other states have this — I refer to Western Australia, South Australia and Queensland — and it looks like New South Wales is going to follow our lead.

The highlights are important. Under the reforms businesses and households will be more than $100 million better off. For the first time 400 000 pensioners and war veterans will receive a concession. That is significant. Let us have a look at some of the case studies. For an East Gippsland property valued at $179 000, you would currently pay $557 in fire services levy; under this new system that will be cut from $557 to $120. If you lived in the shire of Cardinia and your house was valued at $304 000, you would currently pay $267 under the fire services levy; under our system it will be $135. But if you are a pensioner, it will be cut by a further $50 and the annual bill will be just $85. If you ran a small accounting business in the eastern suburbs and you had a property valued at $750 000, you would be currently paying $1330; under this system that will be cut to just $822.

But there is more good news: if you own a mixed farm and grazing property in the shire of Cardinia valued at $1.22 million, you currently pay $295; under the new system that will be cut to $830. If you own an industrial property in the bayside suburbs, you currently pay $1982; that will be cut to just $870. This is an important reform, and took the Baillieu government to deliver on its election promises and on the bushfires royal commission recommendations.

Mildura Base Hospital: private operation

Mr HOLDING (Lyndhurst) — My question is to the Treasurer. Will the Treasurer rule out a greater scope for the private sector in the operation of our public hospital system, such as Ramsay Health Care and its operation of the Mildura Base Hospital?

Mr WELLS (Treasurer) — I thank the member for Lyndhurst for his question, but the substance of the point is that it was the Baillieu government that commissioned Vertigan to do a report, and that report was crucial for us in being able to frame budgets. If you look at the financial mess that we were left with by the previous state Labor government — —

Honourable members interjecting.

Mr WELLS — If you look at the desalination plant, which has your grubby mitts all over it — —

The SPEAKER — Order! The Treasurer!

Mr WELLS — Look at Melbourne Markets, look at myki, look at all these problems that we have had to inherit and look at the way the budget was unsustainable, because Labor can never manage money. Members of the former Labor government were spending more than was coming in in revenue. What sort of people are they? How could you run a business spending more than you are earning? You just simply would not do it.

The Vertigan report is an important report for this government. It assisted with the budget update last year, it assisted with the budget this year and it will continue to assist us with budgets to come.

Building industry: industrial relations guidelines

Mrs FYFFE (Evelyn) — My question is to the Premier. Can the Premier update the house on steps the government is taking to improve productivity and support the rule of law in the building and construction industry?

Mr BAILLIEU (Premier) — I thank the member for Evelyn for her question. This is one of the most important issues that this government and indeed the people of Victoria face. I have been saying for some years that the escalating cost of construction will price us out of infrastructure in the future. That is why we had the important Productivity Commission inquiry into construction costs. We have been calling for higher productivity, we have been calling for the rule of law to be applied in the construction industry and we have been calling to get better value for the money that is spent in construction.

I would be amazed if anybody in this chamber opposed that proposition. We have been calling for that for a number of years but certainly since we introduced the industrial relations guidelines for construction projects that commenced in July of this year. They have been welcomed by the industry. They have not been welcomed by some people. Some people align themselves with militant union activity, some people decline the opportunity to speak out against thuggery on building sites, some people do not want to see construction costs contained — and who would they be? Of course they would include the Leader of the Opposition.

That is why we opposed the abolition of the Office of the Australian Building and Construction Commissioner. We warned in our submission to the Senate inquiry into the building and construction industry improvement amendment bill that Labor's policy of abolishing ABCC would hurt Victoria and its economy and do so disproportionately. We warned that the abolition of ABCC would give a green light to further unlawful behaviour, particularly in Victorian industry. We have taken this stand because we face two significant threats: a threat to productivity and a threat to the rule of law in the construction industry.

Sadly, we have seen that over the last weeks yet again in Victoria and on the streets today. You have to say that what has occurred in the last few days on a number of building sites in Victoria has been appalling — a blockade of legitimate building sites and legitimate workers going about their business, supported by the Construction, Forestry, Mining and Energy Union leadership. That has been quite simply appalling. It is time that something was done about it, and our construction industry guidelines go to just that. The extraordinary thing is that the Supreme Court on a number of occasions has found this activity on the building sites, particularly at the Myer site, to be unlawful — illegal.

Guess what the response from some people has been? It has been, 'Let's conciliate about that'. This is not about an enterprise bargaining agreement or an industrial relationship; this is about unlawful activity by people who do not have the construction industry's best interests at heart. We have seen them before, we have seen them this morning and we have seen them in the last few days. Those who have stayed silent about these issues should be ashamed. This threatens our construction industry, and it threatens infrastructure in the future, and I think it is time for the people who were silent to speak up — speak up against this thuggery, speak up against this unlawful behaviour — —

Honourable members interjecting.

The SPEAKER — Order! The member for Monbulk! Enough!

Honourable members interjecting.

Mr BAILLIEU — There they go again, Mr Speaker. Isn't it delightful? They do not care about the construction industry. They only care about their mates — the mates that the Leader of the Opposition stood beside recently and said, 'We'll get rid of these laws; we'll get rid of the code; we'll get rid of the compliance unit'. That is what they stand for.

Vertigan report: public release

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer to the Treasurer's repeated references to the final Vertigan report today and the Treasurer's failure to rule out significant changes to the way government services are delivered in this state, and I simply ask the Premier: will the Premier now finally agree to the public release of the Vertigan report — the full report?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. It does just give us an opportunity to reinforce the Vertigan report's fundamental conclusion that the budget that we inherited from the previous government was quite simply utterly unsustainable.

Ms Campbell interjected.

The SPEAKER — Order! The member for Pascoe Vale! Enough!

Mr Andrews interjected.

Mr BAILLIEU — The Leader of the Opposition just said he knows that. He did not know that when he was in government

Mr Andrews — On a point of order, Speaker, the Premier is debating the question. He was asked very simply: will he make the report, paid for by taxpayers, publicly available? If it is a blueprint, as he would have us believe, then why will he not make it publicly available for all Victorians to examine? That was the question, one which surely deserves an answer.

The SPEAKER — Order! I ask the Premier to come back to answering the question.

Mr BAILLIEU — As I have said many times in the public arena, the Vertigan report is a cabinet document. It has been treated — —

Mr Andrews interjected.

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

Mr Holding interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Lyndhurst

The SPEAKER — Order! I ask the honourable member for Lyndhurst to vacate the chamber for 1 hour. That is enough.

Honourable member for Lyndhurst withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Vertigan report: public release

Questions resumed.

Mr BAILLIEU (Premier) — No decision has been made about that document.

Building industry: industrial relations guidelines

Mr GIDLEY (Mount Waverley) — My question is to the Minister for Finance. Can the minister update the house on the implications for Victoria of recent moves by the federal government to weaken its regulation of the building and construction industry?

Mr CLARK (Minister for Finance) — I thank the member for his question. The recent conduct of the federal government has unfortunately had very serious implications for Victoria. We all know that over many decades Victoria has suffered from intimidation, thuggery and lawlessness on our building and construction sites. As a result of the actions of the previous Howard federal government we went through a period when it stopped for a while so that workers, managers and employers could go about the business of building and constructing projects in Victoria, providing an income for workers and delivering productive capacity for Victorians.

However, as the scenes on the streets of Melbourne this morning have demonstrated, we are very rapidly heading back to the bad old days. That needs to be laid at the feet of the Gillard government, because although in the past the Prime Minister has joined in the condemnation of what she referred to as carloads of balaclava-wearing people inflicting criminal damage to vehicles, threats of physical violence and intimidation and damage to private residences at the time of the West Gate Bridge dispute, she has subsequently acted in a way that has again unleashed violence, intimidation and thuggery on Victoria's streets.

The Gillard government has abolished the Office of the Australian Building and Construction Commissioner, cut the penalties for unlawful conduct on building and construction sites by two-thirds, and the Prime Minister has weakened her own government's construction guidelines in order to allow a return to the unproductive and unlawful work practices of the past. The Victorian government is very concerned about the consequences that we are now seeing in Victoria due to the Gillard government's actions. We cannot afford to have Victorian public or private sector projects priced out of affordability by soaring production costs, as the Premier has repeatedly made clear. Even more importantly we cannot accept the threat to the rule of law which we saw on the streets of Melbourne today. We cannot accept the threats to people's rights to lawfully go about their business or the use of force and violence to stop people moving about freely on our streets.

The Victorian government has done its bit to tackle these problems through the introduction of guidelines, to which the Premier referred, that prohibit sham contracting, prohibit the coercion of subcontractors and prohibit unlawful conduct and conduct that is inconsistent with the freedom of association. We have backed our guidelines with a construction code compliance unit headed by Mr Nigel Hadgkiss, the former deputy commissioner of the Office of the Australian Building and Construction Commissioner, to ensure that those guidelines are respected and complied with. Those guidelines came into operation from 1 July, and they will apply progressively to all firms that tender to undertake Victorian government building and construction work.

The government has made its position very clear. We are committed to uphold the rule of law, and we are committed to do so despite the opposition of those opposite, who have yet to dissociate themselves from the CFMEU (Construction, Forestry, Mining and Energy Union) and who have said on one day they will abolish the construction code compliance unit and yet a few days later have taken that statement down from their website. We cannot afford this equivocation. Lawless thuggery must be condemned and resisted in the strongest possible terms, whatever its source, so Victorians can safely walk the streets, safely go about their business and safely earn an income for themselves and their families without violence, without threats and without intimidation.

FIRE SERVICES PROPERTY LEVY BILL 2012

Introduction and first reading

Mr WELLS (Treasurer) introduced a bill for an act to impose a fire services property levy on all land in Victoria unless specifically exempted, to provide for collection agencies to collect the fire services property levy, to provide for the commissioner of state revenue to receive the fire services property levy and pay it into the Consolidated Fund, to make consequential amendments to the Country Fire Authority Act 1958, the Essential Services Commission Act 2001, the Metropolitan Fire Brigades Act 1958, the Valuation of Land Act 1960 and the Victorian Managed Insurance Authority Act 1996 and for other purposes.

Read first time.

RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012

Introduction and first reading

Mr O'BRIEN (Minister for Energy and Resources) — I move:

That I have leave to bring in a bill for an act to amend the Geothermal Energy Resources Act 2005, the Greenhouse Gas Geological Sequestration Act 2008, the Interpretation of Legislation Act 1984, the Mineral Resources (Sustainable Development) Act 1990, the Offshore Petroleum and Greenhouse Gas Storage Act 2010, the Petroleum Act 1998, the Pipelines Act 2005, the Resources Legislation Amendment Act 2011 and for other purposes.

Ms D'AMBROSIO (Mill Park) — I ask the minister to provide a brief explanation of the bill.

Mr O'BRIEN (Minister for Energy and Resources) — Consistent with the government's intentions to streamline and better regulate the earth resources and extraction sector, this bill provides a number of necessary facilitative amendments to improve the regulation of those areas in Victoria.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 11 to 19 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 6.00 p.m. today.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest* No. 12 of 2012 on:

Criminal Procedure Amendment Bill 2012
Energy Legislation Amendment Bill 2012
Free Presbyterian Church Property Amendment Bill 2012
Primary Industries and Food Legislation Amendment Bill 2012
Residential Tenancies and Other Consumer Acts Amendment Bill 2012
Road Safety and Sentencing Acts Amendment Bill 2012

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General, Office of — Report 2011–12

Crown Land (Reserves) Act 1978:

Orders under s 17B granting licences over:

Alexandra Park and Alexandra Gardens

Camperdown Public Park Reserve

Orders under s 17D granting leases over:

Camperdown Public Park Reserve

Queens Park Reserve

Drugs, Poisons and Controlled Substances Act 1981 — Report 2011 under s 96

Linking Melbourne Authority — Report 2011–12

Parliamentary Salaries and Superannuation Act 1968 — Report 2011–12 under s 7C

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

Brimbank — C131

Campaspe — C88

Corangamite — C32

Greater Bendigo — C129

Greater Geelong — C249

Hobsons Bay — C89

Hume — C142

Macedon Ranges — C71

Melton — C124

Moonee Valley — C106, C110

Stonnington — C165

Warrnambool — C86

Wyndham — C146

Prevention of Cruelty to Animals Act 1986:

Code of Practice for the Welfare of Horses Competing at Bush Race Meetings (Revision 1)

Revocation of the Code of Practice for the Welfare of Horses Competing at Bush Race Meetings

Road Safety Camera Commissioner — Report 2011–12

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 62.

PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012

Introduction and first reading

Received from Council.

Read first time on motion of Mr CLARK (Attorney-General).

ROYAL ASSENT

Messages read advising royal assent to:

17 August

Road Safety and Sentencing Acts Amendment Bill 2012

21 August

Forests Amendment Bill 2012
Residential Tenancies Amendment Bill 2012.

APPROPRIATION MESSAGES

Message read recommending appropriations for Primary Industries and Food Legislation Amendment Bill 2012.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Reference

Mr McINTOSH (Minister for Corrections) — By leave, I move:

That, under section 33 of the Parliamentary Committees Act 2003, an inquiry into matters relating to heritage tourism and ecotourism in Victoria be referred to the Environment and Natural Resources Committee for consideration and report no later than 31 May 2014, with particular reference to:

(a) examining the current scope of ecotourism and heritage tourism in Victoria, including the extent to which the current arrangements maximise the benefits to the local industry;

(b) examining best practice in ecotourism and heritage tourism;

(c) examining the potential for the development of ecotourism and heritage tourism in Victoria;

(d) determining the environmental and heritage issues associated with large-scale tourism; and

(e) determining whether the local industry is sufficiently advanced to manage increased tourism and any obstacles to this.

Motion agreed to.

PARLIAMENTARY COMMITTEES

Reporting dates

Mr McINTOSH (Minister for Corrections) — By leave, I move:

That:

(1) the resolution of the house of 8 December 2011 be amended to extend the reporting date for the Outer Suburban/Interface Services and Development Committee's inquiry into the livability options in outer suburban Melbourne to no later than 14 November 2012; and

(2) the resolution of the house of 26 May 2011 be amended to extend the reporting date for the Environment and Natural Resources Committee's inquiry into the establishment and effectiveness of registered Aboriginal parties to no later than 15 November 2012.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

Mr McINTOSH (Minister for Corrections) — I move:

> That, under standing order 94(2), the orders of the day, government business, relating to the following items be considered and completed by 4.00 p.m. on Thursday, 30 August 2012:
>
> Community Based Sentences (Transfer) Bill 2012
>
> Energy Legislation Amendment Bill 2012.
>
> Evidence Amendment (Journalist Privilege) Bill 2012
>
> Motion in relation to planning amendments nos 119 and C104
>
> Racing Legislation Amendment Bill 2012
>
> Residential Tenancies and Other Consumer Acts Amendment Bill 2012

The government has proposed this program for this sitting week. There will be ample time during the course of the week for all members to make a contribution on the five bills or on the planning motion. The government proposes to call on the planning motion as the first item of government business today and then complete other bills in accordance with the usual schedule.

Ms HENNESSY (Altona) — I rise to express our opposition to the government business program.

Honourable members interjecting.

Ms HENNESSY — I am always pleased to hear the euphonious eruption of excitement when we indicate our opposition to the government business program. It will come as no surprise that the basis upon which we oppose the government business program is this: it is our view that the use of Wednesday afternoons for second-reading speeches by ministers constitutes an abuse of the parliamentary program. The opposition would prefer to be debating bills at that particular point in time.

It is also interesting to read of some revelations in the *Australian* today about what is in the secret Vertigan report. We would much prefer to be debating those sorts of issues.

Mr McIntosh — On a point of order, Speaker, the opposition may have all sorts of views about all sorts of reports that have been made available or otherwise. The most important thing is the government business program, and the member should not stray from that very narrow debate.

The SPEAKER — Order! I uphold the point of order.

Ms HENNESSY — The Vertigan report is the black cat of government reports, but I will heed your warning, Speaker, and confine myself to the matters on the government business program.

We do not take any substantive issues with the individual items on the government business program, but we do make the comment in respect of the Residential Tenancies and Other Consumer Acts Amendment Bill 2012 that this bill has not been the subject of extensive consultation with stakeholders and those particularly affected. The parliamentary program, and particularly the government business program, ought to be a time for us to debate the incredibly important issues that confront the Victorian economy. We see the use of Wednesday afternoons to give second-reading speeches as an abuse of process, and upon that basis we oppose the government business program.

Mr HODGETT (Kilsyth) — I rise to speak in support of the motion moved by the Leader of the House on the government business program and to make a brief contribution to the debate. It comes as no surprise that opposition members consistently continue to oppose the government business program each sitting week. I hope and I trust that when the Parliament is on display in Ballarat next week that opposition members will support the government business program that will be put forward. We might even have a second-reading speech being made in Ballarat to demonstrate to the people of the region how the Parliament operates.

This sitting week we have five bills to get through. As the Leader of the House said, we also have a planning motion to deal with relating to, firstly, the approval of an amendment to the Upper Yarra Valley and Dandenong Ranges regional strategy plan, and secondly, the ratification of amendment C104 to the Cardinia planning scheme. We will have ample time for all members to make contributions to the debate on those bills and to those planning matters before the guillotine at 4.00 p.m. on Thursday. I urge all members to support this week's government business program. It is a solid program, a good program and a balanced program. We will be able to get through it in the interests of time so as to allow debate to commence on the planning motion.

Mr MERLINO (Monbulk) — I join with the manager of opposition business to support our opposition to the motion on the government business program. I will pick up on one pertinent point made by the member for Kilsyth. Opposition members are consistent in opposing the motion on the government business program each week on an issue of substance.

Honourable members interjecting.

Mr MERLINO — We hear the groans and laughs from the government benches, but ours is a point of substance. We meet on Tuesday, Wednesday and Thursday each sitting week, and we have precious time to debate bills and other important matters, yet government members abuse the parliamentary process by using Wednesday afternoons to second read legislation.

Mr McIntosh interjected.

The SPEAKER — Order! The Leader of the House will desist or he will be out.

Mr MERLINO — Consistently for 11 years second readings were done after the guillotine on Thursdays of sitting weeks. The only reason government members are not second reading their bills after the guillotine on Thursday is that it is a long way to Mildura. They like to give members of The Nationals a bit of a head start so they can beat peak-hour traffic on Thursday afternoons, which allows them to get home more quickly. This is a point of substance. Every week we see an example of the abuse of parliamentary process — every week. As the member for Altona rightly pointed out, the example this week is the Residential Tenancies and Other Consumer Acts Amendment Bill. There is an absolute failure on behalf of the government to consult in any way with stakeholders in relation to this particular piece of legislation. In question time today we heard the government's refusal to come clean on its blueprint for government, the Vertigan report. We see this abuse every week, and we will not stand for it.

The SPEAKER — Order! I ask the member for Monbulk to discuss the motion before the house and not to move away from it.

Mr MERLINO — We will not stand for this abuse, and we will be consistent. As the member for Kilsyth said, we will be consistent in opposing the government business program as long as government members continue to second read legislation on Wednesday afternoons.

Mr CRISP (Mildura) — I rise to support the motion moved by the Leader of the House on the government's business program, and I note that opposition members are again opposing it. We get the same speeches from members of the opposition week after week, and we will give them the same speech back. I think the term is 'ditto'. We are not getting anywhere with this. Opposition members should get over it and get on with it.

We are looking forward this week to passing some bills and making contributions to the debates on them. The bills proposed for the government business program are: the Racing Legislation Amendment Bill; the Evidence Amendment (Journalist Privilege) Bill, the debate on which should be interesting; the Community Based Sentences (Transfer) Bill; the Residential Tenancies and Other Consumer Acts Amendment Bill; and the Energy Legislation Amendment Bill. I am looking forward to making a contribution to the debate on the energy bill, and I know that the member for Gippsland East is looking forward to the debate on the Racing Legislation Amendment Bill because racing is one of his passions.

However, returning to the debate on the motion for the government business program, I seem to recall that the former member for Thomastown, Peter Batchelor, did as he wished with this house when those opposite were in government, so the word 'hypocrisy' rolls off my lips at this stage. I also remind the member for Monbulk that The Nationals are here until the end of the adjournment debate each sitting day. If you want to commit suicide in this place, try standing in the car park at 4.10 p.m. and you will get run down by members of the opposition fleeing this place long before an adjournment debate is over. Let us get on with the debate. I support the motion on the government business program.

Mr NARDELLA (Melton) — I oppose the motion on the government business program, and I will respond to a couple of the issues that have been raised in this debate. My understanding is that Parliament is about democracy and debate; it is about putting the views of our residents and constituents on important issues of the day on the record, whether they be about bills, about reports or about other issues of the day. Those opposite want to talk about hypocrisy. When we were in government the arrangement was that it was only with agreement — that is, one side talking to the other side — that we allowed situations where second readings were made during debating time. Only when we had the agreement of the opposition did ministers use debating time to make second-reading speeches. Speaker, you will recall that being in here after

4.00 p.m. on the Thursday of a sitting week listening to second-reading speeches nearly drove members of The Nationals crazy because they could not shoot off. The member for Mildura talked about rushing from this place when we were in office; you should have seen the rush by The Nationals trying to get to their cars to go home, because they wanted to leave this place as quickly as they could. If we want to talk about hypocrisy, all we need do is look at the members on the other side of the house.

I want to talk about democracy. My role as a parliamentarian is extremely important to me, because it means I can get up here and debate issues about the things that are important to my constituents. As members know, it is a bit anachronistic that second-reading speeches are read aloud and that members cannot debate or interject. As anyone who has been to the UK Parliament would know, in that Parliament debate can commence during the delivery of second-reading speeches. In Victoria members of Parliament cannot enter into a debate while a second-reading speech is being read; all we can do is sit and read the speech as the minister reads it aloud, which is not debate, and that is not what I am here for. I do not represent my constituents by listening to a minister drone on minute after minute, hour after hour when making a second-reading speech. Debate should be about me and other members on both sides of the house getting up and talking about matters and issues that are important to us and to our constituents.

Let me put this germ of an idea to the government. If it so critical that government members read second-reading speeches aloud and government members want to take debating time away from opposition members and come into the 21st century, then the government should consider tabling second-reading speeches. I know it is revolutionary — so revolutionary that other Parliaments throughout the world are doing just that. In other parliaments second-reading speeches are tabled, but we need to understand the history of this procedure. In many decades and centuries gone by many parliamentarians could not read. They came into this house and into other houses of Parliament, and the ministers read the bills and the second-reading speeches aloud. That is the history of it. Government members could introduce a sessional order that second-reading speeches be tabled. These days members on all sides of the house can read, and if they have any difficulties, then assistance is given to them so they can understand them. That is the way to go. The government should not take away our democratic right and our parliamentary duty to debate bills during the course of a sitting week of the Parliament when there is limited time available for debate.

House divided on motion:

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Napthine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

Noes, 42

Andrews, Mr	Howard, Mr
Barker, Ms	Hutchins, Ms
Beattie, Ms	Kairouz, Ms
Brooks, Mr	Kanis, Ms
Campbell, Ms	Knight, Ms
Carbines, Mr	Languiller, Mr
Carroll, Mr	Lim, Mr
D'Ambrosio, Ms	McGuire, Mr
Donnellan, Mr	Madden, Mr
Duncan, Ms	Merlino, Mr
Edwards, Ms	Nardella, Mr
Eren, Mr	Neville, Ms
Foley, Mr	Noonan, Mr
Garrett, Ms	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Holding, Mr	Wynne, Mr

Motion agreed to.

MEMBERS STATEMENTS

Link Centre: funding

Ms HENNESSY (Altona) — I speak today about the funding crisis being faced by the Link Centre in Laverton, which is a service that provides alternative education in an alternative setting. I have previously raised this matter with the Minister for Education.

The Link Centre is an education facility which provides a specialised and highly individualised curriculum for students who have fallen out of mainstream education. Students who attend the centre are particularly vulnerable young people, many of whom have extremely confronting life stories that in part explain why they have been displaced from mainstream education. This alternative form of education is incredibly important for these young people and is proving successful in re-engaging them in life and mainstream education or employment.

The centre's success is leading to huge demand, which cannot currently be catered for, and hundreds of students being turned away. The Pratt Foundation, together with a range of supporters, has been a generous contributor to the Link Centre for some years. To date it has been known as the Visy Cares Link Centre, but from next year the Pratt Foundation will no longer continue to fund the centre and funding will cease.

Whilst I commend the Pratt Foundation for its long-term support, it is imperative that another source of funding be found as soon as possible. I urge the Minister for Education and his department to work with the Link Centre to ensure its ongoing survival and to support this very important service that delivers to young people in the west.

Victoria Tourism Week

Ms ASHER (Minister for Tourism and Major Events) — I would like to notify the house that next week, from 3 to 8 September, is Victoria Tourism Week, which is now in its third year. It is an initiative of the Victorian Tourism Industry Council and Destination Melbourne.

I would also like to advise the house of the latest state tourism satellite accounts 2010–11, released on 27 July 2012, which show the growing significance of this industry. Tourism now contributes directly and indirectly $15.9 billion, or 5 per cent, of Victoria's gross state product, and that is a significant contribution. The industry now employs 204 000 people across the state. It is an extremely important industry.

The celebrations during Victoria Tourism Week, which I hope is supported by members on both sides of this chamber, will include a range of activities that will bring together representatives of the tourism industry. There will be a range of forums and workshops held for stakeholders. Ways to improve the quality of the visitor experience will be highlighted, and that is a very important challenge for tourism at the moment. Career opportunities will be highlighted, and there are many of them. The week will help the community to understand the social and economic contribution that the tourism industry generates. One of the great challenges for the tourism industry is to make people understand its value. This industry is not just about having a holiday; it has a value for the economy of Victoria.

Northcote Park Football Club: achievements

Ms RICHARDSON (Northcote) — Last Sunday I joined in the end-of-year celebrations for Northcote Park Football Club, the Cougars. The club enjoyed its most successful year, with five out of its seven teams securing grand final berths. Two teams, the under-11s coached by Millie Anag and the under-14s coached by Sam Stapleton, secured grand final wins. With the under-10s, under-13s and under-15s in the grand finals and excellent seasons for the under-12s and under-16s, we had much to celebrate last Sunday.

To put this success in perspective, only one other club in the junior league competition had more teams in grand finals. However, while that club, South Morang Football Club, has a total of 20 teams competing for flags, the Cougars have just seven teams. The reason for the Cougars' success is simple: the club's members, supporters, coaches and office-holders all contribute significant amounts of time and effort to give the players the best chance of doing their very best, and that is precisely what they did. Congratulations to everyone at the club.

Darebin Women's Sports Club: Falcons

Ms RICHARDSON — On another matter, it pains me to pass on my commiserations to Darebin Women's Sports Club's Falcons and my congratulations to Diamond Creek Football Club on its grand final win. The Falcons were chasing their sixth flag in seven years, so I guess we are simply giving the other teams some hope. I say to the member for Yan Yean that there is always next year. I look forward to seeing the Falcons get up in 2013.

Roads: Mooroolbark

Mr HODGETT (Kilsyth) — I rise to update the house on two roads projects that are nearing completion in my electorate of Kilsyth. The new traffic lights at the intersection of Hull Road, Cardigan Road and Brice Avenue in Mooroolbark are near completion. In November 2010 the coalition pledged to install traffic and pedestrian lights at this trouble spot in Mooroolbark. We promised the funding to build traffic

and pedestrian lights at this dangerous intersection, and I was proud to make that announcement at the time. The upgrade of this busy intersection was ignored and neglected by the previous Labor government for 11 years, because it did not care about the local residents in Mooroolbark who use these busy roads. This has been a dangerous intersection for a long time, and local motorists know the frustration of trying to get out of Brice Avenue or Cardigan Road at peak times.

The Baillieu government is delivering the new traffic lights, which will reduce driver frustration and increase both driver and pedestrian safety. The lights are also linked to the Mooroolbark Country Fire Authority so that in an emergency the intersection can be locked down to allow emergency vehicles speedy egress from the Mooroolbark fire station.

The second local project nearing completion is the brand-new pedestrian crossing at the five-ways roundabout in Mooroolbark. The crossing and lights have been constructed and will address a huge safety concern at the roundabout in Mooroolbark. Both of these are important local projects that will be of huge benefit to local residents who use these roads in Mooroolbark.

The funding of these local road projects, along with several other announcements I have made in relation to roads in my electorate, shows the coalition's commitment to ensuring that urgent road upgrades in the local area are completed, resulting in safer roads and less congestion.

Sri Durga Temple

Mr DONNELLAN (Narre Warren North) — On Saturday night last week I was fortunate to attend the blessing of the Sri Durga Temple in Rockbank. Thousands of people from the Hindu and other communities attended this blessing. I want to say how impressed I was with the efforts of members of the Hindu community to ensure that the event was an enormous success. Many people had worked for 24 hours straight preparing the temple, decorating, cooking and the like. I met with solicitors, cooking teachers and engineers who acted as parking attendants all night. The enthusiasm of the community was not dampened by the rain or wind on the night.

The temple is an impressive structure with an enormous skylight that will drown the temple in light. I believe some $5 million has been raised to date by the Hindu community, and another $3 million is still to be raised. I want to thank Hari Julka, the secretary of temple, for the warm and generous welcome I was given. I also thank Manoj Kumar for arranging my visit.

On the night an issue was raised with me regarding the temple, and I believe it requires ventilation. I understand that a member of Parliament told representatives of the temple that the government would deliver a bus stop near the temple. I understand that the Minister for Multicultural Affairs and Citizenship has indicated that the request has been tied up at the Department of Transport. I encourage the minister to 'untie' this request. I understand how difficult it is currently to have any changes made to bus routes, but I urge the minister to work hard for this important temple in Rockbank.

Strathewen public hall: opening

Ms McLEISH (Seymour) — It is often the way that strength and inspiration comes out of adversity. The small community of Strathewen is certainly not an exception to this rule. Following the devastation of Black Saturday, the community very quickly formed the Strathewen Community Renewal Association and worked to rebuild the community physically and emotionally. The community rallied, sharing weekly meals and working on art and other projects, a key project being the replacement of the charming 100-year-old hall that was lost in the fires.

Last week it was my pleasure to attend the opening of the new hall. It is a modern building that retains a sense of history. It includes characteristics of the original hall such as a small stained glass window, a steep gable roof and much timber. A key element of the project funded by the Victorian Bushfire Appeal Fund, together with a number of partner organisations, was that responsibility for it was assumed by the community through the Strathewen public hall association. Drawing on considerable expertise that existed locally, the project was an outstanding success.

There are many in the community who should be acknowledged and recognised for this project, in particular the president of the renewal association, Malcolm Hackett, who is eloquent, energised and a strong leader. Members of the public hall association who were also key to this project include George Apted, Karl Apted, Kerry Uden and David Brown. Members of the hall committee were also key, including Karl Apted, Eric South, Diana Roberston, Kathy Brown, Vicki Mitchell and David Mitchell.

I also want to mention the generous donation by Malcolm Hackett and Diana Robertson of a parcel of land that helped the hall meet current planning

requirements, which have changed significantly over the century. Congratulations on a great job.

Casey Multi-Faith Network: Voice of Faith

Ms GRALEY (Narre Warren South) — I would like to congratulate the Casey Multi-Faith Network (CMFN) on the first anniversary of its radio program *Voice of Faith*. The program hit the airwaves for the very first time on 7 August last year and has been a resounding success. The program gives listeners a chance to learn about the different religions within our community and features Buddhist, Hindu, Muslim, Christian and Sikh shows. Each week a different faith takes centre stage, and you can expect to hear fascinating discussions, special guest speakers and traditional music.

The radio program was first proposed by a really beautiful person, Gamini Fonseka, the former president of Casey Multi-Faith Network and the current program coordinator. Gamini's goal was to educate the wider community and create a platform for discussion of the various faiths that make up our wonderful multicultural society. Working with the inspiring Pam Mamouney, the president of Casey Multi-Faith Network, representatives of each faith, the City of Casey and Casey Radio, I feel that Gamini and his team have most definitely achieved their goal.

Special mention must also be made of their regular presenters, all of whom are enthusiastic local volunteers. They include Andrew Williams, Jim Reiher, Nallaratnam Sivarasa, Avatar Singh, Javed and of course Gamini and Pam. Andrew composed a theme song for the CMFN to celebrate the unity between the different faiths in the group. The song is called *One People*, and it is played at the beginning of each radio program.

I congratulate all participants on such a fine job, and I thank them for sharing their wisdom, compassion and faith. As Avatar said, 'If we cannot see God in all, we cannot see God at all'. I hope *Voice of Faith* will remain on the air for many years to come.

Tim Fischer: Mildura visit

Mr CRISP (Mildura) — The Honourable Tim Fischer visited Mildura last week and made time in his busy itinerary to familiarise himself with the changes that have occurred to rail freight while he has been Ambassador to the Holy See. Mr Fischer visited Wakefields Ironhorse to inspect and discuss the grain, mineral sand and cotton containerisation that occurs at Merbein, in addition to the citrus, table grape and wine operations. Mr Fischer had discussions with Mr Ken Wakefield over various aspects of the current rail freight operation. He also spent some time with the Mildura Passenger Train Action Group discussing issues related to passenger services and the importance of a successful rail freight line to advance the group's cause. Mr Fischer showed keen interest in the return of dried fruit processing to Merbein during an impromptu factory visit to the Murray River Organics processing and packing plant.

Sunraysia Education Forum: public meeting

Mr CRISP — The Sunraysia Education Forum held a public meeting on Wednesday, 22 August, to discuss expanding educational opportunities in the Sunraysia region. Speakers included Emeritus Professor Tony Vinson, who spoke on the links between educational deprivation and social disadvantage. The meeting then heard from two local students who spoke of the opportunities that education had given them. Bob Walton, a former primary school principal and educator, spoke on his observations about the opportunities offered by education over his extensive career. I encouraged this group to continue to prepare its submission, which I eagerly await.

Well done to the organising committee of Richard Wood, chairperson, Vernon Knight, Bob Walton, Jill Joslyn, Fiona Harley, Luke Guthrie, Ross Lake, Marion McDonald, Sharyon Peart, Win Scott and Anne Mansell.

Smoking: regulation

Mr NOONAN (Williamstown) — The decision by the High Court earlier this month to uphold the federal Labor Government's world-first plain packaging tobacco laws is both a triumph of public health policy and a win for thousands of Australians who have lost someone to a smoking-related illness. According to the Victorian tobacco control strategy 2008–13, smoking costs approximately 4000 lives and $5 billion each year. Unfortunately, smoking rates are disproportionately higher in many socially disadvantaged communities, causing ill health, premature death and hardship among people who can least afford it. Initiatives such as blanket advertising bans, graphic images on packaging, Quit campaigns and restrictions on where cigarettes can be smoked have all helped to maintain the position of Victoria and Australia among the global tobacco control leaders and to reduce smoking rates across the population.

Quitting is clearly more easily said than done, as is evidenced by the actions of the Liberal Party, which

continues to accept big donations from big tobacco. The Liberal Party is addicted and clearly lacks a moral compass. The coalition has accepted almost $3 million from Philip Morris and British American Tobacco since 1998. Over the last five years the Victorian division of the Liberal Party has pocketed substantial donations from big tobacco companies, including most recently a $12 000 donation from British American Tobacco in 2010–11. If the Premier cared, he would follow the lead of the Premier of Western Australia, Colin Barnett, and would put a stop to tobacco donations. However, he does not care, and he will happily continue to accept these donations.

Beaconhills College: resilience program

Mr BATTIN (Gembrook) — I rise today to congratulate Beaconhills College and its grades 3 and 4 students. Beaconhills College runs a wonderful program on building resilience to make sure those kids are prepared for what they will encounter later in life. I want to pass on my congratulations to a few of the students who participated in a recent public speaking competition: Deeptha Muralee, Joel Whitcher, Bryan Pabst, Paris Blacker, Alicia Scalzo, Saahithiya Ventham, Samantha Craig, Abbey Roxburgh, Celeste Stephen, Tess Bayley, Rebecca Sibley, Ciaran Quinn and Jack Carroll. My favourite speaker of the day was my own daughter, Mikaela Battin.

One of the highlights of the day was a student's presentation of his invention of a rocket, boat and driving machine, which is something we should see more of around Australia. Another invention by one of the young entrepreneurs was a fantastic idea that those opposite should have listened to, which was a solution for producing water during droughts. This was not a major desalination plant; the young man provided a very scientific explanation of how to make water using hydrogen.

An honourable member interjected.

Mr BATTIN — It was not by rain, as the Minister for Multicultural Affairs and Citizenship, who is at the table, claims, but by using hydrogen. I will not even try to explain what some of the kids described, but I want to congratulate them on the outstanding achievement of getting up and speaking in front of 150-plus people while in grade 3 or 4 and on producing fantastic speeches.

Sale Specialist School: funding

Mr BROOKS (Bundoora) — It is not often that the federal coalition has anything useful to say, but I was heartened to see the federal member for Gippsland, Darren Chester, reported in the House of Representatives as having raised the need for Sale Specialist School to receive funding for its redevelopment on a new site. This must be extremely embarrassing for the Deputy Premier, who as the local member of Parliament for this area has been as quiet as a mouse on this issue. Despite the 77 students with special needs being cramped into a school that was originally built for many fewer students, the Deputy Premier has not raised the school's plight in Parliament for many years. Despite his electorate office being located a few hundred metres away, he had not even visited the school when I went there last month. Despite the pleas from the local community for better facilities, the Deputy Premier did not even get the school's upgrade into the coalition's meagre list of capital promises at the last election.

The Sale Specialist School was part of Labor's Victorian schools plan, and it was in line to be redeveloped on an appropriate site. Maybe the Deputy Premier should explain to the Sale community why he supported the scrapping of that plan, or how the Department of Education and Early Childhood Development is going to purchase a new site if the government has not allocated any funding for that in this year's budget. Members of the local community must be wondering why this government has allocated a million dollars to fund a drawing competition for Flinders Street station, which will probably be won by a trendy, city-based architectural firm, or has funded the search for the big cat, ahead of the needs of the kids at Sale Specialist School. Maybe the Deputy Premier's government colleagues are right and the Deputy Premier has too much on his plate to be able to do his job properly. Certainly there are those in his electorate who feel let down, as was highlighted by Mr Chester.

Cancer Council Victoria: Traralgon branch fundraising

Mr NORTHE (Morwell) — I wish to commend the Traralgon branch of Cancer Council Victoria for its fundraising efforts in support of Daffodil Day, which assists with cancer research, patient support programs and cancer prevention programs. A high tea fundraising event was held at the Traralgon Premiere Function Centre, with close to 370 guests in attendance. In addition some 40 volunteers were on hand and in excess of $16 000 was raised on the day. This was an extraordinary performance by the local branch. The president, Yvonne Jones, and subcommittee members Val Kennedy, Sally Wilson, Mariana Pearse, Kay Jones, Trixi Grubb and Val Marcus, along with the

generous sponsors who supported such a worthy cause, are to be commended.

Latrobe Valley Prostate Support Group

Mr NORTHE — I also wish to make mention of the Latrobe Valley Prostate Support Group and its ongoing work in the Gippsland community. Formed in March 2011, the group is raising awareness of prostate health during September as part of International Prostate Cancer Awareness Month. Well done to secretary Colin Bermingharn and his loyal team for highlighting the need for men to undertake prostate health checks and at the same time raising funds to support the Prostate Cancer Foundation of Australia.

Latrobe Valley Eisteddfod

Mr NORTHE — I acknowledge Marie Moulton, president of the Latrobe Valley Eisteddfod, and her committee for their efforts in convening the 57th eisteddfod, which is currently under way in Traralgon. This long-running event allows community members of all ages to participate in a cross-section of performances, and the committee should be applauded for its incredible contribution.

Road safety: Craigieburn

Ms BEATTIE (Yuroke) — My electorate of Yuroke contains the bustling suburb of Craigieburn, which has experienced rapid growth over the past 10 years. Young couples have flocked to the area to start new families and have enjoyed the convenience of the 2007 electrification of the Craigieburn train line, a proud initiative of the Bracks and Brumby Labor governments. With this growth, however, has come additional road congestion. Craigieburn Road, which runs east–west from Mickleham Road through to the Hume Highway, has become so congested that it is in dire need of additional funding for duplication. Hanson Road, which runs north–south off Craigieburn Road, has also experienced an extremely large increase in traffic, and the intersection is in urgent need of signalisation.

I have asked the minister to come out to the electorate, but apparently his schedule does not allow that. I ask him to immediately commit to upgrading the road. The roads are simply not able to deal with the increased traffic volume and as a result are constantly congested. Any attempt to cross at the Hanson Road intersection is like playing Russian roulette. I have seen several incidents at this site, and my office is constantly informed of accidents there. I plead with the minister to commit to the urgent funding required to make this road safe again, and I extend the invitation for him to come out and pay us a visit.

Ferntree Gully Nissan: community raffle

Mr WAKELING (Ferntree Gully) — Congratulations to Craig Pearce and the team at Ferntree Gully Nissan on another successful community raffle. Over $130 000 was raised, which will benefit 88 community groups throughout Knox and surrounding suburbs.

Planning: Ferntree Gully development

Mr WAKELING — Many residents and traders have raised concerns regarding planning issues in the Ferntree Gully village. As a consequence, I was pleased to facilitate a meeting with residents, traders, Knox City Council and the office of the Minister for Planning. It was identified that Knox council could apply for an interim height control to be established for the village. The community now awaits the council's response to its concerns.

Ferntree Gully Eagles Junior Football Club: all-abilities team

Mr WAKELING — I congratulate the Ferntree Gully Eagles Junior Football Club all-abilities team on its amazing achievement in its inaugural season. Being undefeated all year, the team finished on top of the ladder and then proceeded to win the 2012 grand final on Sunday, 19 August. Congratulations to the players and also to their support team on an exceptional first year of competition.

Boronia Bowls Club: season opening

Mr WAKELING — I was honoured to be asked to officially open the 2013 bowling season at Boronia Bowls Club. I wish the club a successful season and congratulate its newly elected life member, Maisie Dodds. Maisie has been a constant friendly and helpful face to all club members, having worked behind the club bar for over 17 years.

Ferntree Gully Bowls Club: season opening

Mr WAKELING — I was pleased to participate in the official opening of the new season at the Ferntree Gully Bowls Club. I would also like to congratulate the club's newly elected life member, Janet Dick.

Harvey Wood

Mr WAKELING — I take this opportunity to congratulate Harvey Wood on 50 years of service in

education. As principal of Fairhills High School, he has been an outstanding leader in the Knox community.

Rowville Netball Club: presentation day

Mr WAKELING — The Rowville Netball Club has had another successful presentation day to cap off another successful year. Congratulations to Jackie Dean, Grant Atkinson and Phil Morris.

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

Diamond Creek East Primary School: concert

Ms GREEN (Yan Yean) — Last week I had the privilege of attending a fantastic concert put on by Diamond Creek East Primary School. The concert was called Rocking All over the World and was directed by Julie McCredden. Students took the audience on a whirlwind musical cruise on the *Diamond Princess*, with Captain Rostolis at the helm. The concert opened with the band Smash Hits with Nick Currie and others in the lead and there were too many highlights to mention. The students' English-as-a-second-language skills in Auslan came to the fore, especially in the Paris item, performed by the Marcel Marceaus, and the closing, with *I Still Call Australia Home* sung and signed by the whole cast, was a truly memorable event.

Country Fire Authority: Wollert brigade

Ms GREEN — I congratulate the Wollert fire brigade on its 70 years of dedicated service to the district and indeed to the state of Victoria, and at no more important a time than during those terrible days of the Black Saturday fires and beyond. This brigade has served the community well and is well led by Captain Malcolm Campbell. Sadly, the brigade lost a member in the course of firefighting duties, and the anniversary was an opportunity to remember the contribution that firefighter Popple made to the brigade and to the Victorian community.

Sandy Brock

Ms GREEN — On a sad note I note the passing of a great in the Doreen and Diamond Valley community — that is, Sandy Brock. Sandy was a Liberal Party supporter, but he was a great friend to me. He made a great contribution to all sorts of local organisations, including the Doreen fire brigade, the Arthurs Creek District Landcare Group and the Mernda Football Club. He will be sadly missed.

Jean Mrozik

Mr THOMPSON (Sandringham) — I pay tribute to the life of Jean Mrozik, an art and English teacher, secondary school principal and co-founder of the Southern Mental Health Association, now known as Lantern. Lantern is a community-based organisation providing quality service to those affected by mental illness, including users, carers, friends, family and members of the community.

Alan Goble

Mr THOMPSON — I pay tribute to the lifelong work of Dr Alan Goble, director of cardiology at the Austin Hospital from 1975 to 1990 and foundation chairman of the Heart Research Centre, who died last month. Alan will be remembered as a fine leader, clinician, teacher, academic, mentor and friend to many. He made significant contributions to cardiology, especially in cardiac rehabilitation and secondary prevention in Australia, as well as internationally, including contributions to the World Health Organisation.

Ted Silbereisen

Mr THOMPSON — I place on the record the recent passing of a Sandringham electorate constituent, Ted Silbereisen. He was the sail maker for *Australia II* and contributed to Australia's successful America's Cup victory at Rhode Island in 1983. Along with many Australian, Victorian and Sandringham yachting identities, John Bertrand attended his funeral.

Friends of Mentone Station and Gardens

Mr THOMPSON — I wish to congratulate the members of Friends of Mentone Station and Gardens for their ongoing hard work and contribution to the amenity at the Mentone station precinct. Over the last 12 months the friends have had many achievements, including the lighting in the area, the painting of the pit wall of the station to remove graffiti, a new lighting treatment in the station gardens and having three local secondary schools working on new murals for the entrance wall, which is forthcoming.

Sherbourne Primary School: principal for a day

Mr HERBERT (Eltham) — I rise to speak on the fantastic experience I had last week spending a day at Sherbourne Primary School as part of the principal for a day program. I thank and commend the real principal, Ray Kaso, and school captains, students and staff, not

just for their invaluable assistance on the day but also for their enthusiasm about education at Sherbourne. At 3.30 p.m. I left the school a much smarter and more knowledgeable person. Principal for a day is an excellent program that allows community leaders and decision-makers to experience the life of a school on a typical day. On this day I toured the school, viewed the facilities, attended classes and met with students, staff, parents and the bright young people on the junior school council.

I have always believed that one of the greatest strengths in the Eltham area is the quality of education that the local schools provide, and Sherbourne Primary School is a prime example of this, providing educational excellence within a healthy and vibrant school community. I was also impressed by the strong sense of community at the school, which was evident when I spoke to parents about their involvement in the school and their enthusiasm for providing opportunities for learning that go well beyond the core curriculum.

This is my 10th year of involvement with the principal for a day program, which is now organised by the Australian Council for Educational Research in partnership with the education department. It was introduced in Victoria in 2001 and has grown in popularity ever since. Despite the recent government funding cuts to the Department of Education and Early Childhood Development, I hope this program will continue into the future.

Benalla: Bridges Out of Poverty forum

Dr SYKES (Benalla) — Last Thursday I attended the Bridges out of Poverty forum at Benalla, which was attended by over 110 people. The key speaker, Marie McLeod, provided many useful insights into how to better communicate with and help people who are experiencing poverty. This forum is part of the Advancing Country Towns project that is being well coordinated by Judy Jeffrey. Other components of this project include the Fair Start program, which is already making progress in providing our very young children with mental and physical stimulation to provide a sound basis for and interest in future education. Well done to Judy and all involved.

Falls Creek: Kangaroo Hoppet

Dr SYKES — On Saturday I joined over 1000 competitors and hundreds of spectators at the Kangaroo Hoppet cross-country skiing event at Falls Creek. Competitors came from 27 countries to compete in the main 42-kilometre event, which is part of a world circuit for cross-country skiing. There were also many international, interstate and local entrants in the 21-kilometre Birkebeiner race and the 7-kilometre joey race. Conditions were nearly ideal after a very wintry few days. Light snow fell during the day, adding to nearly 2 metres of excellent snow cover. Members of the Russian cross-country ski team completely dominated the Hoppet, taking first, second and third places. The success of this event is a credit to the many volunteers led by Allan Marsland and to the generous sponsorship of AGL, the Falls Creek Resort Management Board, Alpine Shire Council, Enervit, 2XU, Elgas, Ocean Spray and Tourism Victoria.

Chinese Community Council of Australia: national conference

Mr LIM (Clayton) — The Chinese Community Council of Australia held its second national conference on 18 and 19 August at the Victoria University's city campus in Melbourne. Senator Kate Lundy, the Minister for Multicultural Affairs, officially opened the Moving On conference on behalf of the Prime Minister in the presence of a capacity audience of 200 attendees. There was coverage by the ABC, SBS, Radio Australia and many Chinese-Australian media groups. The President of the Legislative Council, Bruce Atkinson, and Amanda Paxton, the state director of the Department of Immigration and Citizenship, also gave their blessings to the conference.

The two-day conference was led by distinguished speakers Professor Marilyn Lake; Dr Alison Broinowski; Professor Chan Kwok-bun from Macau; Dr Nakanishi from the United States; Dr John Yu, a former Australian of the Year; Katrina Fong Lim, the new Lord Mayor of Darwin; Ms Marion Lau; Dr Chan Cheah; and other scholars and community leaders from around the country and overseas.

The conference dinner featured an inspiring speech from Dr Craig Emerson, the Minister for Trade and Competitiveness, on the Australia-China bilateral trade and economic relationship to a fully packed hall. The organisers had to turn away some last-minute registrations. The conference presented and discussed viewpoints on the community's settlement experiences, pains and successes, on civil rights movements of Chinese communities overseas and on cultural philosophies of foreign land settlement, and ideas for moving forward.

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

Bittern: shopping centre opening

Mr BURGESS (Hastings) — On 29 July I had the great pleasure of officially opening the new Bittern Fields shopping centre in Bittern. It is a multimillion-dollar investment and a sign of a developing and growing community, indicating a strong vote of confidence in Bittern's future. The presence of the new shops and amenities in Bittern will also be of great convenience to the local residents. The centre features a supermarket, a general store, a pharmacy, a post office, a hairdresser, takeaway food outlets, a cafe, a bakery and other specialty stores.

The new shopping facility will provide employment opportunities and therefore a boost to the local economy. Small business is the driver of our economy, and the presence of additional small businesses is a great benefit for the Bittern community. Bittern Fields is another great asset of Bittern and the Western Port region.

David Hurley

Mr BURGESS — I would like to thank the Peninsula City Church for the opportunity earlier this month to hear their guest speaker, General David Hurley, Chief of the Australian Defence Force. It was a privilege and honour to hear a distinguished Australian and a high-profile member of our community speak of his role and life in our defence force and the benefits of having God in his life.

Hastings-Western Port Historical Society: annual general meeting

Mr BURGESS — Last Sunday I had the enormous privilege of being the guest speaker at the Hastings-Western Port Historical Society's annual general meeting. The Hastings-Western Port Historical Society was founded in 1973, and its mission statement records the organisation's dedication to promoting, preserving and enhancing the cultural and environmental heritage of Hastings and the surrounding areas of Western Port.

The SPEAKER — Order! The time set aside for members statements has concluded.

PLANNING: AMENDMENTS 119 AND C104

Mr CLARK (Attorney-General) — I move:

That —

(1) under section 46D(1)(c) of the Planning and Environment Act 1987, amendment 119 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan be approved; and

(2) under section 46AH of the Planning and Environment Act 1987, amendment C104 to the Cardinia planning scheme be ratified.

This motion does two things. It proposes, firstly, to approve amendment 119 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan, and secondly, to ratify amendment C104 to the Cardinia planning scheme. Both these amendments are straightforward, and I seek the house's support for them.

Amendment 119 removes inconsistencies between the regional strategy plan and the planning scheme exemptions for bushfire protection introduced by amendment VC83 to the Victorian planning provisions so that an amendment to the Yarra Ranges planning scheme can be approved to give effect to the exemptions in that scheme. Amendment VC83 made changes to the Victoria planning provisions and all planning schemes in Victoria to introduce new planning scheme provisions for bushfire protection in response to recommendations 39, 41 and 52 of the 2009 Victorian Bushfires Royal Commission.

Amongst other things, amendment VC83 introduced clause 52.48 on bushfire protection exemptions to consolidate and update planning permit exemptions for bushfire protection. This includes the 10/30 rule and 10/50 rule permit exemptions for vegetation removal. It also introduced a new permit exemption to enable vegetation to be removed, destroyed or lopped to reduce fuel loads on roadsides without a planning permit, subject to the written agreement of the Secretary of the Department of Sustainability and Environment.

However, clause 53.01 of the Yarra Ranges planning scheme provides that if there is an inconsistency between any provision in the schedule to clause 53.01 and any other clause or provision of the planning scheme, the requirements of the schedule prevail. The provisions of the schedule do not align with the exemptions in clause 52.48. This inconsistency means that the clause 52.48 exemptions do not operate in the Yarra Ranges planning scheme. Under clause 53.01-1, a planning permit is required to remove, destroy or lop any vegetation unless the schedule to clause 53.01 specifically states that a permit is not required. There is no equivalent exemption from this permit requirement to the roadside vegetation permit exemption introduced by amendment VC83.

As many members will be aware, the shire of Yarra Ranges is recognised as an area of high bushfire risk. The region has experienced a number of large fires, including the February 2009 Black Saturday fires, the January 1997 Dandenong Ranges fires, the February 1983 Ash Wednesday fires and the January 1939 Black Friday fires.

As a result of this high risk, it is particularly desirable to avoid further delays to the introduction of the amendments necessary to enable people to efficiently respond to the risk of bushfires by taking advantage of the availability of planning scheme exemptions already available to other Victorians. The amendments facilitated through this process have the added benefit of increasing community resilience to bushfire, and they will ensure statewide operation of the exemptions. The planning scheme exemptions for bushfire protection have been in operation in all other planning schemes since November 2011 and have been extensively publicised.

Amendment VC83 gave effect in the Victorian planning provisions and planning schemes to key royal commission recommendations relating to the planning and building system in Victoria. Amendment 119 will enable the Yarra Ranges planning scheme to be amended so that landowners, land managers and residents can take reasonable steps to assist with making their properties and their community fire ready without the burden of applying for a permit. The government has committed to providing a consistent planning framework for bushfire protection across the state. Amendment 119 will enable changes to be made to the Yarra Ranges planning scheme to give effect to the intended statewide operation of the new bushfire protection provisions introduced by amendment VC83.

While the regional strategy plan provides for the protection of vegetation for its environmental, landscape, character and amenity value, it also recognises the need to balance this policy against the need for management for fire protection purposes. Amendment 119 will assist to strengthen community resilience to bushfires. This supports state planning policy objectives. If amendment 119 is approved by both houses of Parliament in accordance with section 46D(1)(c) of the act, amending the Yarra Ranges planning scheme will enable the exemptions to operate in that scheme.

The second amendment referred to in the motion is Cardinia amendment C104. This amendment will provide for limited growth of the Maryknoll township and provide the opportunity to remove a long-established broiler farm within the township. The land involved is some 26.5 hectares in size and currently consists of three lots. The amendment is consistent with the Maryknoll township policy. It is also consistent with Cardinia council's own municipal strategic statement.

The amendment was authorised for exhibition on 16 February 2010 by the then state government. It was exhibited by the Cardinia Shire Council from 3 February 2011 to 7 March 2011. Submissions were considered by an independent planning panel in August 2011. Council followed the panel's recommendations and adopted the amendment on 17 October 2011.

The amendment requires ratification by Parliament under section 46AG(1) of the Planning and Environment Act 1987 as it has the effect of altering or removing controls over the subdivision of any green wedge land to allow the land to be subdivided into more lots or into smaller lots than are allowed for in the planning scheme. The amendment allows for the subdivision of smaller lots that are currently not allowed for under the provisions of the special use zone.

Cardinia Shire Council should be commended for moving forward with this common-sense amendment. I seek the support of the house for the ratification of this amendment and for the approval of amendment 119 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan.

Mr WYNNE (Richmond) — I rise to make an initial contribution on behalf of the opposition and to indicate that it does not oppose either of these planning amendments. However, in doing so it is important that we recognise that where a planning scheme amendment impacts upon a green wedge area it is appropriate that the Parliament have the opportunity to scrutinise such incursions.

As you might recall, Speaker, you were in the house when I opened debate on behalf of the opposition in relation to a very significant intervention by the government into the green wedge via a planning scheme amendment. As I recall, somewhere in the order of 4000 hectares was to be annexed out of the green wedge in that instance. It is not surprising then that the opposition took the view that this was a very significant intervention by the state.

It is important to have the opportunity to scrutinise and debate such amendments in the Parliament, particularly as they relate to green wedge land. The opposition does not oppose amendments C119 and C104.

I will now turn to the substance of these two amendments. The first amendment, C104, is an amendment to the Cardinia planning scheme and will remove a small amount of land from the green wedge in Maryknoll, a township about 12 kilometres outside of Pakenham. Indeed I believe, Speaker, this land is in your part of the world. I took the opportunity, as my colleague the member for Essendon will be making a contribution after me, to look in a bit more detail at some of the background to the Maryknoll settlement.

This parcel of land has some very interesting history, linked as it is with the Catholic Church. The subject land for rezoning is in the order of 26.5 hectares of land that is located at 13 and 15 Wheeler Road and 310 Snell Road, Maryknoll. A report conducted by an independent panel on this parcel of land of 26.5 hectares indicates that Maryknoll was founded in 1949 by Father Wilfred Pooley as a planned rural community that would include local industries owned and controlled by the community. It was innovative, designed as it was by town planners and architects, with the only proviso that the church have a central position. Given who sponsored this particular community, it is not surprising that the church would form a central element.

The first building was a temporary church and school, followed by a small cottage used as a presbytery. The Maryknoll plan also included farming activities to be run by a cooperative society. A dairy was built in 1966 and remained in operation until 1972. Other Maryknoll industries included the building industry, a poultry farm, a cordial factory converted to a steel manufacturer in 1974 and a hardware shop that opened in Nar Nar Goon in 1996.

It is interesting to note that the thinking behind the development of this relatively closed parcel of land was that it would be used as a residential property, operate in a cooperative format, offer employment and also include a level of spirituality. That is my understanding of the Maryknoll project.

It was interesting to find out more about the cooperative movement run for quite some time by the Catholic Church. I had been aware that the Catholic Church ran a cooperative building society; in fact my oldest sister got her home loan through that cooperative or what we would now designate as a building society. There was a very strong emphasis within the Catholic Church at that time on embracing the cooperative movement, both through the Maryknoll example but also through the broader community of Melbourne, in offering finance packages and so forth for home ownership. I think it is a very interesting part of history.

Obviously Maryknoll does not operate in that context anymore. As I understand it, the only extant activity there now is the broiler farm, which still exists. Nonetheless what is important about this land is that it is located in a green wedge zone that borders industrial and low-density residential zones and was described in the 1995 Maryknoll strategic planning review as a potential limited growth site. It was then incorporated into the Maryknoll township policy in 1999 and subsequently into the Cardinia planning scheme.

This land has been considered by the council and received its support for the rezoning process. This is a very good example of where the council has gone out in a very thorough way to consult. The council circulated plans across the entire Maryknoll community to residents via post, including the local progress association. It put public notices in local papers and contacted a range of interested parties. There was a submission process and a panel process and 48 submissions were received. It is interesting to note that they were pretty well split straight down the middle. There were 22 in support, 21 opposed and 5 who essentially took a neutral position. The usual range of issues you would expect were canvassed in the process, including issues around traffic — conflict with other users of the road network — potential impacts on the creek, native vegetation issues, some arguments about the detrimental impact on the landscape and consideration of the potential for flooding. Some people argued in a higher level sense that this was an excessive rezoning.

However, on balance members of not only the Maryknoll community but more broadly the community in that area were given the opportunity for their voices to be heard. We had a panel process and subsequently the council considered a range of matters that were reflected through that panel process, and I think it is generally agreed that the type of development we are going to get is of low impact and appropriate for the future use of that land.

I make those comments because it is important that when we seek to rezone land such as this, particularly when land within the green wedge area is impacted on, we scrutinise the process in a way that ensures that there has been a proper process around it. I think the process the Cardinia Shire Council has undertaken is by any objective measure a thorough process and one that would hold up to any level of public scrutiny. The transparent way in which the council and panel process was undertaken gives comfort to the government and to the opposition that the process was extremely well handled. In that context from the point of view of the

opposition I submit that is a very good way to take these sorts of amendments forward.

I turn now to amendment 119 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan, which further implements a recommendation on fire safety within the Upper Yarra Valley and Dandenong Ranges region. The opposition supports this amendment, but it would be remiss of me not to say in passing that the decision by the government today in relation to the fire services levy is going to be hotly opposed by local government, and the government knows it. I indicated to the parliamentary secretary that local government, quite rightly, is outraged about the decision and the fact that the Municipal Association of Victoria was not consulted prior to the decision being made. I make the point that — —

Mr Clark interjected.

Mr WYNNE — The Attorney-General says, 'Back to the bill'. This particular amendment implements, as the Attorney-General said, recommendations that arise out of the bushfires royal commission — —

An honourable member interjected.

Mr WYNNE — It does. Obviously the fire services levy was also a part of that conversation. I say no more, except to indicate that this will be a hotly contested matter in the local government sector.

This motion seeks to implement amendments to the Upper Yarra Valley and Dandenong Ranges regional strategy plan, and the opposition will not be opposing those changes. According to section 46D(1)(c) of the Planning and Environment Act 1987, amendments affecting the Upper Yarra Valley and Dandenong Ranges regional strategy plan must be approved by both houses of Parliament in the same way that we debated and scrutinised the green wedge amendment. This motion will amend the strategy plan so that bushfire protection provisions implemented statewide by the government through planning scheme amendment VC83 to the Victorian planning provisions will now apply to the Shire of Yarra Ranges.

As I indicated, the VC83 planning scheme changes followed the final report of the bushfires royal commission, and those changes were not opposed. In fact, as I recall it, they were supported unanimously by all members of this house. VC83 follows on from the previous government's interim measures designed to protect properties in bushfire-prone areas. VC83 introduced section 52.48 to the planning scheme, which makes exemptions for requiring a permit that include creating a defendable space around buildings used for accommodation, vegetation removal along a fence line, buildings and works associated with a community fire refuge and buildings and works associated with a private bushfire shelter.

The most substantive change in VC83 from the previous government's position as it applies to the planning scheme is to extend the 10/30 rights to 10/50 rights — that is, that no permit is required for the removal of vegetation except trees within 50 metres rather than 30 metres of a building used for accommodation that existed prior to 2009. I think this is quite a reasonable and sensible amendment because, as we know, this is a heavily vegetated and treed area. It is a unique environment and one that is fiercely protected by those communities, who feel deeply about these issues.

One of the struggles opposition members had when we were in government was trying to balance not competing demands but the aspirations of the community and protecting the environment, counterpoised against the broader public policy questions of ensuring that we provided a broad framework within which communities were able not only to understand how to address fire prevention strategies but also to provide a consistent response to that. That has been quite a tricky exercise with which I am sure the government has also had to struggle. There is always the potential for such competing outcomes to be addressed from either a community perspective or that of the broader government policy. That is quite a challenge.

When we were in government — and I am sure it is the same for this government — protecting the overall safety of the community had to be the all-prevailing interest. That is self-evidently so. We never want to go back to circumstances such as the tragic bushfires which caused such an enormous loss of life. Those communities still struggle, as my colleague the member for Yan Yean will speak about in her contribution. She, like many other members, knows what it has meant for those communities to try to rebuild since their absolute devastation and the horrendous loss of life.

The opposition thinks the amendments in this motion are important. In December last year Yarra Ranges Shire Council supported the change to its planning scheme, but there was still some need for further public consultation about it. In this context we need to remain vigilant in listening to the needs of the community, particularly communities where there are contested public policy outcomes, and bringing the community with us. The whole clearance matter has been quite a contested issue for communities, and continuing the

conversation with and support for communities in the implementation of the amendments is vital to the outcome. Local government has an absolutely fundamental role to play in that, and I am pleased the council has taken positive steps and supported the amendments moved in the motion.

In summary I say from the point of view of opposition members that our interest in these issues, particularly around planning scheme amendments, will always be to look at them critically. We want to ensure that the process is fair, transparent and open and that there is an intimate, crucial and central role for local government in that. We do not want to find ourselves in a situation, as we have seen before under a planning scheme amendment, where a massive incursion occurs into the green wedge — of 4000 hectares in that case. One of the greatest legacies of a former government — and, can I say, a legacy of a former Liberal government and its Premier, Sir Rupert Hamer — is that we have green wedges. As a Parliament and as elected representatives we must remain vigilant and, as far as we can, hold true to the visionary work of Sir Rupert Hamer, who laid out the green wedges as land that ought to be protected, not in the interest of an individual but in the broader public interest. It will remain one of the great legacies of Sir Rupert's time as Premier of this state, because it was visionary and extraordinary leadership on his part. In a bipartisan way, I acknowledge that.

Maintaining that vigilance means that at every point we should look at any incursion into those green wedge areas to see whether they make sense. Is it a sensible thing that a parcel of land be taken out of the green wedge? What are the justifications for its being taken out of the green wedge? Have the parcels of land that may have been extracted been tested through a thorough and rigorous public process? Has the voice of the local community been heard in that conversation? Has the voice of the local council been heard in that conversation prior to this motion coming to this Parliament? In relation particularly to the Maryknoll proposal there is no doubt that the Cardinia council has done a good job with that. That is why we are comfortable to stand here today and offer our support for this planning scheme amendment and what we regard as sensible measures encompassed in the second amendment to address clearance and fire prevention issues.

Mr MORRIS (Mornington) — I am pleased to rise to support the motion of my colleague the Attorney-General. Before I speak about some of the detail in the amendments to the two planning schemes concerned I will touch on some of the issues raised by the member for Richmond, particularly in his comments about the green wedge zone and his crocodile tears in relation to the recent expansion of the urban growth boundary. There are two comments to be made there. The first is that the scale of the 'incursion', as the member put it, promoted by this government — and, I note, supported by the councils concerned — absolutely pales into insignificance when compared with the substantial expansion of the urban growth boundary, sponsored by the member for Essendon, who is in the house, when he was the minister in the other place. Let us have a little bit of proportion and accuracy in terms of the statements that are made.

The second point relates to the consultation about the fire services levy. I will say quickly, because time is on the wing, that there certainly was an extensive consultation program across the state. I certainly — —

The SPEAKER — Order! I suggest that the member address the motion that is before the house.

Mr MORRIS — I am responding to issues that have been raised in the debate, Speaker.

The SPEAKER — Order! No, the member will address the motion before the house.

Mr MORRIS — That is not quite how it is intended.

The SPEAKER — Order! It may not be, but that is what I am asking for.

Honourable members interjecting.

Mr MORRIS — No, that is not a good career move, so I do not intend to go down that path.

In that case I will turn to the motion and the two planning schemes concerned: an amendment to the strategy plan for the Upper Yarra Valley and Dandenong Ranges through the Yarra Ranges planning scheme and an amendment to the Cardinia planning scheme. The two are very different amendments with two very different outcomes. It is also worth noting that there are two very different reasons to ratify these amendments. In the case of the shire of Cardinia, the changing of a green wedge zone to a low-density zone needs to be ratified by both houses, and any variation to the Upper Yarra Valley and Dandenong Ranges regional strategy plan also requires ratification by the Parliament. The Yarra Ranges regional strategy plan is a substantial document with 135 pages or so which dates back some way to the statement of planning policy 3. I am very familiar, as the Speaker would also be, with planning policies 1 and 2, which related to Western Port and the Mornington Peninsula area.

Planning policy 3 related to the Dandenong Ranges and the Yarra Valley. It was developed back in 1979 and was prepared by the then authority, which was constituted under its own act, and it has been reviewed over the years.

All the various regional planning authorities and committees that existed were wound up at the end of 1994. I well recall that, because in December 1994 I was a member of the Westernport Regional Planning and Coordination Committee, which was a similar body to the Upper Yarra body, and all met their demise on the same date as a result of legislation that passed through the Parliament. I think that was an appropriate end. While I would have liked to have remained involved in regional planning, I think it was an appropriate decision of the government at the time, and given that that government's successor did not seek to go back to the regional planning basis I think we are probably all agreed on that.

Nevertheless one of the legacy issues we have to deal with is the Upper Yarra Valley and Dandenong Ranges strategy plan. It is before us this afternoon because of the changes made by the minister to planning schemes across the state in November last year under amendment VC83 to the Victorian planning provisions, which introduced a new clause 52.48 in response to recommendations 89, 41 and 52 of the 2009 Victorian Bushfires Royal Commission. Clause 52.48 includes the 10/30 rule and the 10/50 rule as well as various permit exemptions for vegetation removal. While the removal of vegetation on roadsides no longer requires a planning permit, it is of course under VC83 still subject to approval by the Department of Sustainability and Environment. It is not open slather, but it eases restrictions in that regard.

Clause 53 in the Upper Yarra Ranges planning scheme relates to the contents of the regional strategy plan for the Yarra Ranges planning scheme. This presents difficulties in that any clause within the scheme that is contrary to the strategy plan gives way to the strategy plan, so the amendment this afternoon will add to schedule 6 of the strategy plan in these matters and will bring Yarra Ranges into line with the rest of the state. That is essentially what amendment 119 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan is doing; it is about public safety, protecting lives and making sure that there are consistent vegetation clearance controls across the state.

The other amendment relates to amendment C104 to the Cardinia scheme, which amends the zoning on some 25 hectares of land in the Maryknoll township. The three titles concerned effectively abut the Maryknoll township on two boundaries. We have heard some of the history of that already in this debate, and I understand we will hear a bit more later on. This amendment rezones the current green wedge down to low density. The process involved and the design and development overlays that have been put in place ensure that the blocks are an appropriate size, with a minimum lot size proposed of 0.8 hectares, which is consistent with the character of the village already existing. It is very much about appropriate development.

I believe the Maryknoll township policy identified that the township should be defined by Snell Road, Mortimer Road, Fogarty Road and Wheeler Road. This amendment is consistent with those boundaries, and it is also worth noting that it is a long-held policy position of the Cardinia shire in terms of the disposition of this land. It is supported by the shire. There is potentially some improvement from a public interest perspective in that the lot is currently occupied by a broiler farm, and anyone who has lived close to a broiler farm or even been downwind on a sunny day knows that they are not particularly pleasant in amenity terms, so that is an improvement as well.

This amendment is supported by the council, the community, the panel and now the minister. Speaker, this is an area well known to you. I think it is a good proposal, as is the Yarra Ranges proposal, and I commend both amendments to the house.

Mr MADDEN (Essendon) — I rise to make a brief contribution to the debate on the motion that:

(1) under section 46D(1)(c) of the Planning and Environment Act 1987, amendment 119 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan be approved; and

(2) under section 46AH of the Planning and Environment Act 1987, amendment C104 to the Cardinia planning scheme be ratified.

The common theme of both these amendments is the pressure that urbanisation brings to the fringe of any metropolitan area. Whilst the effects of urbanisation are not always immediately apparent, the fact is that as metropolitan areas continue to spread, demands on those areas become paramount. In one instance, the Upper Yarra Valley and Dandenong Ranges regional strategy plan has to be amended so it will correspond with changing regulations about the clearance of vegetation, about safety and about habitation. These matters have arisen in the aftermath of bushfires across the state in recent years, so it should be no surprise that people are being given a bit more flexibility in matters relating to the clearing of land. These changes are

worthy and justified. There is an issue about the degree of consultation, but we all recognise that it is necessary to clear some vegetation for the purposes of safety.

More broadly there is the issue that the Upper Yarra Valley and Dandenong Ranges regional strategy plan is one of those clunky bits of the planning system which sit in the planning system but are not necessarily replicated in other parts of the planning system. When they were in opposition members of the government suggested that similar regional strategy plans should be implemented in other areas, particularly the Macedon Ranges and a few other areas. I am not saying whether that would necessarily be a good thing or a bad thing to do, but issues would arise about making the planning system less flexible, more clunky and more costly and time consuming to operate. This is reflected in the way that an amendment to a regional strategy plan, such as the one we are debating, has to come before the Parliament in this manner.

I am not saying it is necessarily a bad thing, but it has to be borne in mind that if you are going to do that, then more will be involved in the process, it will become clunkier, it will take more time and no doubt there will be more frustration at both ends of the planning system, because some people will want to introduce changes and others will want to resist any change. There is also the issue of the resources that need to be applied to get councils to deal with these matters. There is the rub — the resources you have to put into the planning system.

This issue brings me to the second part of the motion regarding the ratification of amendment C104 to the Cardinia planning scheme, which was initiated when I was the planning minister. A land-holder came along and said, 'We have this anomalous situation. We have a poultry farm, and we do not want to maintain it. The locals would prefer we did not have it here. We think there has been a bit of an oversight by the department or the experts in bringing this together when the green wedge legislation was initially passed. We are in a green wedge when we probably should be within the town boundary'.

In this situation it was not necessarily up to me to say yes or no, but it was up to me to say to them, 'Go away, get your work done, go and speak to council, and see where this matter sits in a broader strategy. See if your local council supports it'. I have no doubt that the issue for Cardinia council is that it has had to dedicate a significant amount of resources to see this amendment come about. More importantly the issue is again about the application of resources. This amendment will improve the amenity of the area and increase the number of dwellings in the township, which may or may not be a good thing; however, at the end of the day obviously a significant amount of resources has been applied in putting this together.

A key consideration when this matter came before me was the fact that we had a number of green wedge management plans, including the Southern Ranges green wedge management plan, the Westernport green wedge management plan and the Upper Yarra Valley and Dandenong Ranges green wedge management plan, and they had not been resolved.

An honourable member interjected.

Mr MADDEN — I know both sides of Parliament are very supportive of green wedges, but councils had been quick and strong to advocate for the need for green wedges but very slow to apply resources for the management of those green wedges, and the strengths and weaknesses of the green wedges needed to be clarified within each green wedge's planning framework. Of course there are green wedges and green wedges — some are of high value and high quality, and others are not of as great quality. Unfortunately because councils did not know what their assets were in green wedge areas they could not say why their green wedge area was being protected.

As I mentioned in terms of the Dandenong Ranges regional strategy plan, and with other green wedge management plans, if a local government does not apply resources where resources are needed, it creates uncertainty and it pushes out time frames. Such situations mean that any proponent of any idea, whether the idea is good, bad or indifferent, has to use a significant number of consultants to do the work that the council may or may not prefer to do itself.

The critical issue today is that for 18 months the planning minister has been sitting on a report about planning permit fees — a report that was initiated by me when I was the planning minister. It is important that there is greater clarity around transparency of costs in the planning system. The motion before us is about two planning schemes — one of greater value and another of limited value. The process of amending these planning schemes is very costly to implement, it is time consuming and it causes an enormous amount of effort. Therein lies the question: does the reward correspond to the effort involved? Has the amount of money that has gone into this corresponded with the amount of money that a council should either dedicate to the task or collect in a transparent way?

Currently costs are subsidised through each council's rate base. I suspect that if you asked each local council

how much it costs to make these amendments and asked the department to clarify how much it costs to do these two lots of work and have them brought before the Parliament, none of those organisations could tell you what the cost is on an hourly basis. Therein lies an issue that needs to be resolved before too long.

It is not necessarily about who pays, because that will work itself out in one form or another; it is about the transparency of those costs and the cost of operating the system. If costs are not known, not transparent and not measured, then how can you make improvement? Everyone is crying out for improvements, but they are not exactly sure what the improvements are. Are they improvements in policy and in outcomes, or are they improvements in the transparency of the process? A whole lot of issues can be dealt with. I look forward to seeing those come before the Parliament from this government over time in one form or another. I support these amendments, and I look forward to them bringing about greater benefit to the affected communities.

Mrs FYFFE (Evelyn) — I am pleased to speak on the motion to approve amendment 119 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan and to ratify amendment C104 to the Cardinia planning scheme.

It is interesting to follow a former Minister for Planning in the debate. Perhaps I will give a little bit of history. I am one of the people who were successful in getting the Kennett government to — as we termed it — lock up the Yarra Valley and Dandenong Ranges planning scheme within the Parliament. I was the president of the Yarra Valley Winegrowers Association at the time, and we spent a lot of time researching what was happening overseas, including having discussions with people from the Napa Valley in California who had implemented a similar type of system to protect rural and farming land.

I sensed some frustration with these matters in the speech made by the member for Essendon; he referred to the time when he was the Minister for Planning. I also sensed some frustration about these matters in the current planning minister, and I certainly sensed frustration from another former planning minister, Rob Maclellan, who may not have supported locking up the region as wholeheartedly as I do. As everyone in this place knows, my passion and love for the Yarra Valley and the Dandenong Ranges extend far from the boundaries of my electorate, and it is very important that this area is preserved and protected not only for future generations but also for the value of the produce that comes out of it, because there is always a push to extend, subdivide and develop.

The amendment to the Cardinia planning scheme seems eminently sensible. I quite understand it has taken a few years. There was consultation involved. It affects a small section of a green wedge zone that seems to be in isolation. I have not visited the actual physical site but from how it has been described in the chamber today and from what I have been told by colleagues, there is industrial land around the area.

It was fascinating to hear the member for Richmond give the history of Maryknoll. It is something we tend to ignore sometimes in the black-and-white world of planning. We do not look at that, and with a broiler farm being left on this site I can understand the residents of the surrounding areas being concerned. One of my first jobs was as a 12-year-old washing eggs at a poultry farm, so I am well aware of the smells that can come out of such an establishment. The amendment affecting Maryknoll will have a low impact. It has been well supported by the majority of the community, the council and the panel. It seems to me an eminently sensible change to this small wedge of land within the green wedge zone.

It is important that the amendment affecting the Yarra Ranges be introduced prior to summer. It is important that we always scrutinise any changes to the Upper Yarra Valley and Dandenong Ranges regional strategy plan. In fact I would have to be carried kicking and screaming from this place if we did not scrutinise every change that we make to it. When 10/30 was brought in there were lots of cries of doom and gloom. There was an amendment to the regional strategy plan then and now that measurement is being increased to 10/50. A lot of people, particularly those in the Dandenongs, thought it would destroy the beautiful environment in that area, but there has not been wholesale destruction of vegetation by anyone. It has been far less than I expected and probably far less than I would desire, because as I drive around the Dandenongs and some parts of the Upper Yarra area I see houses that have a lot of debris and vegetation that are very close to buildings.

I urge everyone to remember that summer is just around the corner. It is up to everyone to protect their property, particularly in the Dandenongs, where there are so many narrow roads that Country Fire Authority (CFA) trucks do not go down because they cannot turn around on them. People living in heavily vegetated areas have got to understand that it is up to them to ensure that they protect what they can. It is also important that they leave on high-fire-danger days. The CFA cannot get to every house because of time factors and also, as I highlighted, there are very narrow roads where there is no turn-around circle by which CFA

trucks can exit. It is important that those who want to remove vegetation that is growing within a distance of 10 to 50 metres from their house can do so. It will not destroy the Dandenongs, as so many have said. It is interesting that the council, which is sometimes criticised, threw its support behind the fire clearing rule. It gave its endorsement to the Minister for Planning to extend the planning scheme to include the 10/50 rule as long as public consultation was undertaken. Public consultation has been undertaken. The issue has been discussed. Some very active members of the community got involved in the discussion.

Cr Chris Templer said he would be keen to see the introduction of the amendments. He said the 10/30 rule prompted people to clean up, think about their fire plans and work out how to protect their properties. But sadly one councillor of the nine councillors of the Yarra Ranges Shire Council did not support this — that is, Cr Dunn. She is a member of the Greens party and was a candidate at the last state election. She opposed this, and asked:

> Will those people in those areas be protected undertaking this?

She said the science does not show that to be the case. Cr Dunn objects to this because she puts trees before people's lives, whereas we think that people who wish to protect their property and who wish to have that buffer should be able to protect themselves. Unfortunately Cr Dunn is against any protection of property or of people if it means removing any vegetation. It is a recommendation of the 2009 Victorian Bushfires Royal Commission. It is eminently sensible that we introduce this and allow people to protect their properties. I encourage more people to take it up. I know it is costly. I know that physically sometimes some people cannot clear vegetation around their property, but I know that Rotary and a few other groups will help if asked.

The member for Richmond mentioned the vision of Sir Rupert Hamer. We in the Dandenongs and Yarra Valley are very much the beneficiaries of Sir Rupert Hamer's vision. There are the beautiful rhododendron gardens, the locking up of the Yarra Valley and the plans of Bill Borthwick, a former member for Monbulk and a former minister. Those former ministers were far sighted and saw what could be done and what could be protected.

I have been pleased to speak on both the amendments. The amendments to the Cardinia planning scheme and the Upper Yarra Valley and Dandenong Ranges regional strategy plan seem eminently sensible. The latter amendment has the support of the majority of the community in the Yarra Ranges. As I said, it has the support of eight of nine councillors on the Yarra Ranges Shire Council. It is a pity that the Greens councillor is not as sensible as the other members of the council, who put people and property before vegetation.

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate on planning amendment 119 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan and planning amendment C104 to the Cardinia planning scheme. I will begin by making reference to the Cardinia planning scheme amendment. Like the member for Evelyn, I listened with interest to the history of Maryknoll that was outlined by the member for Richmond. We on the Labor side of politics take the view that when sensible and appropriately worked through and consulted on planning scheme amendments come before us in this place we ought to support them. I will be supporting these amendments, but I had to think about the issue.

Maryknoll delivered some great Labor Party stalwarts in Tony White and Philip Staindl and maybe I do not really want it to change too much if it grew great Labor people such as those two men. I might also mention that Vi Pottage, my craft teacher in year 8 or year 9 at St Ann's College in Warrnambool, moved with her family to Maryknoll to make a life there. Maryknoll was a novel settlement, and its history is not dissimilar to that of a community in my electorate — the environmental living zone of Christmas Hills, which is on the boundary of the Yarra Ranges shire and the Nillumbik shire. It was affected by the tragic Black Saturday bushfires. The residents who live along Skyline Road, which is where the terrible fire moved through, have been very concerned and want both Yarra Ranges Shire Council and Nillumbik Shire Council to cooperate to manage the vegetation along that road and to bituminise that road to avoid any future loss of property similar to what occurred on that day. Many lives were close to being lost along that road and many properties were lost.

Yesterday Fred Whitlock of Yarra Glen received a bravery award. Mr Whitlock is a Yarra Glen publican, who lives on Skyline Road in Christmas Hills. He won the award for his work in saving lives along that road. Members of the community living along Skyline Road have welcomed the changes in relation to vegetation that came about as a result of the 2009 Victorian Bushfires Royal Commission's recommendations. These changes are reflected in the amendment before the house.

While I mention Christmas Hills, one of the longstanding residents of that area, Margaret Woiwod,

passed away last Friday aged 81. I am sad to say I will not be able to join her family and community members at her funeral this Thursday, but I know she will be with me and others in spirit tomorrow at the bipartisan green wedge gathering with Lady April Hamer and Steve Bracks at Parliament House. For Margaret and her family the green wedge was certainly a great passion, as it is for many people who live in the Yarra Valley, and the member for Evelyn spoke about that. Margaret's husband, Mick Woiwod, is a fantastic historian of the area.

I am really pleased that the member for Evelyn said she would have to be dragged kicking and screaming from this place if the green wedge were under threat. I hope that does not occur, but I would support her at the barricades. As I have indicated, community members and those who were affected by the fires support the extension of the 10/30 rule to the 10/50 rule in relation to vegetation, but that does not mean that they love the trees and the bush environment they live in any less. These people understand what fire fuels can do and the damage and disaster they can bring. Members of that community welcome this change and the fact that a permit is still required for tree removal.

Many school students expressed real pain some months after the fires when dead trees were being removed in the area, because to them it felt like another loss. I know from having grown up around Warrnambool after Ash Wednesday that there was a rush to remove all vegetation, including large trees. That can exacerbate the loss felt by the community or at least can be part of it. However, like the majority of the people I represent, I welcome the extension of the 10/30 rule, which was introduced under our government to 10/50, with the proviso that a permit will still be required for the removal of significant trees.

I will move on from what the member for Evelyn said in referring to the great history of former Premier Hamer, William Borthwick, a former Minister for Conservation and Minister for Lands, and others who supported the green wedge. I sat on the Outer Suburban/Interface Services and Development Committee, as did the Speaker, and I note that the committee, particularly in its report into agriculture and horticulture and the interface councils of Melbourne, has indicated that it is important to have planning schemes that continue to ensure that is food grown in the region. It is good environmentally, and it makes sense to support people who are growing food in the region where there is the most water. Twenty per cent of the agricultural product in this state is grown in the Port Phillip region, and that is where the greatest water resources are located.

This Parliament has to be vigilant to ensure that not too much of that land is impinged upon by either the movement of the urban growth boundary or the change in use. There are some proposals around at the moment that are going to result in more human activity, aside from agriculture and horticulture, and higher, not lower, bushfire risk. The proposals will also increase uncertainty and result in more red tape, not less. Proposals that the Minister for Planning is currently talking about involve removing the maximum limit of 80 bedrooms for a residential hotel in green wedge areas and removing the maximum limit of 150 patrons for a restaurant or a function centre in green wedge areas. I strongly urge anyone in this government, and particularly the Minister for Planning, who represents a bushfire-affected area, to take heed of this — —

The SPEAKER — Order! I am not sure that the member's comments are related to the motion. I would like her to return to the motion.

Ms GREEN — The member for Evelyn also discussed the role of agriculture and horticulture in the area. I hope any planning proposals before this house, including the Upper Yarra Valley and Dandenong Ranges regional strategy plan, will ensure that, as a Parliament, we are not going to put more people in the path of bushfires by making changes. I support the change that is before this house, but I am not sure about the full suite of proposals that this government and the Minister for Planning have proposed. Like the members for Evelyn and Seymour, I represent an area that was badly affected by the Black Saturday bushfires, and both of the planning scheme amendments before the house cover our areas. We need to be incredibly careful that whatever we are doing will not place more human beings in the path of future fires, particularly given the things that the member for Evelyn spoke about. She indicated that there are many roads in the Yarra Valley shires that cannot be accessed by firefighting equipment, and until you are in that situation you really do not understand what a terrible situation that can bring about.

The opposition supports these amendments. I urge caution on the part of the Minister for Planning with any other decisions that may be before him at the moment that may increase the bushfire risk for communities. I look forward to seeing the member for Evelyn and many other members of this chamber at the green wedge bipartisan group's event tomorrow, and I support the planning scheme amendments before the house.

Motion agreed to.

RACING LEGISLATION AMENDMENT BILL 2012

Second reading

Debate resumed from 20 June; motion of Dr NAPTHINE (Minister for Racing).

Ms HENNESSY (Altona) — It gives me pleasure to rise to outline the opposition's position on the Racing Legislation Amendment Bill 2012. At the outset I indicate that, for the most part, opposition members will not be opposing the bill. However, I foreshadow an amendment to one of the clauses of the bill, and it is our intention to move that amendment when the bill reaches the Legislative Council.

To recap for the house, the main purposes of the bill are: firstly, to provide for bookmakers to accept bets via telephone or electronically at approved locations outside of racecourses, which they are currently restricted from doing; secondly, to repeal a current section of the Racing Act 1958 that provides for a levy of up to 1 per cent on the betting turnover of bookmakers by a controlling body; thirdly, to provide for the racing integrity commissioner to disclose integrity-related information to a range of additional bodies — I will have more to say about that shortly; and fourthly, to make what I would consider to be miscellaneous amendments to the act.

Having outlined the broad purposes of the bill, I will move through aspects of the bill in a little more detail. Under the Racing Act 1958, bookmakers are granted licences by governing bodies responsible for the oversight of each of the racing codes in Victoria. Racing Victoria Ltd is responsible for thoroughbred racing. Greyhound Racing Victoria is responsible for greyhound racing and Harness Racing Victoria is responsible for harness racing.

Bookmakers are granted licences to operate by these governing bodies, but they are presently restricted to accepting bets only while they are physically present at a racecourse. They are permitted under the act to take bets in person or by any other means the minister deems appropriate. Currently they are permitted to take bets by telephone or electronically, but they must do so while they are physically located at a racecourse. The bill before us seeks to amend those restrictions such that bookmakers may apply to the relevant governing body for approval to take electronic bets from offsite premises — essentially that means offices that are not located at a racecourse. The bill also seeks to bestow governing bodies with powers to grant and revoke this approval at their discretion, based on guidelines set out in the bill. Both the governing bodies and the Minister for Racing would have the power to attach any conditions they deem appropriate to approval.

The government's argument justifying the need for this amendment is twofold. The first part of its argument is essentially that the infrastructure and design of Victoria's racecourses do not lend themselves to the housing of administrative staff and equipment, such as the IT set-ups associated with the kinds of electronic betting operations that exist elsewhere, and this thereby restricts both in scale and in size the sorts of ventures that can operate. The second part is essentially an occupational health and safety issue. There are concerns about the isolation involved for people who are working at an otherwise empty racecourse, particularly at night or on non-race days.

This is an argument that I am very familiar with. A number of members of my family work on course. The argument is that this isolation has prevented some of these operations from attracting the kinds of staff that they would otherwise wish to employ. I think there is a legitimate basis to this argument around occupational health and safety. However, it should be noted that these amendments do not seek to alter the very strict requirement that any face-to-face cash bet can only take place at a racecourse, and the bill seeks to insert new offences and penalties into the act that would enable the enforcement of those sorts of restrictions.

The opposition is concerned to ensure that these changes do not lead to a move of bookmakers away from racecourses altogether. They are an incredibly important part of the culture of racecourses, and we will hold the government to account if there is any sign that this is occurring. I do not claim that this is the government's intention, but it is important that this is monitored to ensure that the industry does not respond in a way that undermines an important part of oncourse culture. We would like the government to provide us with an assurance that it will impose conditions to reduce the risk of this occurring in the future, as part of exercising the powers that the act vests in the minister.

We are also concerned about clause 17 of the bill, which goes to the right and powers of gambling and liquor inspectors to enter and inspect approved offcourse premises, to monitor operations and management activities at these premises and to examine machinery and equipment used and records kept at these premises. This clause seeks to introduce new subsection 83U(2) to the act, which provides that power of entry may only be exercised with the written consent of the occupier of the approved offcourse premises at any time. The basis of our concern is what effect a

literal reading of that subsection, if adopted, could have in terms of the integrity of the monitoring regime. We would like the government to provide Parliament with greater clarity around that subsection during the course of this debate and to give a commitment that written consent is another condition of the approval processes for offcourse premises. This goes to the language of the drafting of the bill. We would like to be assured of the intent behind that clause. These second-reading debates are often used to discuss the construction of legislation, and we think it is important that the government provide clarity on this issue.

The Racing Act 1958 currently caps the amount that governing bodies can levy local bookmakers for their licences at 1 per cent of turnover. Interstate bookmakers are charged according to profit levels, so they use a different system, but Racing Victoria has indicated that it would like to return to a turnover-based system for both Victorian and interstate bookmakers. The bill seeks to remove the 1 per cent cap on licensing fees from the act, leaving governing bodies to decide how much to charge for the licences. Racing Victoria has indicated that it will continue to charge 1 per cent of turnover to bookmakers whose turnover is less than $5 million. Larger bookmakers would be charged 1.5 per cent of turnover, except during the Spring Racing Carnival, when they would be charged 2 per cent. These licensing fees are identical to those in New South Wales and reflect changes that have been proposed in Queensland. I am not sure whether those changes have been adopted in Queensland, but it strikes us as sensible to have those changes and to have a licensing scheme with some interstate parity and rationality.

The next issues concerns integrity. The racing integrity commissioner has primary responsibility for the oversight of racing in Victoria. Under the act there are a number of organisations to which the commissioner may disclose information. These include a controlling body, including its integrity subcommittee and stewards; the commission; a racing appeals and disciplinary board; the Chief Commissioner of Police or a member of the police force authorised in writing by the Chief Commissioner of Police; the Commissioner of the Australian Federal Police or a member of the AFP authorised in writing by the Commissioner of the Australian Federal Police; the minister; a person or body that, in the opinion of the controlling body, controls, organises or administers an approved betting event; the Australian Transaction Reports and Analysis Centre; the Commissioner of Taxation of the Commonwealth of Australia; or a person or body that has any regulatory or administrative functions in respect of racing, bookmaking or betting in Victoria or in another state or a territory of the commonwealth and is specified by the minister.

The bill before the house seeks to add the Australian Crime Commission, the Australian Securities and Investments Commission, Centrelink and the Ombudsman to this list of agencies and individuals to whom the commissioner may disclose information. However, there is one glaring omission — the Independent Broad-based Anti-corruption Commission is not listed as an entity to which the racing integrity commissioner can statutorily report information. It is my understanding that when the shadow minister went to be briefed on this bill — and I would like to place on the record our appreciation and thanks for the briefing — and the issue was raised, the response was, ‘Well, IBAC’s kind of not up and running yet’.

This is not an issue where I am criticising the government in relation to this particular bill, but it shows that the ongoing ineptitude and dithering with respect to the establishment of IBAC continues to have consequences for other integrity bodies. A range of integrity issues have been raised with respect to the racing industry in recent times, and, again, the failure to have IBAC up and running has stopped this bill from being drafted in such a way as to include IBAC as a statutory body to which the racing integrity commissioner could report.

The final aspect of the bill I want to comment on is the amendment to the annual reporting regime for the racing integrity commissioner. Currently the situation is that the racing integrity commissioner is required under the act to submit to the minister by 31 August an annual report, and the minister is required subsequently to table that report in the Parliament within seven sitting days. That seems like a sensible proposition. This bill, however, seeks to extend the deadline for the commission’s report to 30 September and to provide the minister with additional time before the minister will be required to table the report in the Parliament. The bill seeks to allow the minister 14 sitting days after receiving the report to lay it on the table in Parliament.

If we extrapolate that out, we see that a provision stipulating 14 sitting days after 30 September might result in the annual report not being tabled in the Parliament until after the end-of-year break and therefore not until February the following year. The opposition therefore has some serious concerns about the effect of this clause, and it does not support it. We do not believe it is satisfactory, and we believe the government has not made any case for it. There is nothing from the minister in the second-reading speech about this issue that would justify that lengthy

extension of the existing provisions. As I foreshadowed at the outset of my contribution, the opposition will be proposing an amendment to the bill to remove the provision in clause 9 that would give the minister an additional seven days to table the annual report in the Parliament. We would urge the government to support our amendment in the interests of openness and transparency.

There is one final comment I would like to make before I conclude my contribution. It goes to the fact that a great deal has been said in the media in recent times about integrity in racing. Before the recent media attention, however, another body was talking to the government about integrity in racing — and that was the Office of the Racing Integrity Commissioner. The racing integrity commissioner's office had been requesting adequate and sufficient powers, and the government has failed to address its specific requests in this bill. The government did not address the issue in the second-reading speech, and it is nowhere to be seen in the bill.

The issue of these powers and their adequacy and efficacy arises from a Victorian Civil and Administrative Tribunal decision handed down in 2010. The effect of that VCAT decision was to limit the powers of the racing integrity commissioner to obtain information from unlicensed persons. The racing integrity commissioner has asked for the related powers, but it seems that this request has been ignored in this bill. That is a significant deficiency in the bill, yet the government, again, has not provided any public explanation as to why it has not responded to the racing integrity commissioner's request. It is our view that that is a glaring and substantial omission and that government members ought to address this matter in the course of their second-reading debate contributions.

Having said that, I note that, as I stated, the Labor opposition will not be opposing the bill before the house. We will be moving an amendment in the Legislative Council to prevent the proposed extension of time for the minister to lay the racing integrity commissioner's annual report in Parliament, but otherwise we wish the bill a speedy passage through the house.

Mr BURGESS (Hastings) — It is a great pleasure to rise to speak on this bill. Racing and racetracks have formed a considerable part of my life, given I come from Tocumwal, which has a well-known racetrack and has well-known meetings at various times of the year that are well attended and greatly enjoyed by those who have the opportunity to attend. On many occasions I have had the opportunity to be at the Tocumwal racecourse and to see the way these facilities bring communities together and give community members something to do that is entertaining and provides an income for many of the people who participate.

On this occasion we are talking about a bill that will make some significant changes to the relevant legislation. This bill will enable Victorian bookmakers to compete more effectively with their interstate and overseas bookmaking colleagues by permitting registered bookmakers to accept bets via telephone and the internet at approved offcourse premises. This will remove the requirement that bookmakers be physically present on a racecourse to accept those bets. That will have a fair amount of impact; the current provisions have had a great deal of impact on those operating in the industry.

Currently Victorian bookmakers can accept bets only when they are at a licensed racecourse. Such betting can occur face to face at a race meeting taking place at the time or by a method approved by the minister — that is, via telephone or the internet. The requirement, however, is that the bookmaker be located on a racecourse, and clearly that creates issues in a whole range of ways, not least of which are ways relating to workplace health and safety. As was mentioned by the previous speaker, that provision can have practical implications in terms of the safety of people operating in those circumstances and also more indirectly in terms of the inability of bookmakers and those involved with the bookmaking fraternity to recruit the kinds of people they would want to have in the industry. That is a difficult situation for bookmakers at the moment.

For a long time governments have tried to address this issue by putting in place legislation to enable Victorian bookmakers to compete with bookmakers in other states of Australia and other countries but at the same time to keep the process, and the bookmakers, as open and accountable as possible. Through this legislation the government and the minister have struck a balance that will see those issues addressed but will also maintain a high degree of accountability in the industry.

The bill will remove the ceiling for product fees charged by the racing controlling bodies to Victorian registered bookmakers as part of the bookmakers licensing fee so that the racing industry can get a fair and reasonable return on its product. The bill also strengthens the integrity assurance in the Victorian racing industry by formalising the authority of the racing integrity commissioner to share integrity-related information with four new bodies. Finally, the bill also makes a range of miscellaneous changes to the legislation that will be of benefit to the industry.

Victoria has a long history of racing. This government has tackled head-on the issues that the industry has faced and has also put in place a range of new measures that will enable the industry to operate in a better way — a way that is more profitable not only for those involved in it but also for Victoria.

On 9 March I was fortunate to attend the inaugural night racing meeting at the Cranbourne Racecourse, which has a long history of all three forms of racing — turf, trotting and greyhounds. That night marked the racecourse becoming the second night racing venue in Victoria. This has been particularly well accepted by the local community and by the industry. The project involved the installation of 38 lighting masts plus shading protection for local residents and traffic travelling along South Gippsland Highway. The new state-of-the-art lighting system utilises the best lamp control and dimming technologies in the industry.

The racing industry is clearly a strong part of the Victorian economy. The Cranbourne Racecourse initiative is only one of this government's many initiatives that have really made a difference to the racing industry. It is easy to understand why the government would be doing these sorts of things when you know that the industry contributes $2.1 billion per annum — and that was back in 2006; it will be considerably more now — to the Victorian economy. Those benefits are both direct and indirect. At that time a sum of $163 million came from the thoroughbred racing industry, $257 million came from harness racing and $195 million came from greyhound racing.

All in all racing makes a great contribution to the Victorian community, but also very importantly more than 50 per cent of that contribution is generated in country Victoria. As you would know from your own electorate of Morwell, Acting Speaker, this government is strongly focused on providing economic benefits to local communities in Victoria, and this is another one of those areas where the government is working very hard to achieve that outcome.

Earlier this year there was another grant of $79.5 million over four years to help the racing industry grow and continue its economic contribution to Victoria, including a total of $30 million to improve racetracks and facilities to deliver high-quality racing and training infrastructure and public facilities, $10 million for the breeding and sales industry to encourage the breeding of racing animals in Victoria, $4 million for drug research to help underpin the integrity of Victorian racing, $2 million to support the continuation of jumps racing in Victoria, $1 million for the greyhound adoption program to support the retraining and rehousing of racing greyhounds, another $1 million for the Living Legends program to provide support for the promotion of alternative opportunities for racehorses at the end of their racing careers and $200 000 — this is of great importance to me and my electorate — for Victorian picnic racing.

My electorate has what I think is the best picnic racing racecourse in Victoria at Balnarring, a wonderful local community picnic racing club, and the minister has attended events there on many occasions. The Balnarring Picnic Racing Club is the beneficiary of the particular grant to which I referred. There has been a lot of expansion and upgrading of facilities. One only needs to go down to the Balnarring Picnic Racing Club meet on Australia Day to see what an impact that has in terms of attracting visitors and tourists to my electorate and to the Mornington Peninsula. It is also a way for locals from Balnarring and surrounds to get together and celebrate the fact that they live in a wonderful part of the world, to join their friends and to have an outlet to spend their money in their own community. The chairman of the Balnarring Picnic Racing Club is none other than Peter Spyker, who is well known in this house from his time as a member of the Legislative Assembly. It is a well-run club that has some wonderful members. The picnic racing meet is a great opportunity for people to get along. I encourage members to visit and support the club next Australia Day.

Mr MADDEN (Essendon) — I rise to make what I hope will be a very concise contribution to debate on this bill. I am a bit anxious about the bill. I am a bit nervous about it because of the change in the date when the racing integrity commissioner must give his or her report to the minister from 31 August to 30 September. It extends from 7 to 14 sitting days the period between when the minister receives the report and when he or she is required to table it in Parliament. The trouble is that that may mean the report will not be tabled until February of the following year. When racing needs to be absolutely above reproach, this makes me nervous. I am a bit nervous also about the fact that, whilst the government has not yet finalised its arrangements, the Independent Broad-based Anti-corruption Commission (IBAC) is not included in the list of new agencies to which the commissioner will be able to hand over integrity-related information.

It makes me particularly nervous in particular when you combine all that with the fact that the minister is able to give away to the racing industry — and is being spruiked by members opposite to do so — tens of millions of dollars of unclaimed wagering dividends. When you look at the Victorian Racing Industry Fund program guidelines on how you can access that money,

you find that there are eight lines under the heading 'VRIF funding criteria and assessment'. So while over the next few years there will be somewhere in the order of $80 million to be distributed, there are eight lines on how projects will be assessed for funding. It is not at arm's length from the minister; and it is not based on advice from an advisory panel; it is not based on some high-level criteria about need, pro rata or the way the money must be distributed. It is based on the discretion of the minister. Whilst I suspect that the minister will receive information from the office of racing, there will be $80 million that the minister will be able to deliver to wherever he wants, and to whichever racecourse he wants, on the basis of applications.

I looked at the website to see what the application forms look like. They are very flimsy. Those putting forward a proposal have to fill in and tick a number of boxes, but the process is very light on. In my entire ministerial life I never saw money given away so easily by a minister. Every other minister has had to, and has to, provide justification, get advice and act at arm's length, but when an industry must have the highest level of probity and be beyond reproach we have a minister who can just give away money as he sees fit. I suspect that that is why he does not want this bill to refer to IBAC. I expect that he will deliver the money to any Nationals seats that are considered worthy because it suits the political needs of those members.

Whilst the Minister for Racing has given some money recently to the Moonee Valley Racing Club for the racecourse — and I thank him for that — I suspect that that was only done because he was really forced to deliver that — —

Dr Napthine interjected.

Mr MADDEN — Yes, but for a screen that I think can be removed when he needs it removed — for instance, when he seeks to have the Cox Plate run at another venue. I go back to *Hansard* of 16 October 2003 when the minister said — and I do not think he has put on record a change of view on this matter:

> … whereas the Cox Plate crowds have remained the same due to the 38 000 capacity at Moonee Valley.
>
> It is time that the Cox Plate was moved to Flemington, where it would immediately attract a crowd of over 100 000. Negotiations should take place immediately to allow the Moonee Valley Racing Club to run the Cox Plate, but to run it at Flemington.

As I said, I have not heard him put on record a change of view on this matter. What we have is a Minister for Racing who can determine the strategy of the whole racing industry through discretionary funding that is at his beck and call. He can seek advice from the office of racing and then he can hand out the funding as it suits him. No wonder the Moonee Valley Racing Club is hamstrung in terms of funding and needs to develop the site as is proposed. It is not getting the support it should from the minister because the criteria for assessment for funding are based on his discretion and no doubt his subjective view, rather than an objective assessment. That is what needs to be in place so that the funding for racing and racing itself in this state are absolutely above reproach.

This bill has been introduced at a time when we have had allegations — I will not go into details of them — of corruption at various racetracks with racing events that seem to have been fixed. The government must make sure that this industry is absolutely above reproach. I feel anxious about this bill, I feel anxious about this minister, I feel anxious about the racing industry and worse still I feel anxious about the Moonee Valley Racing Club and the lack of support it has had over a long period of time from this minister. No wonder it is considering developing the site as it is. The club is not getting the support from the minister because some years ago he put on record his view, which he has not changed, that he would like to see the Cox Plate run somewhere else.

Mr BULL (Gippsland East) — I rise to speak in support of the Racing Legislation Amendment Bill 2012. This bill is important to the future of the Victorian racing industry and in particular the bookmaking fraternity. As we heard from previous speakers, the industry generates $2 billion for the state economy and provides 70 000 jobs, with more than half that economic development in country Victoria. I congratulate the Minister for Racing, who is at the table, on the initiatives in and changes he has made to the racing industry since this government came to office. It is the very reason he is held in such high regard by those in the industry.

Firstly, the bill allows for more effective competition for Victorian-based bookmakers by permitting registered bookmakers to accept bets via either telephone or the internet at an approved offcourse premises. It is very much the case that this legislation brings the bookmaking fraternity into moving with the times. This has not been the case in the past, and it has proved to be a quite significant hindrance to the profession in this state, as in the past Victorian bookmakers have simply not been able to operate on a level playing field.

Currently bookmakers can accept bets only while they are located on a licensed racecourse. As has been

stated, this is an extremely restrictive handicap on them. Such betting can occur face to face as part of a race meeting or at any time via phone or the internet, but the reality is that a bookmaker needs to be located on a racecourse to be able to accept bets. This obviously presents a whole range of challenges for Victorian bookmakers. An obvious hindrance is that Victorian racetracks clearly were not designed to accommodate the demands of modern bookmaking businesses. Currently the facilities at racetracks do not include capacity for the IT infrastructure that is required by modern-day bookmakers or the housing of customer service operators or administration staff. As a result, they limit the opportunity for Victorian-based bookmakers to be able to grow their business and their business opportunities.

It is also worth noting that the restrictive process in place at the moment creates occupational health and safety problems, in that it is not the ideal situation to have administrative staff operating in such isolation as they do. There are security risks with that and obviously that impacts on staff recruitment and the like.

All of these constraints clearly combine to limit the ability of Victorian bookmakers to compete with the major bookmaking companies located interstate and overseas. Under the current arrangements they are at a distinct disadvantage. From a regulatory perspective, electronic betting via telephone and the internet can be legally conducted only according to methods approved by the minister and it is tightly monitored and regulated by the various racing controlling bodies. Those racing controlling bodies and regulators have clearly indicated that the physical location of bookmakers when they accept bets has no impact on their capacity to monitor remote betting. The government is committed to reducing the burden for these bookmakers. This is a step that the government is taking to ensure their survival and to allow the industry and the bookmaking fraternity in Victoria to grow.

Face-to-face betting will still be legal only when transacted on a licensed racecourse at which a race meeting is taking place. It is important to note that this amendment will not result in any additional opportunities for gambling; it will simply ensure that the bookmakers in this great state of Victoria can effectively compete with interstate-based bookmakers and wagering providers. This legislation also removes the current ceiling for product fees charged by the industry's controlling bodies to registered Victorian bookmakers as part of the bookmakers licence levy.

The act currently allows for a racing controlling body to impose a periodic levy on bookmakers up to but not exceeding 1 per cent of a bookmaker's betting turnover. This levy was introduced in 2000 to replace a former turnover tax on bookmakers' wagering. Then in 2005 legislation was introduced to make wagering service providers licensed elsewhere within Australia pay a fee for the publication and use of Victorian racing data.

In 2008 Racing Victoria Ltd (RVL) introduced a new model for charging a fee to interstate totalisators, bookmakers and betting exchanges betting on Victorian race meetings. Under this model, fees are calculated on the basis of a wagering provider's profit rather than its turnover. Racing Victoria has recently announced that it intends to return to a turnover-based pricing model, which is another common-sense approach.

There is currently no regulatory impediment to implementation by RVL of its new policy in respect of bookmakers registered outside of Victoria. The removal of the ceiling on the bookmakers licence levy will enable RVL to implement its new pricing model on a consistent basis across the industry. This change will allow Racing Victoria to implement a new fee pricing model for wagering service providers and ensure that the industry can achieve a reasonable return for its product, which is important for the future of the industry in this state.

This bill also strengthens the integrity of the industry by allowing the racing integrity commissioner to share integrity-related information. In order for the racing integrity commissioner to effectively carry out his duties, access to information sharing is very important, as is his capacity to share that information with appropriate agencies.

Whilst a number of agencies were included as part of the establishment of the Office of the Racing Integrity Commissioner, it was always intended that the commissioner could add to this list if he believed that additional bodies should be specified. The commissioner has written to the government requesting that the Australian Crime Commission, the Australian Securities and Investments Commission, the Commonwealth Services Delivery Agency and Ombudsman Victoria should be included as bodies to which the commissioner may disclose integrity-related information.

This bill goes a long way to further support the important work of the commissioner. It provides more flexibility and will give him increased information-sharing arrangements. The changes in this bill are very positive for the industry. I have been involved in the industry for quite some time. I have been a committee member of the Bairnsdale Racing

Club for 10 years, an owner and a breeder. I have a full appreciation of the importance of the racing industry to all areas of Victoria, both metropolitan and country, and the important role that the industry plays in this state's economy.

There is nothing better than going to the races as an owner and seeing your horse win. The member for Murray Valley and I are fortunate to own a horse called Past the Post, which was a recent dual metropolitan winner. I know the member for Eltham has unfortunately missed out on backing our horse a couple of times. To go along to a race day and see all the aspects of the industry on show gives you a true insight into the importance of this industry to Victoria. Bairnsdale Racing Club is typical of the importance of the industry to country areas. It is great to see the employment that is generated from the track work riders, the trainers who are employed specifically in the industry, the racing club staff and the companies that sell the feed and service the industry. The spin-off benefits are absolutely enormous.

This government has clearly shown itself to be a very strong supporter of the racing industry in Victoria, in both metropolitan and country areas. We have made significant investments in not only racing clubs but the racing industry right across the state since we came to office. These improvements are welcomed and are an extension of the great work that has already been done in the industry. I wish the bill a speedy passage through the house.

Mr EREN (Lara) — I would also like to contribute to the debate on the Racing Legislation Amendment Bill 2012. I know a lot of members want to speak on this bill, so my contribution will be very brief. At the outset I can say that I know racing is not everybody's cup of tea, but there are also many people who get a lot of enjoyment from it. I have Beckley Park in my electorate. It is a trotting ground and also hosts greyhound racing. I also have Werribee racecourse, which is very well attended.

During our time in government we made sure that we invested in these very important community assets. The current Minister for Racing opened the new development at Beckley Park, in which the previous Labor government invested some $4 million. We went a long way towards understanding that racing plays a very important part in a lot of people's lives. The Geelong Cup will be run on 24 October this year. Unfortunately Parliament is sitting, which means I will not be able to attend it. The Geelong Cup is attended and enjoyed by a lot of people. I will allocate $20 towards it, but I am sure others will take it a lot more seriously than I do.

Integrity is the key to making sure that everybody enjoys their time at the races. While we are not opposing the bill before the house, the member for Essendon has highlighted some of the concerns we need to take seriously. With the advancement of technology, much betting is now done online and by phone. In Europe corruption and betting in sport is a big issue. In some instances the issue of betting has overtaken the problem of drugs in sport. It is very important to have proper processes in place to ensure the integrity of the industry for everybody's sake. The punters who go to the racetrack for a good time and the people who are involved in the industry want some surety going forward that their names will not be tarnished in any way, shape or form.

We hoped that the Independent Broad-based Anti-corruption Commission would be in place by now to oversee some of the integrity work that will have to be done, but unfortunately that is not the case. As the member for Essendon has already highlighted, and in relation to which we will move an amendment in the upper house — —

Mr Herbert interjected.

Mr EREN — Yes, the Cox Plate. I notice the minister is very quiet about this. He said that it was very unruly to interject, but I suspect that he agrees with the member for Essendon that he will move the Cox Plate from — —

Dr Napthine interjected.

The ACTING SPEAKER (**Mr Northe**) — Order! The member for Lara, through the Chair.

Mr EREN — The minister is alive; that is good to see. We have a very important bill before the house, and the opposition, as it has indicated, will be proposing amendments to ensure the integrity of the legislation. As members on this side of the house have said, extending the period of the tabling of reports from 7 to 14 days could potentially mean that reports are not handed down for weeks, and I do not think the industry itself can afford to have that cloud over its head to a certain extent going forward.

As I said earlier, the opposition is not opposing the bill before the house. We have concerns about it, and we want to make sure the integrity of the whole industry is maintained and improved — and there is always room for improvement. We hope the government will take on board and support the amendments that we intend to

move in the upper house. With those few words, as I have indicated, the opposition is not opposing the bill but will propose amendments to it.

Ms McLEISH (Seymour) — I will speak for my full 10 minutes on this bill, because I am pretty passionate about the racing industry and the legislation before the house, which is intended to strengthen the racing industry. We can strengthen the racing industry through many means, and one of them is through having integrity in legislation. Another is through the investment we have been making as a government, and I commend the Minister for Racing, who is extremely passionate about the racing industry and has introduced a number of big-picture changes that are really working to strengthen the industry in Victoria. I know that those out in the field in many racing clubs are very supportive of the changes he has introduced.

Turning to the bill, it is important that the legislation keep up with changes in practices and technology in the industry. The first objective of this legislation is to enable registered bookmakers in Victoria to accept phone or electronic bets at approved offcourse premises. Currently this can only be done on course. We have seen that it is very easy to watch races being run overseas. It is pretty easy to sit at home and watch racing at Ascot in England, for example, at Chantilly in France and even in America. For bookmakers to have to go out to Moonee Valley Racecourse in the middle of the night to be on course to be able to take bets is not practical. Moonee Valley is not set up for that to be done, so it is appropriate to have approved offcourse locations, which of course are subject to monitoring and other conditions that may be imposed. As you would expect, the approval for such venues and locations can be revoked, and there are avenues of appeal.

We find that because legislation in other jurisdictions is different, we are not always competing on a level playing field. Giving bookmakers in Victoria the opportunity to compete with bookmakers interstate is really important and will help strengthen the industry in Victoria.

The bill also provides for the removal of the current legislated 1 per cent turnover cap — it is not higher; that is the ceiling — that applies to the bookmakers licence levy. There have been a couple of legal challenges in New South Wales by Sportsbet and Betfair against the racing industry up there, which is overseen by Racing New South Wales. As you would expect, when there are challenges of this nature other jurisdictions will be watching developments quite closely, as is the case with Racing Victoria Ltd (RVL). It is watching this situation and as a result has announced its intention to introduce a new turnover-based pricing model for the payment of fees by approved wagering providers for the publication and use of Victorian thoroughbred race fields. When we look at Victorian registered bookmakers, however, we see that the current cap impedes the RVL in applying that policy here. The amendment in this bill will allow the RVL to implement the new pricing model on a consistent basis regardless of the location of the wagering operator. It has been easy to do this outside Victoria, and the legislation needs to be changed so that it can do it consistently and include Victorian bookmakers.

The third purpose of the bill relates to integrity. The legislation specifies additional agencies or bodies to which the racing integrity commissioner may disclose integrity-related information. The agencies we are talking about include the Australian Crime Commission, the Australian Securities and Investments Commission, Centrelink and the Ombudsman. The current understanding is that the commissioner could write to Racing Victoria to ask if there are additional bodies it thinks need to be included. This provision in the bill is the response to that. What I particularly like about this component of the legislation is that it includes a definition of what constitutes integrity-related information.

As I mentioned at the outset, this bill is intended to strengthen the racing industry, which has been strengthened in quite a number of areas already. When we talk about racing in Victoria we are talking about an industry worth $2.1 billion. It is easy to forget that racing is not just about thoroughbreds; it also includes the harness and greyhound industries. When I look around the state, and certainly within my electorate, I see that all three of those codes are represented. There is thoroughbred racing at some larger regional centres such as Seymour, Kilmore and the Yarra Valley. There is harness racing at Kilmore and the Yarra Valley. There is also a dog track at Healesville. On top of those there are three picnic tracks with four clubs operating, so I have a lot of racing industry in my electorate. I would like to think that my advocacy and passion for them is accompanied by the minister's understanding of the importance of racing to the economies of smaller towns.

There are 107 racetracks in the state; six of those, plus the dog track, are in my electorate. We also have the GAP, the greyhound adoption program, just out of Seymour. It is a fabulous initiative which brings back some of the dogs that have retired, or may not have been as fast as people liked, to be great pets for individuals.

I want to talk about the economic benefits to the area. When you look at the regions, particularly the Goulburn region, which the upper part of my electorate is in, you see that racing is a $124 million industry which provides a couple of thousand jobs. They are not just paid jobs; so many volunteers are actively involved. A Melbourne Cup trainer, Sheila Laxon, is located just out of Seymour. I am very proud of Sheila and what she has achieved with her partner, John Symons. There are many other great trainers in and around the areas of Kilmore, Yarra Glen and Seymour.

We also have some substantial training and breeding businesses up in the area. One that easily springs to mind is Darley Australia, just north of Seymour. That has been home to Cox Plate champion, the late Pinker Pinker, which passed away a couple of months ago. Others are Eliza Park and Brackley Park, and a bit further north Swettenham Stud and Lindsay Park. This Goulburn region is becoming the real heart of owning and breeding. We also have the Victorian owners and breeders incentive scheme, or VOBIS Gold, which is strengthening owners, breeders and trainers and giving them incentives to stay this side of the border and not send brood mares north of the border. We want to strengthen that here. That has been a great initiative which has been endorsed by the racing industry, particularly in the area.

The fact that we also have the Victorian Racing Industry Fund, which is putting money back into and strengthening the industry, is a terrific thing. I am really pleased this is something we have. Not only do the larger tracks in my electorate have the benefit of it but some of the smaller tracks do as well. The industry fund is basically uncollected dividends — probably by people like me, who are not always the best at collecting their small amounts of winnings that happen on the odd occasion. For some of the smaller clubs the industry fund has been able to provide barrier works as well as kitchen and catering facilities and signage. A racecourse upgrade with resurfacing of the synthetic track is happening at Seymour at the moment. That is a terrific thing.

In my area there have been some major issues with drainage, particularly at Yarra Valley, where people have battled in the absence of racing. The town of Yarra Glen has been impacted very much. This shows what racing brings to the economy of towns and how important it is. I really want to mention the great job that Matt Clark and Brett Shambrook and the board have done at Yarra Valley Racing, because it has been a real uphill battle. They have had great support from the government, which I am really thrilled about, and from the racing industry.

In Seymour we have also had a few water problems. I acknowledge Ben Davey, the racing club president — who is a pretty young president; younger than me, so that makes him young — as well as Penny Reeve. I also want to acknowledge that Brett Thompson was a winner of the Australian regional racecourse manager of the year award, which is a fantastic thing to come out of Seymour. I know the industry and the town up there are very proud of him.

I have been pleased to talk on this bill because it will strengthen the racing industry through legislation which will support and build on the strength we have brought to the racing industry through other initiatives. My area has benefited from that, as has the racing industry in general. I commend the minister for his work and expect that the good work will continue. I wish this bill a speedy passage through the Parliament.

Mr HERBERT (Eltham) — I am pleased to speak on the Racing Legislation Amendment Bill 2012.

Dr Napthine — Declare your interest.

Mr HERBERT — As the minister says, I do have an interest in this; I am a part owner of a racehorse and have a great interest in the racing industry, as I have had for a long time and as have a number of members of this Parliament.

The bill amends the Racing Act 1958 to relax the restrictions on a bookmaker's office premises by removing the requirement that it be located at a racetrack. The bill also removes the cap on bookmakers' licence fees and lists further bodies to which the racing integrity commissioner may disclose information. Whilst we on this side of the house broadly support the thrust of the bill, we have considerable reservations about the detail and implementation of it. The issue of allowing bookmakers to operate and have their premises off course has been around for quite a while, and there are pros and cons to it, as many people in this chamber have debated in the past. But the truth of it is we recognise that the advances in technology, the growth in online betting and the restrictions on some courses in terms of office and general facilities make it difficult for our Victorian bookmakers to compete and that a bit of overcrowding makes it difficult for them to properly operate at racetracks.

We on this side of the house want to ensure that bookies remain as a main part of track activity and race meetings long into the future — they are part of the colour, part of the movement and part of the economies of local race meetings. We recognise that there is a case

to be made for some of them to shift into larger premises off course. However, we are cognisant of the fact that when a bookmaker shifts off course there needs to be a special level of scrutiny of their activities over and above, but certainly equal to, what currently exists for their oncourse premises.

We believe there is a flaw in the bill that the government should have picked up. It is in terms of making a provision which enables the gambling and liquor commission to go into the new offcourse offices at will — at will; not giving notice in advance and not shining a dirty great torch and saying, 'We're coming in the next week or so' — for inspection. We believe it is important for Racing Victoria to also have inspectorial services where inspectors are able to go into online bookies' offices off course, at will, to do an inspection. It is part of the probity arrangements that every Victorian expects to be in place to make sure we have a clean gambling industry in this state. Given that the government has failed to provide that oversight and protection, we would hope that Racing Victoria can step up to the plate and make that sort of automatic access a condition of all off-site licences.

We also have some concerns about ensuring that those bookmakers who move from their premises off course continue to operate on course during race meetings. It is all very well for them to operate from an office off the course, particularly for all their online activities, but we would want to make sure that they are still turning up at race meetings, particularly country race meetings, where the provision of a few bookies makes an awful lot of difference in terms of the enjoyment of people going to the track, having a punt and being part of the spirit, colour and movement of the day. We hope that Racing Victoria will monitor this situation with the change to licences, particularly with those smaller tracks, and take whatever measures and impose whatever conditions are needed to ensure a vibrant, on-track presence of bookies.

In terms of integrity my colleagues have noted that whilst we support the expansion of the number of organisations that information can be passed on to, it is bitterly disappointing that the government has still not set up the Independent Broad-based Anti-corruption Commission (IBAC). It should have been included in this legislation, and it is tardy of the government. Undoubtedly we will have to come back to this legislation in the future when it finally — if it ever does — gets its act together and establishes IBAC so that information can be passed on to it when the commission thinks it is warranted.

I will talk a little bit more in the short time left and say that we do oppose and will seek to amend the issue of the minister arbitrarily wanting an extra seven sitting days before he has to table the racing integrity commissioner's report. We see no justification for that, and it is hard to see any rational case being made by the government for that. It seems to be just another example of the government wanting to put roadblocks in front of transparency to hinder public access to information and give itself more time for spin and less time for scrutiny. We think that is a backward step.

We would like to see the minister perhaps take this opportunity to agree to that amendment and do a backflip — as we have just heard he has done, with his earlier desire to see the Cox Plate shift to Flemington — and be clear and transparent on this one also. It would be good if the minister clarified that he has changed his view of the Cox Plate and of Moonee Valley. With that, I shall end my contribution.

Mr DELAHUNTY (Minister for Sport and Recreation) — I want to add my contribution to the debate on the important Racing Legislation Amendment Bill 2012. I declare up-front that I am a member of Wimmera Racing Club and also a member of Casterton Racing Club. We have a long history of racing in our family. My father was a life member of Country Racing Victoria, and my brothers are all involved at a higher level than I am. I am sure that the wife of one of my brothers does not know how many horses he is involved with. From my point of view, I am not an owner of a racehorse or a standardbred or a greyhound.

It is great to be able to talk on this bill because the Minister for Racing is doing fantastic work in this area. I will talk about a few of the things the bill covers. One of the amendments enables Victorian registered bookmakers to accept phone and electronic bets at approved oncourse race premises. It also removes the current cap of 1 per cent on wagering turnover relating to the bookmakers licence levy and specifies the additional bodies to which the racing integrity commissioner may disclose integrity related information, and these are listed in the bill.

The minister has done a lot of work to strengthen the integrity of racing in relation to this bill, and that is important. Whether it be in the area of sport, which I look after, or in the area of racing, the integrity of sport is the key thing that drives and supports the industry. As I said, I am very happy to support this legislation. Various media releases highlight a few of the changes to the bill, but I am keen to talk about how this legislation looks after the changes to the pricing policy,

particularly for country race meetings and those that operate in regional areas. Racing Victoria will be able to set a fee of 1 per cent of turnover on amounts below $5 million and will have other ways to support our country racing industry.

As a member who lives in country Victoria, I have nine racecourses in my electorate: Apsley, Casterton, Coleraine, Dunkeld, Edenhope, Hamilton, Horsham, Nhill and Penshurst. There are also two harness racing tracks, at Hamilton and Horsham, where harness racing shares the track with the gallops. It was interesting that the previous Labor government tried to get rid of the Hamilton Harness Racing Club. There was a lot of work done by the local community and the region, which highlighted the fact that — —

Mr Herbert — On a point of order, Acting Speaker, the Minister for Sport and Recreation has referred to the former Labor government trying to get rid of harness racing in Hamilton. I think it has been clarified many times that there were recommendations from Racing Victoria on that point.

The ACTING SPEAKER (**Mr Weller**) — Order! What is the point of order?

Mr Herbert — My point of order is accuracy.

The ACTING SPEAKER (**Mr Weller**) — Order! I do not uphold the point of order.

Mr DELAHUNTY — I did not think the member would be game to put his head up in relation to this, because Labor has got a lot to be embarrassed about in relation to racing, particularly in country Victoria. But I congratulate the local community. We have now got harness racing back there at Hamilton, and it is a fantastic track. There is also a greyhound racing track at Horsham. The Minister for Racing met with those involved last week when he visited the area. They have race meetings every Tuesday night at the greyhound track, and the staff tell me it has one of the highest TAB turnovers in the state. So they are doing some fantastic work.

As I said, the changes will ensure that the bookmakers are looked after and can compete more effectively with their interstate colleagues. As we know, we all use mobile phones and other devices, and Victorian bookmakers were finding it difficult to compete. These changes will allow them to be competitive. There is great support for the racing sector in that regard. Bookmakers will be able to take electronic bets on approved offcourse locations.

I have spoken about the racecourses in my area, but, as I have said, the minister has been very supportive of the Victorian racing industry as a whole. Unfortunately the previous Labor government wanted to turn its back on the racing sector, particularly the jumps sector, and I will come back to that a little bit later.

As we know, the racing industry contributes over $2 billion to the Victorian economy and supports over 70 000 jobs, particularly in rural and regional Victoria, and this is why it is key to us in country areas. I was fortunate enough to be on the former Economic Development Committee when it looked at the thoroughbred and standardbred breeding industries. It was a big eye-opener for me to see what happens in other states and in some parts of the world, and this is what Victoria was starting to turn its back on — the enormous economic benefits and the opportunity for jobs in rural and regional Victoria. We know there is a substantial harness, as well as thoroughbred, breeding industry on the Victorian border, and there was a large breeding industry in Western Victoria. Unfortunately the drought and other factors impacted heavily on that area, but we are seeing the industry grow in the north-east of Victoria, and there are other fantastic locations where some great work is being done.

Whether it be the breeding industry, the racing sector or the training sector, there are a lot of jobs that go unseen in rural and regional Victoria. This was highlighted by the greyhound racing people the minister and I met the other day. They told me that every Tuesday night there is a race meeting in Horsham and that the BP service station over the road sells an enormous amount of fuel on that night because people drive into Horsham, race, fill up and drive back to wherever they come from. Even service industries benefit from the money that goes to the racing industry. Again, if it was not for the racing minister, a lot of that would be lost to rural and regional Victoria.

Last week the minister was in Horsham to announce a grant of $25 000 to the Horsham Racecourse to support an irrigation pump and power upgrade to enable more grass to be grown there. He also gave over $17 000 to the Murtoa Racecourse to help it purchase a new heavy-duty mower. The minister is trying to help one track to grow grass and another to cut the grass! I want to congratulate the people at Emmett Motors, who are contributing in-kind support towards the purchase of the mower. Obviously the race club is also contributing its own money towards it.

I believe there were about 60 or so people at the celebrations in Horsham when the minister made this announcement about two small racing clubs in country

Victoria. There would have been 60 people, and they congratulated and thanked the minister for the work he has done in racing. One of the racegoers said — and I want members to hear this — 'This is the best racing minister since Sir Henry Bolte'. Now that is a big statement!

Honourable members interjecting.

Mr DELAHUNTY — It is good to see the member for Geelong here. I know his father was also a racing minister, and I have to say he was highly regarded by the racing sector in country areas.

Mr Trezise — You told me he was the best.

Honourable members interjecting.

The ACTING SPEAKER (**Mr Weller**) — Order! The Minister for Sport and Recreation, without assistance.

Mr DELAHUNTY — The reason these sorts of things are being said right across Victoria is that we have a racing minister who understands and supports the industry. Recently I was looking through a few media releases I put out during my time in opposition. One media release dated 13 May 2009 is headed 'Lowan racing takes a hit' and states:

> The final decisions by the state government —

which was a Labor government at that stage —

> … will see 38 race meetings taken away from country Victorian communities, 9 country training centres closed and a further 10 training centres left without the support of any new capital expenditure …

This is what Labor was doing back in 2009.

Another of my media releases from 2008, when John Brumby was Premier, is headed 'Brumby rides country racing into the ground' and states:

> The Nationals member for Lowan, Hugh Delahunty, has condemned Premier Brumby and racing minister Rob Hulls following the release of the Victorian racecourse and training facilities directions paper yesterday.

They were also going to do a lot to get rid of racing, particularly in western Victoria, which I represent, and many of my constituents were concerned about it.

Another of my media releases, dated 2 December 2009, is headed 'Labor walks away from western Victoria on jumps racing crisis'. Jumps racing was not supported by the government. There is a fantastic jumps racing cup carnival held at Warrnambool, and I hope the minister has the opportunity to get to it next year. The reality is that members of the Labor government walked away from jumps racing.

Of course jumps racing does not only happen at Warrnambool; there are jumps race meetings at Casterton, which has a fantastic course, and at Coleraine, which has been battling but where some good events are being held.

The ACTING SPEAKER (**Mr Weller**) — The minister's time has expired.

Mr DONNELLAN (Narre Warren North) — It is an honour to speak on the Racing Legislation Amendment Bill 2012. Racing is a very important industry down in the south-eastern suburbs — indeed the Cranbourne racetrack is just down the road in a neighbouring electorate. As we know, racing is amongst the biggest employers in the state — I think the fifth biggest employer — so it is important that the racing industry is run well.

I note that many members of my family have had a very keen interest in racing, including my grandfather, who — although probably not legal — was a starting price bookmaker in Brunswick Street in Fitzroy many years ago, both for horseracing and for foot racing.

Dr Napthine — You come from a long line of crooks!

Mr DONNELLAN — I had better ask the minister to withdraw that comment. I hope that does not get put on the record; I think that would be totally inappropriate! On my mother's side — obviously they were not crooks — they were solicitors — —

Honourable members interjecting.

Mr DONNELLAN — No. They were great horse owners. They loved owning horses, and funnily enough they always lived down in the south-eastern suburbs, near Sandown and Caulfield and areas like that. For the members of my family racing has been a very important industry and one which we very much want to see run well.

Bookmakers themselves provide a great deal of the theatre of the racing industry. Without bookmakers on track, race meetings would lose the vibrancy and energy that are required. The changes being proposed by the government are appropriate and very much cognisant of changes in technology. We want to give bookmakers an even chance to compete against some of the big boys in the industry by removing some restrictions, including bookmakers only being able to take bets over the telephone or the internet or by email

while they are located at racetracks. We need to give bookmakers a chance to compete against other operators, whether they are based in the Northern Territory or whether they are members of New South Wales families and the like. It is important to allow bookmakers to compete on a level playing field.

When Labor came to power in 1999 members of that government did a lot of work with the Victorian bookmakers industry. We removed many restrictions and turnover increased substantially during the years we were in government, and bookmakers were very appreciative. Now the present government is continuing to remove those restrictions, which is important. Nevertheless, by the same token — as the member for Eltham has previously mentioned — it is important to have bookmakers on track taking bets. Bookmakers are wanted on track not only at country tracks but also at Flemington, Caulfield or Cranbourne; we want them there and people want them to take bets there. Realistically the location of where a bookmaker takes a bet is probably not particularly relevant today due to the capacity for the process to be monitored electronically, and the proposed amendments in this bill recognise that.

Furthermore clause 8 of the bill relates to integrity and expands the list of agencies to which the racing integrity commissioner can pass on information to include the Australian Crime Commission, the Australian Securities and Investments Commission, Centrelink and the Ombudsman. As the member for Eltham and other speakers on the bill have indicated, opposition members suspect the legislation will be back in the house at a later date to allow referrals by the integrity commissioner to the Independent Broad-based Anti-corruption Commission. At this stage we urge the government to move along IBAC so that that amendment, which I am sure will come back to this place, will permit the racing integrity commissioner to make that referral.

Opposition members are not particularly supportive of the amendment contained in clause 9 of the bill, which provides that the racing integrity commission will have more time to lodge the commission's annual report. That could delay the lodging of those reports for a substantial period of time. As opposition members have said, the opposition will propose an amendment in the upper house so that the present arrangement can be retained. I cannot see the need for this delay, because in many ways the minister just responds to what the racing integrity commissioner puts in his report.

Having made that short contribution, I indicate that opposition members will be supporting the bill but we will be proposing an amendment in the upper house in relation to the tabling of the report of the racing commissioner by the minister.

Debate adjourned on motion of Mr KATOS (South Barwon).

Debate adjourned until later this day.

EVIDENCE AMENDMENT (JOURNALIST PRIVILEGE) BILL 2012

Second reading

Debate resumed from 7 June; motion of Mr CLARK (Attorney-General).

Ms HENNESSY (Altona) — It is my great pleasure to rise to speak on the Evidence Amendment (Journalist Privilege) Bill 2012 and to set out Labor's position in respect of this bill. By way of summary, we shall not be opposing this bill; however, we foreshadow that we intend to move some amendments in the Legislative Council when the bill gets there.

Previously the former Labor government, the now opposition, had made commitments in relation to the introduction of what is known as shield law. This bill introduces shield law. We were very pleased when the Attorney-General announced in April 2011 that he would be introducing shield law for journalists. However, it has taken 16 months for it to do so. We are now finally able to examine the provisions of the bill. Whilst we are critical of the delay, we are pleased that this important bill has finally found its way into the Victorian Parliament.

We are becoming increasingly accustomed to the sporadic way in which this government legislates. Bills are sometimes rushed into Parliament with little notice or, alternatively, they are given almost unfathomably long gestation periods which seem to diminish rather than enhance the finished product. I would say this bill falls into that category. Not only has delay caused a great deal of concern amongst those who work in the media but the government has never provided any explanation as to why it made a public commitment to introduce shield law in April 2011. A few weeks ago the bill was introduced.

Effectively what was the government's promise? It was to deliver comprehensive shield laws to protect journalists undertaking their work, which is, in many cases, fundamental to the strength of our democracy. This legislation fails to deliver on that promise in some part. I intend to go through the reasons why that is the case.

The opposition has always taken the view that a strong democracy requires a robust media. There have been many great debates at the federal level about the role of the media, particularly with respect to politics. More pertinently, there has been debate about what would be the appropriate regulatory model in relation to media ownership and the role and work of the increasing diversification of the platforms that the media uses to communicate. But fundamentally we need to always remember that having a free, robust and fearless press is an essential part of the democratic system that holds government to account. On that basis we think there is a very sound policy basis for shield law.

There is a risk — and I think it is a mistake — for governments to think that it is only our regulatory model, our laws and our public policies that have the capability of enhancing integrity, openness and transparency. I will resist the obvious cue points in relation to criticising the government's agenda in that regard, but fundamentally having a free, fair and robust media is as critical as having the separation of powers and an independent judiciary. On that basis, in 2008 the former state government committed to introducing the Evidence Act 2008 in a context where there was no agreement nationally in regard to the issue of journalist privilege. It was hoped that agreement could be reached on a nationally consistent model at the time. There was a range of national discussions occurring. There was no prospect or hope of national agreement being obtained; therefore the Labor government proceeded with introducing the Evidence Act whilst intending to introduce shield law once a national agreement could be obtained. Unfortunately there were lengthy delays at the national level. As a result there was an inability to introduce shield law at the time the initial Evidence Act was introduced.

On 8 April 2011 the Attorney-General seemed to be in a hurry to get this legislation before Parliament. I recall the *Australian* newspaper ran an article headed 'Victoria looks set to be the first state to introduce a shield law for journalists' sources broadly in line with a federal scheme'. It was a delightful statement; I felt incredibly happy when I read that. I have a strong, personal view about the freedom of the press. I think shield laws are critical to that end. However, the great hope that was heralded by the *Australian* was not delivered on and the passage of the legislation has not been timely.

The commonwealth Parliament passed the Evidence Amendment (Journalists' Privilege) Bill 2010 in March 2011; the New South Wales Parliament passed shield law legislation in June 2011; and the Legislative Assembly of the Australian Capital Territory passed its shield laws in 2011. But late in 2012 we are now only debating the government's legislation on this issue. It is a far cry from the promise about adopting a process involving a speedy introduction. However, having made those comments on the dithering public policy program, I would now like to briefly turn to the provisions of the legislation.

The bill before us amends the Evidence Act 2008 to provide for journalist privilege, provides for mutual recognition of self-incrimination certificates from other jurisdictions and makes technical amendments to align the act with the Model Uniform Evidence Bill as agreed to by the Standing Committee of Attorneys-General in 2007.

Despite the commitment to codify this important professional privilege, it will not be available in a number of circumstances. The bill inserts provisions into the Independent Broad-based Anti-corruption Commission Act 2011, the Major Crime (Investigative Powers) Act 2004, the Ombudsman Act 1973, the Police Integrity Act 2008, the Whistleblowers Protection Act 2001 and the Victorian Inspectorate Act 2011 to specify that journalist privilege is not available under those acts.

In contrast, however, the bill amends the Coroners Act 2008 to include statutory privileges. The bill also makes some consequential amendments and provides for transitional arrangements. Whilst the opposition supports efforts to provide journalistic privilege in order to preserve the important role journalists play in society, we are concerned that this legislation is limited in its application, particularly in its application to the Independent Broad-based Anti-corruption Commission.

Those who are called before IBAC or subpoenaed to appear at IBAC will not only not have the benefit of being able to claim journalist privilege and utilise it, but they will also suffer because IBAC is a body that has compulsory powers and the legislative regime in relation to IBAC anticipates the issuance of confidentiality certificates which may prohibit a journalist in circumstances who, for example, may talk to the Media, Entertainment and Arts Alliance to get ethical advice about what the alliance's code of ethics provides in relation to — and I put inverted commas around the term — 'giving up a source'.

What is also missing from the list and the government's excisions is the local government inspectorate. I understand and appreciate that the area of local government regulation has been the subject of some reform. We are still waiting for the government's response to the Ombudsman's recommendation around

the establishment of an integrity commissioner for local government, but this does strike me as an odd omission that has not been explained by the government. If there is a public policy rationale around these specific exclusions, they ought to be explained, and the government ought to engage with the issue and the debate. What that omission means in reality is that journalists will be able to access a statutory privilege in a general Victorian court proceeding and investigations undertaken by the Victorian local government inspectorate.

Importantly, there is no statutory privilege in the context of the operations of those bodies of which I have just made mention. It seems like an inconsistent and nonsensical approach, and it is important that government members in articulating, justifying and explaining why they have adopted this particular model address why certain investigative bodies are within the province of shield law application and other bodies are not. I note that the Media, Entertainment and Arts Alliance has also expressed some significant concern about the gap in coverage in relation to the long list of bodies that are often in these forums where journalists are 'in the firing line', and here I use the expression of Justin Quill, a renowned and respected media lawyer. The opposition supports the extension of shield laws, particularly to cover the application of IBAC.

I will now discuss first principles and some of the background context to why we are considering this bill today. That forms an important explanation for the public record as to why we need shield laws. I have certainly heard people question why journalists should not be required to answer questions before certain investigative bodies. It is important to try to sketch out the reason we now consider source privilege an important public policy protection. A free and robust democracy goes hand in hand with a free and robust press. Under the Media, Entertainment and Arts Alliance code of ethics a journalist must:

> Aim to attribute information to its source. Where a source seeks anonymity, do not agree without first considering the source's motives and any alternative attributable source. Where confidences are accepted, respect them in all circumstances.

Therefore ensuring the confidentiality of sources is an important aspect of a journalist's code of ethics, and it is part of why journalists work to a code of ethics. A journalist, in the true and traditional sense of the word, seeks the truth and reports it. The truth is what protects our democratic institutions. In turn we must protect the processes that enable the truth to come out. It is often through the work of investigative journalists that government incompetence or corruption in a variety of forms is exposed. That is often reliant on an informal whistleblower. Investigative journalism is an incredibly important part of keeping us honest and keeping our polity informed, educated and engaged.

This is a point that has also been made by the Australian Collaboration, a peak organisation that represents a range of social, cultural and environmental groups. This organisation produced an informative fact sheet called *Democracy in Australia — Protections of Journalists and Their Sources*. A point I found quite persuasive in the fact sheet was the statement:

> The practice of keeping anonymous sources confidential is essential for journalists who rely on the trust of informants to publicise information that is genuinely in the public interest. If journalists cannot offer protection of the source's identity, people will be deterred from offering information.

A strong and fearless press and culture, and more importantly the laws and norms that foster genuine investigative journalism, are cornerstones of our democracy. For these reasons we must be satisfied that our laws provide adequate protection to journalists, who play such a vital role in achieving that end. It is also consistent and a right recognised in article 19 of the United Nations Universal Declaration of Human Rights, which states:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

There has been a really significant case, and it is something I think those of us who engage in the art — sometimes the botched art — of public policy making ought to reflect upon, and that of course is the 2004 case involving *Herald Sun* journalists Michael Harvey and Gerard McManus. This case came about after Harvey and McManus published an article revealing a commonwealth government proposal to reject a $500 million increase in war veterans' entitlements. During the ensuing investigation by the Australian Federal Police, the journalists refused to reveal their source for the article, and they cited, quite legitimately, their obligations under the code of ethics to which I have previously referred. The alleged source, Desmond Patrick Kelly, was ultimately outed. He was prosecuted in the County Court for leaking confidential information to a journalist, and during the pretrial hearing of that matter, both Harvey and McManus again refused to reveal the identity of the source who provided the information reported in the story.

Without shield laws in place, these journalists were subsequently charged with contempt of court. As members would know, contempt of court is a very

serious charge. I assume that it was ultimately with a broken heart that Harvey pleaded guilty to four counts and McManus pleaded guilty to five. They were spared jail; however, they were both convicted and fined $7000. Having to plead guilty to a contempt of court charge is an incredibly serious matter for any person, but the journalists were essentially exposing a decision by government, or the input to a decision, which exposure was ultimately in the public interest in my view. For the journalists to be subjected to that degree of alleged criminality does not enhance democracy or indeed robust and open public policy debate.

It was very interesting that during the case Chief Judge Rozenes stated — and I think he was giving us all a message that it was time for us to do something about this issue:

> Courts in Australia and England have made clear statements to the effect that journalists are not above the law and may not, without penalty, expect to be permitted to follow their personal collegiate standards where those standards conflict with the law of the land.
>
> Until that law is altered, if it is ever to be, then journalists remain in no different position than all other citizens.

Really that was the basis upon which those gentlemen ultimately pleaded guilty.

In 2006, the Australian Law Reform Commission reviewed the uniform Evidence Act, and a key issue in their review was the need for shield laws for journalists. In conducting the review, ALRC acknowledged that there are many relationships in society in which confidential information is exchanged. However, the aim of the Evidence Act must be to ensure that as much evidence as possible is available to the court, so we ultimately end up in this public policy conflict. It is important that courts are able to access information, yet it is also important that we protect a series of confidential relationships, and that is why things like doctor-patient privilege, legal professional privilege and priest and parishioner privilege in the confessional have existed for many years and have been protected, so it is a very difficult balancing act.

Given the balancing that is required between these competing policy interests, what ALRC proposed is that we introduce a confidential communication privilege that could be applied at the discretion of the courts. In its report, ALRC stated:

> A qualified professional confidential relationship privilege acknowledges that it may be in the interests of justice to protect the confidentiality of a particular relationship in the circumstances of that case … the commissions believe that the fact that the privilege is discretionary — in this bill —
>
> and that parties are able to make an argument as to why the material should be disclosed, will allow a judge to circumvent illegitimate attempts to claim the privilege.

That qualification goes some way towards addressing the concerns of those who question why journalists should be in a different position. How is it that the public interest is enhanced by a journalist not necessarily having to give up a person who may have leaked confidential information? It is a difficult balancing act, but this bill creates the provision, and this follows ALRC's recommendation, that judicial discretion should be applied in exercising that privilege. That is the balance that was proposed in the uniform bill that was agreed to in 2007, and indeed in the bill before us today.

This bill implements a rebuttable presumption that a journalist is not compelled to reveal a confidential source in court. In effect what that means is that a party wanting to protect a confidential source must convince a judge that the public interest in the disclosure outweighs the adverse effect on the informant or any other persons and convince the judge of the public interest in the media's communication to the public of facts and opinion and in the ability of the media to access sources of facts. I think that is a sensible test. I have great faith in the judiciary's ability to make that balance and to apply it depending on the circumstances of the case.

We then need to look at the bill to see who this privilege extends to. The bill applies to a journalist, who is defined as a person engaged in the profession or occupation of journalism and who spends a significant proportion of their professional activity collecting and preparing information having the character of news or current affairs or commenting on and analysing news or current affairs. This person must be regularly published, so you would hate to be a rookie journalist whose first case involved great sources, because they would not be able to invoke the privilege. Journalists must be accountable to a recognised code of practice, which is an attempt to import ethical obligations such as the code of ethics promulgated by the Media, Entertainment and Arts Alliance.

A journalist must also not be a blogger. This has been a matter of some public policy debate. The number and importance of non-traditional publishers in the contemporary media landscape continues to grow, and ultimately regulators are going to have to deal with that issue. It is probably too big an issue for us to deal with here. I know there are a range of views about whether a blogger is a journalist and what codes of conduct

bloggers are compelled to comply with, and for that reason we need to continue to monitor the law to ensure that the protection delivered by the bill is not too narrow in practice. Given the porous nature of the media and the ongoing evolution in the platforms the media uses to communicate, the time may come to address that in a regulatory sense.

The other important point to make is that journalists must be provided with information in the course of doing their work, so any exchange needs to occur in a professional context. This privilege is only enacted if there is a promise of anonymity to the informant at the time of the exchange of information. At the time a journalist receives or seeks information the promise of confidentiality needs to be exchanged, for example, in contract law terms, for consideration, and presumably that matter would become evidence in a court if a journalist invoked the privilege. As I stated earlier, we need to recognise that part of a journalist's role is to attribute all information to a source as outlined in the code of ethics. Nevertheless, there are circumstances when, in order to get the facts or information, the media may need to agree to confidentiality with sources. Indeed at times that might be the only way a journalist can access that information — by promising not to reveal the source.

As I said, the Labor opposition will not be opposing the bill today, but we will be seeking to move amendments to ensure that the Independent Broad-based Anti-corruption Commission is also within the province of the shield laws. That is a matter we intend to pursue in the Legislative Council. We are not satisfied that the government has made an adequate case for IBAC's exclusion from the jurisdiction. We do not believe this bill is as comprehensive as it could have been. We also believe that inconsistencies might occasionally occur, particularly in respect of anticorruption bodies, which is an area with which I have become increasing familiar.

On 29 October 2010 Mr Christopher Warren, secretary of the Media, Entertainment and Arts Alliance, noted that a number of anticorruption bodies had been established around the country and that those bodies have coercive powers far beyond the scope of the police and the courts. He also noted that although legal and law enforcement approaches to widespread corruption are complex, these powers have been used increasingly against journalists. In the course of doing their jobs diligently and effectively and in trying to comply with their professional code, journalists have often been compelled to reveal confidential sources and hand over documents, notes and other data, and they have been threatened with fines and jail when they have stood by their ethical obligations. It is hard to think of any other profession in which ethical obligations and codes of conduct are so critical to the way in which its members do their work and where such requirements apply. We would not do it with doctors, and we would not do it with lawyers. The government needs to make a compelling case for why we should do it with journalists in respect of their ethical obligations.

The other important point to note is that journalists are often denied legal representation; they can even be forbidden from seeking advice when they get that unhappy summons about revealing their sources. In March 2011 two reporters from the *Sydney Morning Herald* were served with subpoenas ordering them to produce all documents in respect of any contact they had had with the New South Wales Police Integrity Commission, as well as their mobile phones and any SIM cards they had used over the past years. Those two journalists had written a series of stories about the New South Wales Crime Commission, including allegations of deals between the crime commission and an organised crime figure to allow criminals to keep portions of the proceeds of their crime.

I would have thought it would have been in the public interest to have had a light shone on those issues. A similar subpoena was also sent to Fairfax. The irony is that the media was able to find out about the subpoenas because the matter was being heard in the Supreme Court rather than in the New South Wales Crime Commission. Had the matter been heard in the crime commission those journalists would have been prohibited under the pain of prosecution from revealing the fact that they had even received subpoenas. In relation to IBAC the bill before us will enable exactly that. As I said, the opposition therefore questions the adequacy of the protections that the bill provides to journalists, and for that reason we intend to pursue our amendments.

What is the ultimate cost to our society of a bill that fails to provide adequate protection for journalists? The World Movement for Democracy thinks the risks and costs are clear: journalists might self-censor and might opt to report on issues that are not controversial or critical of government. That would ultimately undermine freedom of expression, free press and transparency of government information. Who is most likely to benefit if the protection provided to journalists is not extended to the situations and processes that I have described? It is the government. We must always ensure that journalists are protected to enable them to find out the truth about the way our important public institutions and state instruments are working. The public deserves fearless reporting on the operation of

IBAC. Under this bill, as it is currently drafted, we may not get it.

Having made those comments, I advise that we will not be opposing the bill even in its current form. Despite the government's inexplicable delay in bringing the bill before Parliament, this is an important step for the state of Victoria. I am disappointed that it is a timid step.

I would hate to think this bill does not include IBAC because of the government's dithering on IBAC legislation. We know the commission was meant to be up and running by 1 July 2011, and we have continually been told and assured by the government that it is on its way. We have seen that up to six relevant bills have been debated but have not enabled the operation of IBAC. We have this ongoing inconsistency in the anticorruption regime this government has supposedly adopted. This is a matter that was described with a great degree of criticism on the front page of last Friday's *Age*, where even two of the government chief advisers were deeply critical of the government's IBAC. I take great — —

The ACTING SPEAKER (**Mr Weller**) — Order! I know I have to give some latitude to the lead speakers, but I think the member is stretching my latitude!

Ms HENNESSY — I will heed your warning, Acting Speaker. Essentially my issue is — and this is my criticism of the bill — that we know, for example, that in New South Wales, when a journalist who was the subject of a subpoena in relation to the New South Wales Independent Commission against Corruption refused to give up her source, she was ultimately charged with contempt of court for doing so. The delicious irony is — and this is the point I make about the glaring inadequacy of the shield laws in their lack of application to IBAC — that her source was a police officer who was giving up information about corruption in the New South Wales police force and rather than there being a recognition that the public interest was being served by the exposure of that corruption, it was the journalist who exposed that corruption and who was trying to do the right thing by her code of ethics in refusing to give up her source who got penalised and punished. How is the public interest advanced or served in those kinds of circumstances?

What happened to that journalist? I think the judge was attempting to be as lenient as he possibly could, and he gave her a suspended sentence. Guess what? Suspended sentences are on their way out in Victoria. A journalist would not be as lucky — —

The ACTING SPEAKER (**Mr Weller**) — Order! Now would be a good time to break for dinner.

Ms HENNESSY — With that cautionary tale, Acting Speaker, I wish the bill a speedy passage through the house.

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

Mr MORRIS (Mornington) — It is a pleasure to rise to support the Evidence Amendment (Journalist Privilege) Bill 2012. Before I turn to the detail of the bill I will refer to some matters that the member for Altona raised before dinner. As is often the case, the member was entertaining in patches, but, as is also often the case, she was not entirely accurate in her interpretation of the bill. The thing that interested me was that the member was quite willing to criticise what in her view was a rather lengthy process to bring this bill before the house. I will come back in a minute to the work that has gone into preparing it.

At the same time as complaining that it has taken 18 months to bring in a bill, which the government promised in a commitment that it would introduce within its four-year term, the member for Altona indicated that amendments would be produced by the opposition in the upper house. Given that the bill has been in this house for some time and people — even opposition members — have had an adequate opportunity to review the bill, I am rather surprised that on the one hand opposition members could be criticising the government's timing and on the other hand not be organised enough to bring into this house the amendments that are being foreshadowed to be brought into the Legislative Council, so that members can see the substance of the proposed amendments aired in that way.

It is worth noting that the proposals in the bill will provide significant protection for journalists' sources. That is really what it is all about. While it is called a journalist shield law, the bill is really about ensuring that the identity of sources is protected. The substance of the bill obviously provides an opportunity for journalists to decline to provide information to a court, which is a privilege that they do not enjoy at the moment. The development of the privilege included an assessment of how best to frame it, because it clearly needs to balance the two considerations of freedom of the press and the public interest, in that a court needs to have access to, if not all relevant information, as much relevant information as possible. You do not make those decisions overnight, or, when you do — as we saw with a number of bills that were brought in by the former government — you stuff it up. The government

was not inclined to do that; instead it took its time, did the work and got it right the first time. That is the only commentary I want to make on the timing aspect: that having done the work and brought in the bill within 18 months of taking office was not a bad thing at all.

As the Attorney-General noted in his second-reading speech, the bill delivers on an election commitment. I must say that I am very pleased to be supporting and working with a government that is prepared to bring in legislation of this nature. As the Attorney-General also noted, freedom of the press is vital to a democratic society, and the introduction of a journalist privilege for court proceedings does support the health of democracy in this state.

I am sure that some — not anyone in this house — would wonder about that statement, and I know that there are people out there who would not agree with it. Why is a strong media, an independent press, important to our democracy? If democracy is to work at anywhere near its best, it must be informed. People need to be informed when they exercise their democratic rights. If they are not informed — that is, if they are not aware of the facts and the issues — they are not able to exercise their judgement in their interests and the interests of the community. A free, robust press is a very important part of that process.

The profession of journalism is many centuries old. While we in this business often tend to think of it as a relatively modern phenomenon, you can go back to the newspapers and cartoons in the time of Pitt the Younger to see that some of the cartoons circulated at that time were particularly vicious and probably provoked quite a lot of public debate but they served the purpose. If I recall correctly, the original Mr Hansard in fact printed reported parliamentary debates, rather than providing the sort of service that today is known around the world as *Hansard*. The profession has been around a long time. The bill introduces a relatively new change and it will make a significant improvement to the way members of the press can operate in Victoria.

The bill contains a number of definitions. The definition of 'journalist' relies on the plain English meanings of a series of words such as 'profession', 'occupation' and 'journalism'. It identifies those who are engaged in the trade or craft on a day-to-day basis. There are opportunities for a court to establish properly that a person is a journalist. That is important, of course, because we do not want the privilege extended to others. At some other point it may be appropriate to extend the privilege to others, but to do so on an ad hoc basis would undermine the integrity of the legal process, and that is certainly something we would not wish to do.

I think the member for Altona noted in her contribution that the definition of 'journalist' does not extend to amateur bloggers, users of social media or social networking sites and so on. It may be appropriate at some point in the future that some people operating in that sphere may in fact be engaged in the genuine task of journalism, with all the ethical safeguards that go with it, including operating under the code and so on. But at this point that is not the case. So-called journalists who might be working as amateur bloggers are not journalists; they are bloggers. That is the nature of it.

This is a relatively recent phenomenon. New Zealand introduced legislation in 2006, and the commonwealth, New South Wales and the Australian Capital Territory (ACT) have all recently passed legislation based on the New Zealand model. In Western Australia I believe a bill was introduced last year and is still before the Parliament. Victoria will be the fourth jurisdiction in Australia to pass legislation in this regard.

I indicated I would briefly come back to the point about coercive questioning regimes. Coercive questioning regimes such as the Independent Broad-based Anti-corruption Commission are specifically excluded from the application of privilege. I want to make the point that this is consistent with both the commonwealth legislation and ACT legislation. It is also consistent with the New South Wales legislation insofar as it applies to the anticorruption commission in that state. However, it does not apply to the Ombudsman in that state. I am not quite sure what the thinking was there, because in every other jurisdiction in which this legislation has been introduced it applies to the Ombudsman and similar bodies.

That is important because we need to implement consistent treatment of integrity bodies across the board. Obviously proceedings may flow from investigations; at that point the privilege remains intact. By not including the application of privilege under coercive questioning regimes, the opportunity to actually get to the truth remains. That is an important point.

This is good legislation. I am very pleased to be part of a government that is prepared to bring forward legislation like this. It has taken a little while to get it into the Parliament, but that has been a good thing because the work has been done; we have got it right. I commend the bill to the house.

Mr PALLAS (Tarneit) — In rising to speak on the Evidence Amendment (Journalist Privilege) Bill 2012 I wish to indicate that our position in not opposing this bill, in effect, is apprehended upon the recognition that journalism is an important profession and an intrinsic part of an effective and functioning democracy. Quite often those of us in public life become irritated, in fact downright outraged on occasion, about what is said about us, and long should it be, because effectively that is what public life is about. If you go into public life, you expect in many ways the performance of the job to become an issue of public discussion. Indeed it is almost a key criteria on the position description for a job in public life.

The bill that the Attorney-General has brought to this Parliament strengthens the protections that are available to journalists and their sources. The bill effectively implements the sorts of things to which the former Labor government committed when it indicated that it would introduce shield laws to protect journalists from being compelled to name their sources. We are concerned that there are jurisdictional restrictions in terms of the broad application of the legislation. The bill seeks to amend the Evidence Act 2008 to provide for journalist privilege, provide for mutual recognition of self-incrimination certificates from other jurisdictions and make technical amendments to align the Victorian act with the Model Uniform Evidence Bill. However, it fails to incorporate recognition for non-court-based institutions. There is a valid argument that journalist privilege should nonetheless apply to evidence acquired in those circumstances.

In 2008 when Labor implemented the new Evidence Act there was no agreement about a national approach to journalist privilege. We have seen the holding off of legislation in this area in the hope that agreement would be reached or a nationally consistent model would emerge. We believe a strong democracy needs robust media prepared to inquire. The media should be able to operate knowing there is a level of legislative comfort in performing their functions, which in many cases are a public service. After all, as the fourth estate the media plays a key role in the effective functioning of our growing organic democracy. Journalists should also have the right to ensure that their sources of information are not necessarily exposed to scrutiny in other than the most exceptional circumstances.

Mr Eren interjected.

Mr PALLAS — I am not going to storm against this legislation. We think in broad measure it achieves some very useful public purposes. However, it does not go far enough. The privilege provided by this bill is that the person seeking to invoke the shield must be a journalist. There must, in effect, be a promise or acknowledgement that the information will be provided in the context of the journalist's work and published through a media forum. It is not a conversation for the purpose of salacious exchange. There is a public interest test.

There is grave concern relating to the restrictions in which the shield laws operate. They can only operate in Victorian courts in the context of legislation within this jurisdiction. However, journalistic privilege is expressly denied to journalists who are called before IBAC, the Ombudsman, the special investigations monitor, the Office of Police Integrity, the Victorian Inspectorate or a commission issued by the Governor — for example, a royal commission. Privilege is also excluded under the Whistleblowers Protection Act 2001.

Victoria is coming into line with other states. The introduction of shield laws is a welcome initiative. I am concerned and the opposition remains concerned about the restrictions in terms of jurisdictional scope. Freedom of the press and other media is an essential issue by which the government and powerful corporations may be held to account. Sometimes that can be irritating, frustrating and the source of considerable angst amongst public figures, but nonetheless it is important in a robust democracy.

Whilst public figures might not greatly appreciate this legislation, it is a substantive move in the right direction. On that basis, the opposition will not be opposing the bill. We hope the government will think seriously, if not in the context of the matters before the chamber at the moment then at some stage in the future, about the amendments the opposition has proposed. We think they are a substantive improvement in terms of the protections which of course are the underlying objective and aim of this bill. We commend those amendments to the government, and we hope that at some stage in the future they become the subject of substantial consideration and debate before this chamber.

Mrs VICTORIA (Bayswater) — Back in June of this year the Attorney-General said:

> The introduction of this shield for journalists recognises the important role that journalists and news media play in a democratic society.
>
> Freedom of the press is vital to a democratic society, and the introduction of a journalist privilege for court proceedings will add to a healthy democracy in Victoria.
>
> These laws strike a fair balance between protecting the interests of the public in the free flow of information while

> providing courts with discretion to require disclosure in the public interest.

When the Attorney-General said those words he was of course talking about the bill before the house, which does what it says and seeks to create a journalist privilege. It is part of the commitment we made when we were still in opposition, pre-government, to bring in shield law which will help to protect journalists from being compelled to give evidence in court proceedings that would reveal their confidential sources, and there has been plenty about that in the media. One of the other things the bill does is implement amendments approved by the Standing Committee of Attorneys-General to correct some technical errors.

It is interesting to note that in the past members of the opposition have said they were worried about the time it had taken the government to introduce these laws. I sat in opposition for four years during the last Parliament and saw all the legislation that came before the house. There were many pieces of legislation that we had to amend within months, if not weeks. It was incredible that they had not been thought through enough. It is all very well to say 'We want to introduce something', but why not think it through? That is exactly what we have done in this case. Of course there are other jurisdictions in Australia that have recently brought these sorts of laws in; we are not the first, but we have done it really well. Our changes, in comparison to those that other jurisdictions have brought in, are very sensible, and it may well be that those jurisdictions look upon this piece of legislation and make amendments to their laws over the years.

Quite a few members of the opposition said this legislation was a little untimely, that it had taken too long for us to bring it in, but of course they had 11 years in government and they umm-ed and ah-ed and dillydallied about whether or not they would bring this sort of legislation in. Then, if I remember correctly, just before the last election they proposed a bill to do with a feasibility study about journalist privilege. A feasibility study is not going to protect a journalist. We have done a very considered and measured study of what we need to do, and we have brought in something that is going to be very protective of journalists.

The bill sets about strengthening the anonymity of sources for journalists. It creates a privilege, which means that a journalist can refuse to answer any question about or disclose their source, especially where they have promised the source that they will maintain confidentiality. This is because sometimes a source will not give information if they think they are going to be exposed. This might be because they are in danger or because disclosure might affect their life or the lives of others around them in some way. They say, 'I will tell you this. It is in the public interest, but you cannot reveal who I am'. In the past we have seen cases, which I will get into in a moment, involving journalists who have been taken to court, and not having these shield laws has left them with nowhere to go other than to basically say 'I am going to defy the law. Throw the book at me; I will go to jail rather than reveal my sources'. Unless journalists can have their sources protected, their profession is virtually non-existent. A lot of people will come forward with information that is in the public interest only if they know they can be protected.

Each individual case against a journalist that goes to court will be looked at on the facts of that particular case. What we are trying to do with this legislation is establish the right balance between the public's right to know any of the information and the capacity of the courts to access information needed to uphold justice. That balance has been sought and achieved with this legislation, and cases will be considered on an individual basis.

I think journalists are going to be very careful. They already are careful and they have a code of conduct, but they have got to be cautious about promising confidentiality to an informant. And of course it is only if they have given this promise of confidentiality that these laws apply. If we have a look at the Australian Journalists Association code of ethics, we see that it says:

> Respect for truth and the public's right to information are fundamental principles of journalism. Journalists describe society to itself. They convey information, ideas and opinions, a privileged role. They search, disclose, record, question, entertain, suggest and remember. They inform citizens and animate democracy. They give a practical form to freedom of expression. Many journalists work in private enterprise, but all have these public responsibilities. They scrutinise power, but also exercise it, and should be accountable. Accountability engenders trust. Without trust, journalists do not fulfil their public responsibilities.

Among the things that journalists, when they are working under this code of ethics, promise to do are to work with honesty, fairness and independence and to respect the rights of others. Point 3 of the code of ethics is particularly poignant. It says in part:

> Where a source seeks anonymity, do not agree without first considering the source's motives and any alternative attributable source. Where confidences are accepted, respect them in all circumstances.

That is where there have been issues in the past and journalists have been challenged and taken to court.

That sort of ethical dilemma is not something that journalists want. They say that once they write something that is perhaps an exposé, at the end of the day they could go home and not be at ease because they may end up in court over what they have written for the next day's paper.

I refer to the 2005 case of Gerard McManus and Michael Harvey. They were convicted and fined for not revealing their sources. There have been at least four other journalists who have been convicted or jailed in Australia for refusing to reveal their sources to the courts. But if you look at, for example, Gerard McManus, because he was convicted of contempt of court he was refused a visa for entry into the United States. Quite often when I go out to schools and talk to children about what they think are minor crimes, such as graffiti — and obviously for Gerard McManus this was not the case — I say, 'But if you receive a criminal conviction, you will never be able to go to Disneyland. You will never be able to travel there with your family. Once you have a criminal conviction, there are countries that will not let you in'. A journalist with a criminal conviction, who may well need to travel overseas to follow stories, would not be able to go. McManus had the choice of revealing his source and betraying their confidence or potentially jeopardising the furtherance of his career, which is what he did. That is a very difficult situation for a journalist to be in. With this bill that situation will be ironed out, and each case will be looked at individually.

The commonwealth, New South Wales and the Australian Capital Territory have all recently introduced legislation slightly different from ours. As I said, I think ours covers an awful lot more. They might even look at ours and decide that they want to adopt some aspects of it. The bill will stamp out some of the tensions that have arisen between journalists and the courts. We have looked at what other jurisdictions have done and have managed to achieve the same. New Zealand has had shield law for quite some time under its Evidence Act 2006. In that country, in a civil or criminal proceeding neither the journalist nor his employer can be compelled to answer any questions.

There is so much I could talk about on this bill, including the *Age* case where a court order barred the removal of the computers of *Age* journalists. That is something members of the Electoral Matters Committee were excited to hear about and followed with great gusto. The Baillieu government has done an amazing job on this piece of legislation. I commend the Attorney-General, and I commend the bill to the house and wish it a speedy passage.

Mr BROOKS (Bundoora) — It is a pleasure to join the debate on this important piece of legislation. I want to echo the comments of the previous speakers on this side of the house in that this piece of legislation will not be opposed by the parliamentary Labor Party and it acknowledges the very important role of the media and journalism in a free society and in our democracy, particularly in holding governments and those elected to represent the people to account. It is important where we have governments acting in the same manner as the one we have here in Victoria that there be strong news media that probe and investigate the issues that are kept from public view. Today we saw the government hiding and wanting to keep secret the Vertigan review. I will not go into that, as it is not in the bill, but it is an example of where we need the media to be investigating, probing and trying to make public things that a government would otherwise want to see kept from public view.

This bill strikes a sensible balance in terms of the application of the journalistic privilege it refers to. It is a rebuttable presumption. The bill also contains a sensible definition of a public interest test. I do not think anyone on this side of the house would contest the point that has been made by members opposite in terms of the adequacy of that part of the bill. It is fair to say that the bill does just as much in terms of protecting sources of information as it does to protect the journalists themselves, because by the very nature of the process someone providing important information to a journalist will know that if the journalist is protected from having to disclose their identity, they are in fact achieving a measure of protection themselves. I think that is a good thing, given that it is in the public interest.

However, my personal view is that the bill is more notable for what it lacks than for what it contains, and this has been alluded to by our lead speaker and others. If the government is to claim all of the virtues of this bill in how it applies to court cases, there is no reason — and there has certainly been no reason put by members opposite or by the Attorney-General — why it should not apply to bodies such as the Independent Broad-based Anti-corruption Commission (IBAC), royal commissions, the Ombudsman and so on. It will be interesting to hear members opposite, or the Attorney-General, explain clearly the case as to why those bodies will not be subject to the same provisions in the bill as courts.

One can imagine an example where we have in this state an Independent Broad-based Anti-corruption Commission inquiry into a matter that may well involve aspects of something this government is not happy

about. Of course there is then the very real prospect that a journalist will be forced by IBAC to reveal sources to that commission. It is hard for the government to claim that it is providing broad privilege to journalists in this regard when it is not applying it to IBAC, it is not applying it to the Ombudsman and his investigations and it is not applying it to royal commissions. I suppose one could argue that royal commissions could be considered on a case-by-case basis, but I would be very interested to hear an argument from the Attorney-General or others opposite about why those other bodies are not included.

As I mentioned, we have seen what has happened with the Vertigan report. One can well imagine this government wanting to shut down debate around that issue. One can only hope there are fair-minded people within the bureaucracy in this state who would like to see that document made public so we can see whether there will in fact be cuts to health services, education services and public housing — important services that people rely on — and we are able to find out what this government is up to, because it is such a secretive government.

By providing privilege to journalists in some cases but not in others, this bill will leave many journalists confused as to whether or not they are protected in terms of having been provided this privilege. It will certainly not give many sources great comfort. That is probably, if I could be so cynical as to suggest, what this government is aiming at. It is aiming to ensure that many people in the public sector know there is still an IBAC and an Ombudsman that can investigate from whom journalists have got information. As I have said, this bill is a good first step but is most notable for what it lacks rather than what it does.

Mrs BAUER (Carrum) — I rise to speak in support of the Evidence Amendment (Journalist Privilege) Bill 2012. It is a pleasure to join in the debate and speak on this bill. I am certainly a supporter of journalists and the essential role they play in our community, our electorates in Victoria and our democracy. I believe the legislation before us today is a significant step forward in media law.

The purpose of the bill is to amend the Evidence Act 2008 to provide for journalistic privilege and other matters, and to make consequential and other amendments to the Coroners Act 2008, the Evidence (Miscellaneous Provisions) Act 1958, and other acts for other purposes. The intent of the amendment is clear: if a journalist has promised not to reveal an informant's identity, neither the journalist nor their employer can be compelled to give evidence to disclose the informant's identity in any Victorian court, unless the court determines that it is in the public's interest and that interest outweighs the effect the disclosure may have on the informant.

This is another election commitment the government is delivering on. We announced that we would commit to introducing shield laws prior to the 2010 election. It is certainly well-researched and well-thought-through legislation. It balances the considerations of the freedom of the press with those of the public interest. I commend the Attorney-General for ensuring that this bill gives significant protection to journalists and their sources.

When I was researching this bill I looked at the profession of journalism. I was interested to read in the *World Book Encyclopaedia* that the earliest known news-sheet began in Rome in 59 BC and it reported the proceedings of the Roman Senate. The first printed newspaper was a Chinese circular printed in AD 700, and the first regularly published newspaper in Europe started in 1609 in Germany. Journalism has a long and proud history, and journalists have made an important contribution to our communities and to democracy.

Journalists research topics thoroughly and engage with sources. They have regular input from community members who may have an interest in a topic or firsthand experience in an issue. Sources need to feel secure that if they provide information to journalists they will be afforded anonymity, and journalists should be able to offer this confidence without fear. This bill certainly increases the confidence of the members of the public in knowing they can offer information in confidence and their identities will be protected. We have heard other speakers talk about the journalists' code of ethics which was developed by the Australian Journalists Association in 1944. The code underwent revision and changes between 1984 and 1995. Throughout the code of ethics it recommends that before promising confidentiality and anonymity to a source journalists should be very cautious, consider the motives of the source and keep confidences in good faith.

By and large journalists are very respectful of the code because they know that if they do not adhere to the code, they risk not only their own reputation but the reputation of the broader profession, the industry and a healthy democracy. To betray a confidence can also lead to a depletion of trust, which would potentially dry up their sources. Trust is essential to securing information for follow-up stories. If journalists do make a promise of confidentiality, by and large they respect that promise and are true to their word. Often in the past

journalists who have been required by courts to reveal their sources have refused — we have heard previous speakers give examples — and have been penalised as a result of not revealing their sources. This legislation gives journalists extra protection for their sources and also strengthens freedom of speech. However, this privilege only applies to the journalist if they promise to keep a source or identity secret.

The definition of a journalist is a person who is engaged in the occupation of journalism in connection with the publication of information in the news media. It does not include amateur bloggers or users of social networking sites.

I have built up a friendly, professional relationship with the local journalists in my electorate of Carrum, which includes the city of Frankston and the city of Kingston. We are fortunate to have five newspapers in our electorate, and I have had frequent contact and correspondence with each of them. I also worked with journalists for many years in my former role of communications officer in public relations. I have discussed this legislation with journalists at length over the last few weeks, and they have told me they support and welcome these amendments. In my electorate we have the *Mordialloc Chelsea Leader*, the new *Chelsea-Mordialloc News* — this has only started two weeks ago, and I would like to take the opportunity to welcome it to the electorate; it is exciting to have another newspaper in our community — and also the *Frankston Standard Leader*, the *Frankston Weekly* and the *Frankston Times*.

The Carrum community can look forward every week to receiving newspapers and reading about local issues, local news and local stories. I know we are talking about protecting the identity of sources, but as a politician I am very happy to reveal my sources and to give information to journalists whenever possible. As politicians we all know how important it is to get our message out to the community, especially when there is public interest around an issue or a story. As I mentioned earlier, a court can refuse privilege but there must be a very strong case to be made before an informant is identified. If there is a public interest in the facts and in disclosing a source that outweighs the adverse effect on the source, courts would weigh up cases individually, including factors such as the interests of all involved, the potential investigation and the freedom of the press. Safeguards are provided in the legislation.

In summary, since the bill's introduction into the Parliament by the Attorney-General there has been strong media interest in it and strong support for the introduction of a journalist privilege. This legislation provides a significant step forward, and I believe that we will look back and see that we are bringing the Victoria into line with other jurisdictions around the Commonwealth of Nations and within Australia that already have similar legislation in place. This bill is a move to increase confidence in the community — not only confidence within the profession of journalism but also confidence in the wider community — so that sources can feel sure that confidentiality will be respected. Once again I commend the Attorney-General on this legislation, and it is terrific to see him here during the debate. I commend the bill to the house.

Mr McGUIRE (Broadmeadows) — The Evidence Amendment (Journalist Privilege) Bill 2012 raises important issues about free speech, democracy and the future of the fourth estate, so my contribution will be made in the public interest.

Journalism was my first profession, and I want to address the public policy issue of greatest significance through experiences I have confronted in order to provide context to the importance of protecting sources who make disclosures. I am fortunate enough to be a two-time winner of the profession's highest honour, the Walkley award. Both awards involved investigative journalism where the protection of sources was critical. In one instance the award was for disclosing a cover-up that ultimately led to murder charges being laid, and the other was for exposing corrupt behaviour.

My sources feared for their lives or that recriminations could jeopardise their careers. They made courageous disclosures in the public interest specifically because they knew their identities would be protected; otherwise they would have remained silent, the cover-up would have been maintained and the corruption would have continued. This is at the heart of why shield laws are now necessary, but the coalition government's response is to limit shield laws to Victorian courts. Under this legislation journalistic privilege will be expressly denied to journalists called before the proposed Independent Broad-based Anti-corruption Commission (IBAC).

Unfortunately the government has rejected calls from Australia's Right to Know coalition and the Media, Entertainment and Arts Alliance, among others, for the shield laws to cover journalists called before the proposed IBAC. The government also refuses to inform the media, the public and the Parliament of why it retains this intransigent position. Excluding IBAC is in direct conflict with the intention of shield laws. It beggars belief that the coalition refuses to explain why it has not provided shield laws for journalists to protect

their sources before IBAC. The lack of shield laws means a journalist may be charged with contempt if he or she refuses to reveal a source, which would expose them to sanctions, including jail.

The government's proposed IBAC will have wide-ranging and far-reaching coercive powers that can compel witnesses to reveal information, which may extend to disclosing sources without the right to refuse to answer. This is critical, because IBAC is where journalists will most likely be caught in the crossfire, wanting to defend their ethics by protecting confidential sources and leaving them exposed to jail or other sanctions simply for doing their job. Let us not forget that the much-troubled IBAC will also act mostly in secret, not in public as the Premier promised.

On this issue, on this part of the legislation as it stands, this is another example of gesture politics — a gesture lacking the required substance, which is a hallmark of the Baillieu-Ryan regime. Therefore Labor will move amendments to extend shield laws to include IBAC, and I call on the government to adopt them. That the government has steadfastly remained silent on this matter exposes it to the charge that it is neither open nor transparent, as it promised it would be.

The ACTING SPEAKER (**Mr Morris**) — Order! That was a uncharacteristically short contribution from the member for Broadmeadows.

Mr NORTHE (Morwell) — It gives me great pleasure to rise to speak on the Evidence Amendment (Journalist Privilege) Bill 2012. Yes, the member for Broadmeadows did catch me out a little bit. I was enjoying listening to his contribution, but I remind him and members opposite that whilst they can be critical of these shield laws because they do not encompass part of Independent Broad-based Anti-corruption Commission, the fact is that members of the opposition neither support an IBAC nor have a policy on shield laws. Our government is introducing these laws, so I find it quite hypocritical that those opposite can be critical of either IBAC or indeed of the shield laws.

It gives me great pleasure to stand to talk about another election commitment implemented by this government, this time in relation to shield laws. It is worth noting the explanatory memorandum, which states that the bill seeks:

> … to improve protection against disclosure of the identity of persons who give information to journalists in confidence. If a journalist has promised not to reveal an informant's identity, the bill provides that the journalist (and his or her employer) cannot be compelled to give evidence that will disclose the informant's identity in any proceedings in a Victorian court, unless the court determines otherwise in in accordance with a specified public interest test.

There are further amendments to the Evidence Act 2008 and some amendments to the Coroners Act 2008, to which I will refer a little bit more. As was articulated by the member for Carrum, these shield laws are very important. The intent of these amendments has been well articulated in the second-reading speech, where the Attorney-General states that the intent of the bill is:

> … to provide an appropriate balance between support for the capacity of journalists to investigate and report on matters of legitimate public interest, and the public interest in a court having before it all relevant and probative evidence.

In his closing remarks in the second-reading speech the Attorney-General states:

> The bill recognises the public interest in the communication of facts and opinion and the need for the media to be able to access information. The introduction of a journalist privilege adds to a healthy democracy in Victoria.

Other speakers have referred to the importance of having a democracy in Victoria, and that certainly applies to journalists and making sure that there is freedom of speech and that you can have confidentiality in having conversations with journalists is very important.

It is worth noting that privilege applies under a specific definition of what a journalist is. Clause 3 inserts new section 126J into the Evidence Act, and defines a journalist as:

> … a person engaged in the profession or occupation of journalism in connection with the publication of information, comment, opinion or analysis in a news medium.

The definition is not intended to cover amateur bloggers. In determining if a person is a journalist the court must consider, in particular, accountability to a recognised professional standard. Further the privilege applies only when the information is received in the person's capacity as a journalist on the condition of anonymity, which is a very important point.

To digress a little, it is important that the definition of 'journalist' is articulated clearly in the bill. In this day and age, particularly with social media such as Twitter, Facebook, blogs and other such sites, we have seen how misinformation can spread through those forums. In this regard, having such a professional standard for a journalist is vitally important.

I turn to other aspects of the bill, particularly part 2. It is important to understand the definitions in the bill and how they are applied. I can outline the definition of

'journalist', but it is also important to understand who an informant is. The bill states:

> informant means a person who gives information to a journalist in the normal course of the journalist's work in the expectation that the information may be published in a news medium.

That is important to define. If information is given during social chats or outside the realm of the journalist's professional duties, the person involved may not be defined as an informant. This gives rise to the question, 'What is a news medium?'. In the bill a news medium is described as:

> … a medium for the dissemination to the public or a section of the public of news and observations on news.

That is an important point in the bill. Further, how do you determine who is a journalist? A detailed test applies. The bill states that a journalist:

> … is accountable to comply … with recognised journalistic or media professional standards or codes of practice.

A significant proportion of a journalist's professional activity relates to the publication of information in a news medium. If a journalist has promised not to disclose an informant's identity, under proposed section 126K(1) of the Evidence Act 2008:

> … neither the journalist nor his or her employer is compellable to give evidence that would disclose the identity of the informant or enable that identity to be ascertained.

There is a qualification to that in subsection (2), and that is:

> … if … the public interest in the disclosure of the identity of the informant outweighs —
>
> (a) any likely adverse effect of the disclosure on the informant … and
>
> (b) the public interest in the … ability of the news media to access sources of facts.

Factors need to be considered and discretion needs to be used when the bill is passed by the Parliament. Issues will be dealt with on a case-by-case basis. The bill gives regard to the nature and manner of obtaining information and the potential seriousness of a particular charge. The bill also deals with the nature of legal proceedings that may be civil or criminal. Relevant evidence can be obtained and can be provided in court without a journalist having to provide that evidence. Finally, the defendant has the right to know all the relevant information to ensure that they have a fair hearing.

Clauses 11 and 12 amend the Coroners Act 2008. Those clauses insert new sections that provide for journalist privilege to apply to the investigation of deaths and fires. That will provide certainty as a new journalist privilege extends to inquests under the Coroners Act 2008. Because we are in this transitional period in relation to inquests and particular inquiries it is important we have transitional provisions in place. If an investigation, for example, is ongoing, provisions will apply to the investigation on and from the commencement of relevant sections. It must be said that privilege will not apply to inquests that have already commenced. That is common sense.

I refer to public comments that have been made about the legislation that has been introduced by the Attorney-General and the government. I refer to an article in the *Herald Sun* of 6 June. Some of the comments made by the Attorney-General are reported in the article. There is an acknowledgement in the article of the positive nature of the legislation before us. The Herald and Weekly Times editor-in-chief, Phil Gardner, applauded the legislation that has been introduced by the Attorney-General. The article quotes him as saying:

> This is a significant step forward because it will encourage members of the public to come forward with a great deal more confidence their identities will be protected …

The article continues:

> Media lawyer Justin Quill also welcomed the new law.
>
> 'Journalists should not face jail or other sanctions for simply doing their job and revealing things in the public interest', he said.

Whilst the opposition might have some reservations more broadly and generally, these provisions have been very well received by the public in Victoria and the media. It has been a pleasure to stand in the chamber and support another election commitment of our government.

Ms RICHARDSON (Northcote) — I am very pleased to rise and speak on the Evidence Amendment (Journalist Privilege) Bill 2012. I am pleased that it gives all members participating in the debate the opportunity to make the point that we are blessed to live in a country like Australia and in a state like Victoria that enjoy a free and fearless press. We all know the critically important role that the media plays in protecting and enhancing our democratic processes and in keeping governments of whatever flavour in check. This bill recognises this important role that the media plays. The bill protects that role and implements the

former Labor government's commitment to introduce shield laws for journalists.

I am pleased the Attorney-General is at the table, because I can say to him directly that to his credit when he was in opposition he made a promise to introduce comprehensive shield laws for journalists. Unfortunately it has taken some time for these measures to come before the house, and other speakers before me have spoken of this concern. But I would like to focus on the question of whether the Attorney-General's promise to introduce comprehensive shield laws, which he made before the last election, has been delivered and whether the branding iron referred to at the promised moment of delivery can be flashed about as a result of the introduction of this bill before the house.

This bill ensures that when a journalist is provided with information on the condition of confidentiality, that confidentiality will be protected in whatever forum the journalist finds themself in the future. There is a specific provision within the bill which inserts provisions into the Independent Broad-based Anti-corruption Commission Act 2011, the Major Crime (Investigative Powers) Act 2004, the Ombudsman Act 1973, the Police Integrity Act 2008, the Whistleblowers Protection Act 2001 and the Victorian Inspectorate Act 2011 to specifically ensure that journalist privilege is not actually available under the operation of these acts.

In my view either you support the principle of journalistic privilege or you do not, in the same way that you either support a doctor-patient privilege or a lawyer-client privilege or you do not. The government must explain why it has taken this particular approach for these specific bodies and a wide range of investigative bodies. If you do not deal with this in the way that it has been put before the house, it will inevitably have an impact on journalists' resolve to tackle complex and contentious issues. In short it may in fact weaken their resolve to pursue a matter in the interests of the public.

If these investigative bodies were unable to ignore journalistic privilege, under the bill the same test would apply before a judge. The judge must be convinced that it is in the interests of the wider public that the source of the information should be revealed. If it were to be revealed, the information would be revealed in front of the judge before it could be put out to the wider community. Why not apply this test and protect privilege for journalists in every forum, as this bill is attempting to do? Why make this exemption for a wide range of bodies, in particular for the Independent Broad-based Anti-corruption Commission? It does not make sense on the face of it.

In summary, in the time I have left I will reiterate that Labor has made it clear it is not opposing the bill. However, in the Legislative Council we will be looking to move amendments in relation to it. I am hoping that those amendments will be taken on board seriously and in the spirit in which they are put before the government. On that basis, I commend the bill to the house. I look forward to the government's response in relation to dealing with some of the inconsistencies that are clearly there within the bill.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012

Second reading

Debate resumed from 6 June; motion of Mr McINTOSH (Minister for Corrections).

Ms HENNESSY (Altona) — I rise to make a contribution to the debate on the Community Based Sentences (Transfer) Bill 2012 and to outline to the house the opposition's views on it. Labor will not be opposing the bill. It is our view that it is a reasonably sensible bill. In fact it was in 2003 at the corrective services ministers conference under the Labor government that Victoria first agreed to work toward the implementation of a scheme to enable and allow for offenders undertaking community-based sentences to be transferred to states other than those that imposed their original sentence.

I put on the record my appreciation and thanks to the departmental staff who briefed the opposition on the bill. I thank them for their time and for the clarity of the advice they provided. The bill provides for the transfer and registration of community-based sentences between states and territories that have enacted similar legislation. Key to the efficacy and intent of the bill is the concept of reciprocity between Victoria and other states. Those states and territories are defined in the bill as participating jurisdictions. Participating jurisdictions currently include New South Wales, the Australian Capital Territory, Western Australia and Tasmania. These jurisdictions have passed identical or near-identical legislation to that which we are considering today.

The legislation is broadly reflective of what was originally put in place in New South Wales, and it is based somewhat on the system that is already in place for the interstate transfer of prisoners and parolees. To a certain degree it adopts the informal practices that are currently in place. When I say informal practices I am certainly not attempting to cast any aspersions on the rigour or regulation of those practices. It is simply that we are picking up the informal practices and adopting them into a formal practice that reflects the legislative regime that was agreed to at a national level and is now being promulgated with compatible and reciprocating jurisdictions.

The bill codifies what has already been put in place with regard to community-based sentences, but it tightens up the legal process around dealing with circumstances that arise when offenders who are serving community-based sentences in non-sentencing jurisdictions flee interstate. Under those circumstances, I am advised that history and experience have shown that sometimes when a jurisdiction lacks the will to search for and extradite those who have fled their sentence, one can see — and I say this without casting any aspersions on other states or territories — that to a certain degree you need an incentive within the system to ensure that jurisdictions either pursue offenders or have some reciprocal obligation in terms of investigating or extraditing offenders.

The new regime proposed by this bill will also seek to eliminate the motives of offenders who in fleeing interstate are trying to return home or seek employment or rehabilitation and are therefore in breach of their order. Those sorts of circumstances might cater for those who have committed offences and have been sentenced in a jurisdiction they may have been briefly visiting at the time or for those who need to be admitted to a residential treatment facility or who have obtained employment in another jurisdiction. Whilst it may sound as though we are being too accommodating to those who have committed an offence and have been sentenced to a community-based order (CBO), it should be noted that for offenders who are essentially making an application to have their community-based order served in a different state, the discretion is still vested in the state for the purposes of either accepting or rejecting such an application.

The issue of border towns is always of concern, and it should be noted that for offenders who are complying with a community-based sentence in a border town, this proposed arrangement will not be a substitute for the requirements in orders regarding restrictions on interstate travel. The bill seeks to implement a process whereby offenders will apply for a transfer to another participating jurisdiction. It remains up to the discretion of the transferee jurisdiction to accept any transfer. Potential transferee jurisdictions will receive access to the records and histories of applying offenders to assist in making decisions to accept or reject an application.

By virtue of implementing this bill or agreeing to these arrangements, Victoria is in no way giving up any of its authority or discretion to reject an offender who is serving a community-based order coming into this state. It is very important to emphasise this in regard to this bill, because, on the face of it one might invite the charge that we are importing or exporting criminals. We retain the discretion to reject offenders. An important part of reciprocity in this regime is keeping up an incentive for all jurisdictions to make sure that offenders are complying with their community-based orders and that participating jurisdictions have both the incentives and the will to respond to breaches of conditions in such orders. I think that is a good thing.

Under this bill a local authority can impose preconditions for the registration of interstate sentences that an offender must meet to show that the offender can actually comply with the terms of the order and is willing to comply with the sentence in Victoria. For example, one can imagine a circumstance where the term of the community-based order imposed in another jurisdiction may contain a geographically specific order, and so the order that is being served in another jurisdiction needs to be compatible, and the Victorian jurisdiction needs to have the capacity and capability to comply with the order and, very importantly, to enforce it. The regulation contained in this bill means that an offender must satisfy the local authority before a stated time that they are living in Victoria, and there needs to be evidence that those other conditions are capable of being complied with in this jurisdiction.

As I said, Victoria retains the jurisdiction to reject such an application if the application does not satisfy the registration criteria. The bill also includes a requirement that there be a corresponding community-based sentence in the receiving jurisdiction. That means that if a person is sentenced to a community-based order in New South Wales, the terms of that order must be capable of being complied with in Victoria. Similarly, for those who seek to transfer to Victoria, a corresponding community-based sentence, and one which corresponds or substantially corresponds with the sentence that the offender is currently serving, must exist for the purposes of accepting that transfer.

Sentences can also be declared as a corresponding order by regulation. To the extent that I have any concerns about this bill, they would probably go to that

regulation-making power. On the one hand, such a power is sensible for the purposes of trying to address compatibility in the event that a curious or ridiculous incompatibility with a condition arises. On the other hand, to be able to declare a particular order a corresponding order by virtue of regulation is a significant power to provide a state with. However, given the checks and balances that are contained in the legislation, this is not of such significance as to invite our opposition to the bill.

For offenders transferring to Victoria, the detail of any community-based sentence must be registered and enforced as if it were imposed in a Victorian court. The effect of this is that once we accept a community-based order transferee we effectively own that decision, so in the event that there is a breach of that order the Victorian jurisdiction, Victorian resources and the Victorian corrections and law enforcement system have full responsibility. Whilst that also might raise an eyebrow, one has to remember that this is a system based on reciprocity, so when those participating in reciprocal jurisdictions accept a transfer from a Victorian jurisdiction, they will also have to accept full resource and law enforcement ownership for any offenders on community-based orders who are serving the terms of their CBO in another jurisdiction.

In the case of breaches, those who transfer their sentence to Victoria will then be dealt with according to local law, consistent with the ownership concept that I have just outlined. In relation to re-sentencing, however, the laws of home state jurisdiction would apply, so penalties associated with a breach of an offender's order imposed by a court would be based on the penalty that would apply to the original offence in the original jurisdiction. That is a slight distinction from the idea of the new jurisdiction accepting ownership, but it is a sensible one, because if an offender breaches a sentence, the new sentence should properly be applied under the original jurisdiction.

Under the proposal the Secretary of the Department of Justice or his or her delegate would be responsible under the act for making that decision. In other words the secretary or delegate is the local authority. The Victorian Civil and Administrative Tribunal would be the point of appeal for aggrieved parties. One might imagine that the Supreme Court jurisdiction may also be invoked in the event that there was an administrative law issue related to the Administrative Decisions (Judicial Review) Act 1977, for example, or other common-law administrative remedies. So there is still a process of appeal.

As I stated at the outset, this is a relatively straightforward bill that seeks to codify a system that has already been in existence in an informal sense for many years but which has contained gaps that have led to problems dealing with offenders who have fled their sentences interstate. The previous government was supportive of moves in this regard and agreed to implement a formal system, which Victoria is now adopting through intergovernmental processes, although it has taken a number of years. I understand that some other jurisdictions may be dragging their feet a bit. I also understand that the states and territories which are participating in these reciprocal arrangements, after making commitments in intergovernmental forums, are those that both receive the most applications from Victoria for people on community-based orders to transfer their jurisdiction and also lodge the greatest number of the same applications here. They tend to be New South Wales, Tasmania and the Australian Capital Territory.

I wish this bill a speedy passage through the house. In doing so I would also like to acknowledge the work of those in the corrections sector. It is a high-risk public service sector to be involved in. It is one that we do not often celebrate but one that we often critique when there are errors, or travesties of justice or when other things occur that we read about in the newspaper. However, it is important to place on the record the incredibly important work that those in the corrections sector do. This work is difficult, unheralded and not publicly affirmed, so I wish to place on the record my appreciation for the work that the sector does. However, as a politician, I also cheekily reserve my right to critique the performance of the sector. Without any further ado, I wish the bill a speedy passage through the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to make a contribution to the debate on the Community Based Sentences (Transfer) Bill 2012. Clause 1 provides that the purpose of the bill is to allow offenders on community-based orders to transfer their order from the jurisdiction in which the order was made to another jurisdiction where the offender can then complete the terms of their order. The bill arises out of a corrective service ministers conference decision in 2007 that all Australian states and territories would enact legislation based on the New South Wales Crimes (Interstate Transfer of Community Based Sentences) Act 2004 for the formal transfer of community-based sentences between jurisdictions. All states and territories have agreed to enact this legislation. To date, New South Wales, the Australian Capital Territory, Tasmania and Western Australia have introduced

corresponding legislation. These jurisdictions are known as participating jurisdictions.

Correction orders have until now been operating on an informal basis between the states. The shortcomings of this method have been that if an offender did not want to comply with the order after moving to another state, that state did not have any powers to enforce the correction order. Only if the offender moved back to the enforcing state and was picked up for some other reason would be reinforce the order. Under the legislation if an offender has a community-based sentence in another state and seeks an approval for transfer to Victoria, the order will be enforced. If an offender reoffends in Victoria they will be treated exactly the same as any other Victorian.

I emphasise that this is not a travel ticket. There is a substantial amount of administration effort involved, as is referred to in parts 3 and 4 of the bill. For a person to be accepted for a transfer there must be a reasonable reason — that is, there must be family or job reasons, or the reason that a former resident of the state who has been convicted in another state wants to come back to their home state to carry out their sentence. These reasons will be checked out by Corrections Victoria before a transfer is approved. Actual visits will be made to the home that the offenders says they are going to live in. For example, if they say they will be going to live with parents, the parents will be consulted to see if that is what they want. Sometimes the parents may not want the person back. They may say, 'Enough is enough; we don't want them'. Corrections Victoria will also contact prospective employers to verify that the relevant employment is actually going to happen.

After a transfer, a variation order can be sought from a court. For instance, if a person is injured or ill and cannot comply with the conditions of the order imposed by the enforcing state, a variation can be sought. No changes, however, can be made by the courts in the new jurisdiction to the length or type of order. The sentence therefore stays the same, but there may be variations on the basis that for physical or maybe even mental health reasons the person cannot comply with the existing order. All details of offences will be transferred to the receiving state, including the history of compliance with the order. It would be most unlikely for someone who had not been complying properly with an order properly to be transferred. A transfer is not a right for an offender; there has to be a strong and convincing reason. There will also be a rigorous assessment of the process. The interstate sentences must be able to be safely, efficiently and effectively administered in Victoria. In practical terms this means offenders with complex or high needs or high-risk offenders would be unlikely to be approved for transfer.

As I said, this bill arises from the 2007 corrective services ministers conference. It is interesting that the former government did not do anything to enact what it had agreed to. It did nothing about developing or introducing this legislation. Since coming to office our achievements in the area of correction orders is high. Last year we introduced a new single, flexible order. Community Correctional Services (CCS), the agency responsible for the supervision and management of offenders subject to the new CCO, has developed a stronger service delivery model and enhanced system capability. The people who are sentenced to correction orders now have to turn up to work where they have been told to go to work, if work is part of their sentence. They now must turn up, whereas previously they did not have to. Also we have expanded the CCS workforce, with an additional 150 front-line case management, community work, court assessment, program delivery and administrative support staff being put on.

Corrections Victoria has an office in Lilydale where the people on orders do some quite tremendous work removing graffiti and clearing up around areas that are susceptible to bushfires. On the Warburton trail, which is used by thousands of people every week, the people are replanting, doing maintenance on the paths, putting seating in and doing the crossovers. They are achieving a lot. It has been good to see in the last 18 months the increase in the hours they have been out there actually working — more hours are being spent working than on tea breaks and lunches.

I had experience of people on corrections orders after the 1997 Dandenong Ranges bushfires when I was the chair of the material relief committee. We had been offered a huge warehouse to put the materials in. Materials were coming in, clothes were coming in, and we did not know what to do with it all. We had been offered this warehouse, but it was quite dirty — really filthy. The people serving corrections orders came in and cleaned it up. We were offered the warehouse on the Wednesday, and they came in on the Thursday and Friday and cleaned it up. On the Friday we were talking to them about what we needed, saying, 'We've got all these goods and these clothes; how are we going to display them?'. One of the men who was helping, who was on a corrections order, came up with the idea that as a factory down the road made long tubes, if we got the tubes, he would work out a way of hanging the clothes.

Between them all — and they actually worked on the Saturday, which was not part of their deal — they provided me with hanging rails to hang the clothes on so that we were able to display them. Those people also came in on the Sunday and helped us to sort out where to put all the goods. I think one of them must have been a storeman in a previous life, because he had us very well organised and had all the goods arranged so that people could find things easily. We never got down to sorting the clothes into sizes, but we were able to put them into male, female and children's categories. I really appreciated the fact that they went willingly into doing it and worked the hours they did. It was sad to see that for a few years under the previous government orders were not enforced or supervised as well as they should have been and that those in control became very slack at monitoring that the hours were done and that people were turning up. We have done this — we have got the staff to ensure that the work can be done and that people serve the sentence.

We have a regionalised community work program which has resulted in a more diverse range of community work placements. We have accredited training opportunities for offenders, which helps them get skills so they are less likely to offend again. We have had people who have been involved in the redesign and reconstruction of flood-damaged mountain bike trails for the community and people who are getting qualifications in horticulture involved in planting 13 000 trees in partnership with local land and forest conservation projects. Another type of work that surprised me, because I did not know this was happening, involves the removal of company logos from donated uniforms. In relation to the Olympics I heard that because so many uniforms go into stock in the various sizes, a huge number with logos are left over and are given away to developing countries.

It is interesting that in Victoria we have been receiving uniforms from companies, and one of the forms of work for people on community correction orders is to remove those logos. That is good, because it is providing opportunities for offenders to do something. It is helping people with few opportunities. It is also helping those with health problems and physical disabilities, who probably cannot do a lot of the type of work that is being done by those serving the community-based sentences.

This is an excellent move. It will mean that when Victoria receives offenders, we can enforce their orders here if they do not comply. We will have the power to do it, and the jurisdictions that receive offenders from Victoria will also have the power to do that. That power will not be given freely and easily; it will be checked, and there will be a sensibly administered program. It is estimated that about 50 offenders will move from one state to another; it will not be thousands. It will involve quite a bit of administration, but I think this is something we must do because of humane considerations. I commend the bill to the house.

Mr CARROLL (Niddrie) — I rise to make a contribution to the second-reading debate on the Community Based Sentences (Transfer) Bill 2012, legislation the opposition supports. The purpose of the legislation is to allow offenders serving community-based sentences — known as community correction orders — to formally transfer their order from another participating jurisdiction to Victoria or from Victoria to another participating jurisdiction.

This legislation is a step in the right direction. The ability to transfer offenders between jurisdictions can be used as a device to fight recidivism. An offender serving a community-based order can quite easily move interstate, and various factors — whether it be family, work opportunities or just the desire to make a fresh start — may make it enticing for them to do so. This legislation will in large measure reduce this motive to move interstate. By formalising and expediting the process of transfer where relevant, the motive or enticement to move interstate should be nullified.

The interstate transfer of offenders currently operates under what is very much an informal scheme, which could be regarded as a deficient system. If offenders breach their sentences interstate, options for extradition or re-sentencing are limited. A community correction order is a flexible order that can have different conditions applied based on the circumstances of the offence, the offender's needs and situation and the direction of the court. A community correction order must have at least one condition based on the risk and needs of the offender and the severity of the offence. Conditions include supervision, unpaid community work, treatment and rehabilitation, curfews, bans on entering specified areas or places, bans on entering many licensed premises and bans on drinking alcohol in other licensed premises. There may also be residential restrictions or exclusions relating to the offender's accommodation.

In my contribution I wish to raise the impact that budget and staff cuts to the Department of Justice will have on the practical application of the legislation. The Minister for Corrections discussed the role of community correction orders in his second-reading speech, but perhaps conveniently he did not say much about the role of the Department of Justice and the practical implications of this legislation. We must

remember that the Department of Justice has been forced to endure cuts of more than 450 staff. This is the same department that is charged with overseeing this new community-based transfer scheme. In fact, it is the Secretary of the Department of Justice, or the secretary's designate, who is required to determine whether an interstate sentence will be registered at the request of its originating jurisdiction, effectively transferring the sentence to Victoria.

Requests provided by the originating jurisdiction must also address the offender's stated reasons for transfer, pre-sentence or psychological reports, and compliance and criminal records. Registration of an interstate sentence must also meet certain criteria. There must be a corresponding community-based sentence in Victoria which can effectively be administered in Victoria. A corresponding law is one upon which jurisdictions agree and which applies similar conditions.

Based on the information and documents provided, the Secretary of the Department of Justice — the same department that has been made to endure budget and staff cuts — will decide whether to register the sentence, tie it to reporting conditions or decline the request. The secretary has the discretion to decline a request even where all registration criteria are met. The offender cannot leave the originating jurisdiction until the sentence is registered. Upon registration, the sentence ceases to be in force interstate and is enforced in Victoria as if it had been imposed by Victorian courts. Penalties remain equivalent to those imposed by the originating jurisdiction.

The process of transfer out of Victoria triggers the reverse of what I have just discussed: Victoria places a request for transfer, is required to provide information on the offender and cedes registration of the sentence in Victoria. As with participating jurisdictions, avenues of review and appeal are provided.

Under the legislation the Department of Justice is also required to carry out a test of sentence compatibility — that is, for a sentence to be registered in Victoria there must be a corresponding community-based sentence in Victoria. The Department of Justice will carry out this testing case by case. If a transfer is rejected due to the incompatibility of a sentence, the offender may apply for re-sentencing in the originating jurisdiction or may seek redress in Victoria through the Victorian Civil and Administrative Tribunal. Given the budget and staff cuts to the Department of Justice, the Labor opposition calls on the government to consider making additional amendments to the legislation in the future, such as prescribing a list of corresponding laws from other participating jurisdictions. This will reduce the case load of an already overworked and underresourced department.

I have highlighted some of the issues with the Department of Justice, but we must also remember the role of Corrections Victoria. In March 2012 the Australian Bureau of Statistics published statistics showing that Tasmania saw a 30 per cent increase in community-based sentences after it became a participating jurisdiction. We must be aware that Corrections Victoria and the Department of Justice will likely see a rise in case load and management, and the cuts to staff will by no means help push this scheme through.

However, the bill will make it easier to transfer community-based sentences, and the opposition supports it for this reason. This should increase an offender's access to services such as rehabilitation and employment and increase the number of community-based sentences successfully completed. But we must remember this will not restore the jobs cut from the Department of Justice, will not restore police numbers and will not help many of the people who are suffering. While the opposition does not oppose the bill, it would prefer genuine measures to reduce crime, reduce contraband in prisons and reduce the pressure on underfunded police force.

The DEPUTY SPEAKER — Order! I have given the member for Niddrie some licence; I ask him not to take too much.

Mr CARROLL — In conclusion, I wish the bill a speedy passage.

Mr BATTIN (Gembrook) — I rise to support the Community Based Sentences (Transfer) Bill 2012. It was fantastic to listen to the member for Niddrie talk about staffing of community services and the changes and amendments the opposition would like to make to the bill; however, he should have done some reading. This matter was discussed and agreed to back in 2007, but from 2007 to 2010 Labor failed to act on it, develop any new legislation and follow through on it. It was a reform that was put forward in 2007 and had some support along the way. Now we have four other state or territory governments involved — Western Australia, Tasmania, the Australian Capital Territory and New South Wales — which are all now called participating jurisdictions, and we are willing to work with them.

The bill allows for people on community-based or similar orders to transfer between states to serve their sentence. That can be done between only those states that already have similar legislation. Currently this is

done in an informal fashion. The figures show that approximately 50 people come into and approximately 50 people go out of Victoria under the informal arrangement by which they can be supervised in one of the other states. However, under that arrangement should they come into Victoria and breach their order, currently there is nothing the Victorian courts can do about it — that is, the transferees cannot be charged in this state with a breach of an order made in another jurisdiction.

The bill brings the arrangement into line, ensuring that when anyone transfers to Victoria that arrangement is formalised and they can be charged with a breach under the acts currently in place in Victoria. The conditions of the order must be able to be implemented in the state that the person is transferring to — that is, a person would not be able to transfer to Victoria if they had a sentence such as a home detention order. The arrangement has been in place on legal or welfare grounds for people on parole or in prison to ensure that they have the best opportunities for rehabilitation. That is the focus of the bill, which relates to current community-based sentences as well as those that have been in place before.

The government has put in place the community correction order scheme with an additional 150 front-line case management and community workers and with court assessments. It is important to have front-line staff to work with any people who are sentenced, whether that be within the state or interstate, to ensure that they have the best opportunities to correct the offending behaviour or work out ways that they can move on with their life. That can be through employment or other opportunities such as further education. This is in line with what this government has been pushing through.

We have made a whole range of various changes through bills. They are in relation to community-based sentences, extra police on our streets, protective services officers at our train stations — a whole range of changes in relation to aspects of law and order and crime within Victoria. Although it is said that the government has focused on a tough-on-crime approach, the main thing government members want to try to do is work with and support people who have offended and ensure that they get the best opportunities and do not repeat offend but go on to have some relevance and the ability to get into the workforce or get further education.

A prime example of the main reason people would want to transfer in relation to an order is that of somebody going from Victoria to New South Wales on a footy trip and committing an offence. Should that person get a community-based order, part of it would say that they were not allowed to leave New South Wales. Should that person have been away for just a weekend, that part of the order would not assist them to get on with life and put processes in place to ensure that they move on from what they have done. They would want the opportunity to transfer the order to Victoria. The government wants to make sure that the legislation will allow them to do that but also ensure that they can be supervised while they serve their sentence.

I think it was the member for Evelyn who said the bill is not about just a travel ticket. It will not give people a right just to move around between the areas I mentioned — that is, Western Australia, Tasmania, the Australian Capital Territory and New South Wales. They must have good contacts and some reason to transfer, whether that be employment or family. They must be going back to a place where they will have the opportunity to work with others in the area, rehabilitate themselves and get on with life.

It will be at the minister's discretion to accept back to Victoria someone who has been given a community-based sentence in another state. Community workers will check the location that the person wants to go to. If they gave an address in, for example, Ballarat, which came up today, that would need to be checked out, and the community workers would need to verify that people there were willing to have the person back. They would need to make sure that it was not a house where the person had previously committed offences or that the person was getting back with a group of people with whom the person had previously committed offences. They would want to make sure that the person was going back into an environment that was welcoming and would assist them to move on with their future.

The biggest concern about the informal arrangement that was in place under the former government was that there was no ability for a Victorian court to hear a matter where there was a breach of an order by an offender who came to Victoria. That would create an environment where, if the person was picked up for any other offence and it was revealed that they had breached a community-based order made in another state, the chances of their being extradited were very low. Putting this bill in place will ensure that that person must serve their sentence.

Community-based orders are very good because they are not custodial sentences but give a person an opportunity to work on something. That can be working in the community. A prime example is on the

Warburton trail, which my electorate shares with the electorate of Evelyn. The work that has been done on the Warburton trail by people in the justice system has been fantastic, and it is a great trail for the whole community. That is what we want to see: those people getting out and putting back into the community. The rest of the community gets the opportunity to benefit from that. I know that a few in this house had the opportunity to benefit from the Warburton trail during the Oxfam 100-kilometre walk. It was a fantastic walk along the long and flat Warburton trail — and it is very long and flat from 2 o'clock to 4 o'clock in the morning! The member for Caulfield, the member for Ferntree Gully and I can all vouch for part of that trail being very difficult. The work that is done by people in community organisations and people under community correction orders to ensure that the trail continues is fantastic.

Another part of the community correction order system under which people are now being supervised and which we on this side of the house were very proud to support was the planting of 13 000 trees in partnership with local land and forest conservation groups. Some of that planting was done in my electorate, in the Cardinia North parklands in Beaconsfield. I went there on a Sunday when Hyundai had a community correction order team helping. The guys I spoke to were probably four or five of the hardest workers on the day. They really wanted to get out there and do it. What the community correction order is about is getting people who are keen to get back into society and ensuring that they do not end up with a custodial sentence but have an opportunity to pay for the crimes they have committed.

It is fantastic that the Community Based Sentences (Transfer) Bill 2012 has been introduced, and I look forward to it having a speedy passage.

Ms GARRETT (Brunswick) — It is a pleasure to rise to speak in the debate on the Community Based Sentences (Transfer) Bill 2012. As others have noted, the bill allows adult offenders serving community correction orders to transfer interstate and includes a corresponding capacity for interstate offenders to transfer to Victoria to complete such orders. The formalising of these processes has the aim of achieving a range of things, in particular reduced rates of recidivism, making the processes easier and more transparent and having a better approach than previously existed nationally, as the de facto approaches were not as effective.

The benefits, as discussed by the excellent lead speaker for the opposition, include that the bill will allow more community-based sentences to be successfully completed. That is a key aspect of the bill, which, as members know, has been talked about at a national level for several years. It required a number of jurisdictions to sign up to ensure that there were corresponding provisions across Australia.

Mr Walsh interjected.

Ms GARRETT — The member for Benalla likes it on this side of the house. There is a higher intellect over this side. The minister may find he is settling in; he is very cosy.

I will return to the bill. As I said, the ability for offenders to transfer between jurisdictions can be used to fight recidivism. As the previous speaker noted, the noble aim of fighting recidivism is at the heart of these provisions. The bill will allow offenders to transfer interstate with full access to rehabilitation, services, family, the ability to make a fresh start in their lives and so on.

The most complex element of this bill, as the house would be aware, is in relation to compatibility. For a sentence to be registered in Victoria there has to be a corresponding community-based sentence; for these laws to apply there have to be similar conditions in other jurisdictions. These issues are being worked through. The Victorian Department of Justice will address these issues on a case-by-case basis.

As previous speakers have pointed out, based on available statistics we do not believe there will be a net increase in offenders coming to Victoria. While the opposition does not oppose the bill, it makes the point that it is perhaps not the first priority at which the government should be looking, particularly when the corrections system is in absolute crisis. We have seen rioting and the possession of drugs, guns and contraband in our prisons. We have had massive cuts to the justice department, which is affecting the corrections system and police and emergency services. I note that there has been wide-ranging discussion on this issue.

The previous speaker touched on the government's law and order agenda and said that this bill was a key part of it. I am simply pointing out in my contribution to the wide-ranging debate on this bill, a key component of the government's law and order strategy, that the entire law and order strategy is in serious disarray, both in the corrections systems and the police. We are looking at escalating crime rates. We are looking at a debacle in the rollout of protective services officers. We are looking at police cuts in critical areas. This is an

important reform; we are not suggesting otherwise. But to say that this is a key priority of a government which has made law and order one of its central themes is a misnomer.

In conclusion, we do not oppose the bill. It plays the important role of allowing the transfer of those offenders on community correction orders across jurisdictions to ensure that they continue to have access to programs, families and fresh starts and that we continue to reduce the rate of recidivism. These are important and noble objectives. However, we once again urge the government to focus on the real issues at hand without holding out hope that it will do so anytime soon.

Mr McCURDY (Murray Valley) — I am delighted to rise to speak on the Community Based Sentences (Transfer) Bill 2012. As many speakers in the house have already said tonight, this bill allows community-based sentences imposed in participating jurisdictions, or in other states, to be transferred by registration between participating jurisdictions.

The Community Based Sentences (Transfer) Bill 2012 will create a new principal act which will allow offenders serving community-based sentencing orders to formally transfer their order — as opposed to informally, as they had been doing in the past under the previous government — from another participating jurisdiction to Victoria, or from Victoria to another participating jurisdiction. This has benefits for the whole community, not just for the offenders. I will return to that later in my contribution.

The definition of a 'participating jurisdiction' is a jurisdiction that has enacted legislation in similar terms to this bill. Since 1983 there has been a national legislative scheme in place for the interstate transfer of prisoners and parolees. In 2003 the state corrective services ministers collectively agreed that there should be a similar scheme for the transfer of community-based sentencing orders. A successful trial was held in New South Wales and the Australian Capital Territory, and in 2007 state corrective services ministers decided that all Australian jurisdictions would enact legislation based on the New South Wales act.

So far New South Wales, the Australian Capital Territory, Western Australia and Tasmania have enacted this legislation and have therefore qualified as participating jurisdictions. The former Victorian Labor government decided not to agree to these common-sense changes, or at least chose to ignore these improvements to the system and instead do nothing.

This bill will enable Victorian offenders who are subject to community correction orders to seek to formally transfer their order to any participating jurisdiction. Likewise, offenders from other states can seek to transfer their order to Victoria. The circumstances in which a transfer of a community-based sentence to another jurisdiction may be appropriate include where an offender has committed an offence whilst in another state or jurisdiction on a temporary basis — perhaps while there for the weekend — and it is considered appropriate for the offender to fulfil the obligations of their community-based sentence in their home state, or if they have obtained employment in another state or territory. This will give offenders the opportunity to transfer back to Victoria or to the state from which they had come.

In Victoria an example of a community-based sentence that will be able to be transferred to another jurisdiction is a community correction order under the Sentencing Act 1991. Victorian community correction orders enable courts to deliver tough, common-sense sentences targeted directly at the offender and the offence. These orders give courts a wide range of express powers to impose conditions that seek to protect the community and prevent reoffending. Conditions can include unpaid community work, treatment and rehabilitation, and curfews.

A practical example of this could be where somebody has travelled interstate and committed a crime. In order for that person to adhere to the community-based order, they need to remain in that state. Sometimes that is not a practical approach because that person may find themselves isolated from their family network and in the company of people who are part of the cause as opposed to the solution. If you can relocate these offenders to their home state, they will then have access to networks that will help them get back on track.

As I said, this is sometimes in the best interests of all. Our whole community, not just the offender, will be a winner if we can get these people back on track by allowing them to return to the town or the suburb where their support network might be a little stronger. Up until now the offender may not have been able to complete their sentencing order obligations outside of the state, and this legislation is a practical way of achieving that.

For an offender on a community-based sentencing order to be eligible for transfer, whether into Victoria or from Victoria back to another state, there are certain registration criteria that must be met. Firstly, the offender must consent to the transfer — obviously they must want to go to that state; secondly, there must be a

corresponding order in the receiving jurisdiction; thirdly, the offender must be able to comply with the order in the other jurisdiction; and finally, the sentence must be able to be safely, efficiently and effectively administered in that other jurisdiction.

An order will be considered to be a corresponding order if it corresponds or substantially corresponds — that is, the penalty and the conditions are of substantially the same nature — with a sentence or if it is declared to be a corresponding order by regulation. Even if the registration criteria are met, the proposed transferee jurisdiction retains the discretion to reject or accept an application for transfer. It is clear that it comes down to the state or the jurisdiction that is receiving the transferee to decide whether the transfer will go ahead or not.

The requirement that there be a corresponding order and that the offender be able to comply with the order in the receiving jurisdiction means that no offender will be able to avoid the obligations of their community-based sentencing order. That is what this legislation is all about: continuing the community-based order but doing it in another state or jurisdiction. Once registered, a sentence becomes a sentence in force in the transferee jurisdiction, and the order is taken to have been imposed by a court of that jurisdiction. Basically the legislation is saying that the rules of the state the transferee is moving to apply, not that of the state they came from or where the offence occurred. That state then takes them on. If it chooses to take them on, it has accepted responsibility.

If an offender who is transferred breaches their order, courts in the new jurisdiction will be able to deal with the offender in accordance with the laws of that jurisdiction; however, the penalty that may be imposed by the court upon resentencing is the penalty that applied to the original offence in the original jurisdiction. If an interstate offender transfers to Victoria, they will be supervised by Corrections Victoria. Despite the sentence being transferred to another jurisdiction, the rights of the offender in relation to review or appeal of the conviction or the imposition of the sentencing in the originating jurisdiction are not affected.

In the Murray Valley we have many issues that cross borders. That is the best way to put it. This is classic legislation that will help to alleviate a few of the concerns we have in our cross-border towns. They include Yarrawonga-Mulwala, Cobram-Barooga and Rutherglen-Corowa. They are the sorts of places where we continue to have people who operate on both sides of the border. Those who live in southern New South Wales are nearly as Victorian as those who live in Melbourne. They go to Melbourne as opposed to going to Sydney and carry out all of their activities as if they are Victorian; however, they have different coloured registration plates on their cars. That seems to be about the only difference. If you have slipped across the border, whether that be to go to a nightclub or a footy field or because something has gone astray, these sentencing orders can be a very impractical proposition and they can create some issues.

Referring specifically to New South Wales and Victorian border issues, a report by the office of the New South Wales Cross-Border Commissioner identified that the Victorian border tends to be more densely settled along the Murray River. This legislation will overcome some of the issues that the commissioner talked about when he was appointed recently.

In summary, this bill arises out of a decision made at a corrective services ministers conference in 2007 that all Australian states and territories would enact legislation based on the New South Wales model for the formal transfer of community-based sentences between those jurisdictions. All other states have introduced corresponding legislation, and this scheme will not apply to federal offenders due to the commonwealth Crimes Act 1914. If offenders on community-based orders who were sentenced under federal legislation breach their orders, there are different concerns — that is, as opposed to those of the states. In a nutshell these offenders will not be able to transfer.

With this in mind, this is another example of Labor's legacy on corrections. Labor members had the opportunity to introduce this legislation. Instead they chose to do nothing and showed they would rather have informal arrangements where offenders came into Victoria and breached their orders yet Victoria had no ability to return those matters to the courts. This bill will change that legislation and improve the situation. I commend the bill to the house.

Ms DUNCAN (Macedon) — I rise to speak in support of the Community Based Sentences (Transfer) Bill 2012, and I must just pick up on the comments of the last speaker. We have seen in this chamber over the last few months big words and overstatement from government members who try to dress up fairly routine legislation as a lot more than it is. We saw this with one of the bills debated in the last sitting week. I think it was the member for Ferntree Gully who stated that this was a new era for victims in Victoria. He said that that bill was overturning 11 years of neglect by the previous government which cared not a dot for victims, which was completely against all of the facts. The bill the

member was speaking about made such minor amendments that you would have to think we did not do such a bad job in dealing with victims if this was the best the government could do in terms of introducing amendments to existing legislation. This bill is another example of that. No-one would object to community-based sentences.

In 1983 we saw a national scheme established which allowed the interstate transfer of prisoners. That has been going on across the country for many years. We are also aware that attorneys-general in Australia agreed to a similar scheme for community service orders. Of course one of the difficulties we have got is that it takes so long. Again contrary to the suggestion of the government member that we did nothing, in fact we started the process of this scheme. These things do take a lot of time, because it is a fact that states do not always have comparable sentences or corrections orders that can be easily transferred from one state to another.

Dr Sykes — Labor members were in power for so long: why didn't they fix it?

Ms DUNCAN — Again I hear a simplistic mantra from the member for Benalla saying 'just fix it'. That would be telling other state jurisdictions how they should run their business. We have seen this government in the short period of time it has been in office — and the way it is going it will be a short time — and we had better see the government members pick up their game, because not much has happened in these last two years. However, I would just like to complete the point and contradict the simplistic mantra from the member for Benalla. There must exist corresponding community-based sentences in Victoria as against those in other jurisdictions, and that was part of the difficulty. That was one of the issues that needed to be agreed upon. There needs to be a corresponding law which applies similar conditions and upon which other jurisdictions agree.

For the enforcement of these sentences, upon registration the sentence ceases to be in force interstate and is therefore enforced in Victoria. As other members have briefly pointed out, the cuts to the Department of Justice will make the implementation of this transfer scheme even more difficult. It will put more work onto the Department of Justice, and we are seeing its numbers being cut quite dramatically as this government cuts departments across all jurisdictions. We also need to consider whether Victoria will become a net importer of these transfers. The government is of the view that this will not happen, but we are seeing crime rates increase across Victoria. That would suggest that there may be more transferring into Victoria than we are transferring out. With those few comments, I commend the bill to the house.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Darebin and Heidelberg roads: bicycle safety

Ms RICHARDSON (Northcote) — The matter I raise is for the Minister for Roads. It concerns the safety of cyclists in my electorate and the need for more bike lanes, particularly along Darebin and Heidelberg roads. I call on the minister to provide these lanes as a matter of urgency and to not use the $20 million slashing of funding to improve the safety of cyclists as an excuse to sit on his hands. Anyone with an interest in reducing traffic congestion across our city knows that increasing the number of people who choose cycling to travel to and from work each day forms a critical part of any serious strategy designed to tackle that congestion. In order to produce such a strategy we must ensure that we are providing for people's safety, particularly if we are to encourage more people to take up the option of cycling.

Cutting funding is certainly not the way to encourage people to take up cycling, and ripping up plans and withdrawing funding that was there to provide more bike paths and links is certainly not the way to do it. That is exactly what the government did when it got rid of the plans Labor had to link the Darebin and Yarra trails; those plans got set aside. We have also seen the ripping up of plans to duplicate the Chandler Highway bridge, also in my electorate. That was not only about easing congestion; it was about ensuring that cyclists who use the bridge every day had a safer route to do so.

The way to improve safety is to increase funding, not to cut it to zero. I noted the other day that Melbourne's Lord Mayor increased funding for the city's bike projects to record levels. He is one Liberal we have been able to bring to the party, but obviously we have a lot more convincing to do with those on the other side of the house when it comes to improving safety, particularly in the mind of the minister.

Every day cyclists battle along Darebin and Heidelberg roads in my electorate, and the speed and intensity of the traffic along these arterial roads is increasingly hazardous for cyclists. The second velodrome in Melbourne is in my electorate. In fact Melbourne is the

only city in the world to have two velodromes, and one of those is on Darebin Road at the state cycling centre, DISC, also known as Darebin International Sports Centre. Cyclists travelling to and from the velodrome experience increasingly hazardous conditions. I call on the minister to come to my electorate, check out the challenges faced by cyclists and to immediately take steps to improve cycling conditions on our roads.

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

Bellbird Dell and Wurundjeri Walk advisory committees: achievements

Mr ANGUS (Forest Hill) — I raise a matter of importance for the attention of the Minister for Environment and Climate Change, who I note is at the table tonight. The action I seek is for the minister to come to the electorate of Forest Hill to meet with representatives from some of the environmental groups in the electorate and view some of the outstanding work these groups have been undertaking in recent times. The two groups in particular that I would like the minister to meet with are the Bellbird Dell Advisory Committee and the Wurundjeri Walk Advisory Committee. Volunteer members of these groups provide a great service to the community in helping to look after some of the magnificent bushland within the electorate of Forest Hill. Both these groups applied for and received grants under the Department of Sustainability and Environment Communities for Nature grants program.

The grant for the Bellbird Dell Advisory Committee was for a weeding program. I am aware that this group has commenced the work relating to this grant with a training working bee being held earlier this month. The grant for the Wurundjeri Walk Advisory Committee was for a biodiversity project, in particular involving the purchase and planting of trees near the creek and surrounding areas. This project has already commenced, with extensive tree planting already well under way. I have had the great pleasure in the last few months to participate with members of the Wurundjeri Walk group in the tree planting project. It has certainly been a rewarding experience for me to be involved in this exercise and witness firsthand the good work being undertaken. To see the transformation of the area being planted out after being weeded is quite remarkable. The work being done currently will go a long way to protecting the area and preserving it for future generations to enjoy.

I congratulate all the volunteers involved in these projects and look forward to meeting some local residents with the minister and showing him the good work being undertaken. The tangible outcome of the many hours being put in by numerous volunteers is evident in some of the wonderful bushland areas in the electorate of Forest Hill, and I thank all the volunteers involved. I welcome the opportunity to meet with the Minister for Environment and Climate Change. I look forward to the minister's visit and the opportunity for him to meet with some of the residents of the electorate, to discuss important environmental matters with them and to view some of the good work being undertaken in these areas.

Fisherman's Wharf, Queenscliff: redevelopment

Ms NEVILLE (Bellarine) — The matter I raise is for the Minister for Environment and Climate Change, and I am pleased to see he is at the table tonight. The action I seek is that the minister urgently provide details about the future of Fisherman's Wharf in Queenscliff, including the status of the $1.8 million in funding that was provided by the Labor government for its redevelopment.

As the minister would know, I have previously raised this matter in the house. In February I raised the concerns held by the mayor, members of the Borough of Queenscliffe council and many local residents about this important project. At the time the minister's response was that he was aware of the issues outlined and that he and his department were 'dealing with them and will progressively deal with them'. I followed up with a letter to the minister but unfortunately have had no response. Over 12 months ago the council made a detailed presentation to the government about the future use of the wharf, but since then it has heard nothing either. A promised meeting with the minister has never eventuated, and follow-up letters have also failed to elicit any response.

Fisherman's Wharf is a significant local site. Work had been done by the Labor government and the council to prepare the wharf for redevelopment, and funding of $1.8 million had been provided for the project. Currently the wharf cannot be used. Despite some repair work done by Parks Victoria, the problems have not been fixed and the wharf is not usable. Plans for the use of a building on the wharf were in place but have had to be put on hold. The lack of comment or response from the minister suggests that he and the department have just been ignoring this issue, particularly over the last 12 months. The community has had no explanation for the delay, and this is not acceptable.

The potential is there for the wharf to be a valuable asset for the community. It should be available for community access and use, for use by the coastguard and for commercial ventures, including tourism operators. These are opportunities, including opportunities for creating jobs, that are being lost, and the community wants to know why. Questions are also being asked about the $1.8 million that was allocated for the project and whether or not the funding is still available for the redevelopment to go ahead. Appropriate redevelopment of Fisherman's Wharf will benefit the whole community and the surrounding region.

The minister needs to communicate with the council and the community as a matter of urgency about his plans for the future of this valued local landmark site. The meeting he promised to have with the mayor and other local stakeholders should be held as soon as possible and the community should be reassured that the funding for the project is secure. I again ask that the minister take action to meet with the community and the council to outline the plans and the funding for the Fisherman's Wharf upgrade.

Tormore–Boronia roads, Boronia: traffic lights

Mrs VICTORIA (Bayswater) — Tonight I rise to ask the Minister for Roads to update me and the constituents of the electorate of Bayswater on when a contract will be awarded for the commencement of the installation of traffic lights at the intersection of Tormore and Boronia roads in Boronia. I have spoken in the house many times about this particular intersection, which experiences very heavy traffic flow, as it services Boronia West Primary School, Knox Leisureworks and the football and cricket clubs at Boronia oval on Tormore Road. It is a very busy intersection at the best of times.

Traffic problems at the intersection are aggravated by the fact that the intersection is located on the crest of the hill, which means that as you are coming out of Tormore Road it is very difficult to see if you want to turn right and head back towards town on Boronia Road. It is almost a blind corner. Local residents and community groups have demanded for years that this intersection be improved. Originally they wanted the whole intersection moved; then they said, 'All right, we will take a loop' — as an interim measure, if you like. That is fine; it has certainly been a good step forward, but it is not the same as having a fully controlled intersection, which is what we promised prior to the last election.

I am delighted to say that money was allocated for traffic lights at this intersection in this year's budget. Community consultation has happened. The local sporting clubs, the school and local citizens have been spoken to about what the intersection should look like. Everybody is in agreement as to what it should look like and what sort of treatments need to be placed on the road. Now we are just waiting for the letting of contracts and the commencement of the works, so I am asking the minister to give us an update on those.

The member for Ferntree Gully and I have been lobbying for these traffic lights for many years, and we were very excited when the minister had the foresight to say, 'Yes, this is important'. There have been many accidents and a lot of near misses at that intersection. As I said, it is a high-volume pedestrian traffic area for school students and their parents. It is only a matter of time before either a pedestrian is injured or we have a fatality there.

Despite the demands and the necessity for traffic lights at this particular intersection, the previous government did not think it was important and did not put the matter on the agenda. I am delighted that we have put it on the agenda, that we have allocated the money and that the community consultation has happened. We now want to know when works will commence and if in fact the tenders have been let, so I ask the minister to update me and the Bayswater community.

Mental health: self-help services review

Mr NOONAN (Williamstown) — I wish to raise a matter tonight for the Minister for Mental Health, and the action I seek from the minister is for her to bring forward a promised review of peer and mutual support self-help services and provide a guarantee that those services will not be weakened as part of a rationalisation of the psychiatric disability rehabilitation and support services (PDRSS) sector.

Before the last election the coalition promised to:

> evaluate the role of peer support and mutual support self-help and how best to incorporate these services effectively as part of the continuum of care for people with mental illness.

Despite this clear commitment, mutual support and self-help agencies have not had any confirmation regarding the timing or scope of this review. This lack of action, information and meaningful consultation is causing concern among many specialist statewide mutual support self-help agencies. These concerns have been heightened by the release of *Psychiatric Disability Rehabilitation and Support Services Reform Framework — Consultation Paper*, which makes clear

the government's desire to rationalise the number of agencies across the community mental health sector.

I recently had the privilege of meeting with seven specialist statewide mutual support self-help service providers. The meeting was a wonderfully enlightening experience, and I was extremely impressed with the passionate commitment demonstrated by each of those agencies to their consumers' and carers' wellbeing. During the meeting my attention was drawn to the work undertaken to launch the groundbreaking Charter of Peer Support in 2011, which has attracted international attention, and to the comments of the charter's patron, Dr Rhonda Galbally, who stated:

> The grass-roots peer support model has been underutilised and undervalued in the past yet it has played an important role in the support of individuals who have been impacted by events, incidents or issues that have disrupted their lives and wellbeing.

Dr Galbally argues that governments should regard the peer support model as an intrinsic part of the mental health system and that services should be fully funded, resourced and strengthened. I have received a copy of the peer and mutual support self-help sector's submission to the PDRSS review, which is dated 28 June 2012. One of the key recommendations contained in the submission is for the government to ensure:

> … that all consumers and carers that are currently supported through the PDRSS will not be disadvantaged, and will continue to have adequate levels of access and support …

That seems like a very reasonable request to me. But the concern, again, is that the Baillieu government is approaching this review utilising purely economic principles and that the reform framework appears to favour fewer and larger organisations without recognising the significant economic contribution made by relatively small specialist agencies.

It is for those reasons that the peer and mutual support self-help agencies are asking the Baillieu government to fulfil its pre-election commitment and conduct a robust review of the sector before the PDRSS reforms have been finalised.

Mental health: Gippsland services

Mr NORTHE (Morwell) — Tonight I seek action from the Minister for Mental Health. The action I seek is for the minister to consider the Gippsland region as a recipient of additional mental health services. There are many service providers within the region — Mind Gippsland, SNAP Gippsland, the Victorian Mental Illness Awareness Council and Latrobe Community Health Service, amongst others. The minister has been proactive towards and supportive of the Gippsland region in regard to mental health, and she is very well respected in the region, as are her staff. Her no. 1 staff member has been a great conduit for many members of Parliament in dealing not only with issues but also challenges and initiatives going forward.

As I said, the government has undertaken a number of initiatives in the mental health portfolio that have been well supported in the Gippsland region. Despite the significant financial constraints confronting this government, the 2012–13 state budget was very favourable to the Gippsland region in respect of mental health services. Mental health advocacy group Barrier Breakers was the beneficiary of $100 000 in the budget to continue its good work. The Gippsland Carers Association was also a recipient of $100 000. The 2012–13 budget also provided for a multidisciplinary centre for sexual assault and child abuse that has been earmarked for the Latrobe Valley and is to be one of three such centres across the state. I know Fiona Boyle and the Gippsland Centre Against Sexual Assault team are very much looking forward to that.

In this term of government the coalition has contributed $50 000 to Latrobe Regional Hospital for a women-only bedroom corridor, laundry and quiet room. We know the importance of making sure that we have that segregation for women who are experiencing mental health issues. The $3.2 million Doorway Project has been committed to for the Gippsland Region. It is a partnership between the Mental Illness Fellowship Victoria, Latrobe Regional Hospital and local real estate agents to support and subsidise private rental accommodation for people who are suffering from mental illness.

In addition to that, the government has promised $6 million across the state for the construction of two new five-bed regional mother and baby mental health services, one of which will be at Latrobe Regional Hospital. It is important for the region that new mums have the ability to stay in the region so they can receive the support they need when they become parents. I call upon the minister to support new mental health services.

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

Barwon Health: McKellar Centre car park

Mr TREZISE (Geelong) — I raise an issue for the attention of the Minister for Health, and the action I seek is for the minister to urgently fund Barwon Health

to enable it to upgrade its McKellar Centre car park. Barwon Health has identified the need to upgrade and then maintain this car park which services staff, medical officers and visitors. However, with no funding from this government, Barwon Health has informed staff that they will be expected to meet the cost of this basic infrastructure work via parking fees of up to $40 per fortnight. With what essentially amounts to a $20 per week wage cut to fund the centre's car park, employees are angry and are now in dispute with Barwon Health management, thanks to Minister Davis and this government's penny-pinching prioritisation of health in this state.

It speaks volumes for the priorities of this government that in recent days it has announced that it is going to waste thousands of taxpayer dollars looking for Victoria's abominable snowman in a mythical, nonsensical black panther hunt, yet it refuses to upgrade the McKellar Centre car park. Many staff at McKellar Centre are on basic wages. Only three or four months ago we saw nurses take unprecedented industrial action to increase their wages, so I can assure the minister that a $20 pay cut is a lot of money for many of these employees. In raising this issue I have to say that although this has now escalated into an industrial dispute between staff and Barwon Health, Barwon Health's management is pretty much the meat in the sandwich thanks to Minister Davis.

As I said before, the issue also raises the priorities of this government. You cannot help but compare the Baillieu government's priority ranking for the McKellar Centre compared to those of the Bracks and Brumby governments. Let us not forget it was the election of the Bracks government that stopped the Grace McKellar centre from being flogged off by the Kennett government to the highest bidder. It was the Bracks and Brumby governments that spent over $1 million transforming a run-down aged-care centre into a world-class rehabilitation, aged-care and palliative care centre for the benefit of all community members in the Geelong region. The commitment included the car park. Never once did we contemplate saying to dedicated health and ancillary staff: give us your money to pay for this upgrade.

This is all about priorities, and it highlights that this government has no priorities when it comes to health or looking after health-care and ancillary staff who work at the McKellar Centre. On behalf of the workers at the McKellar Centre in Geelong, I call on the Minister for Health to accept his responsibility, fund the car park upgrade at the McKellar Centre and not rely on its employees to fund what is the financial responsibility of this uncaring and penny-pinching government.

Small business: Burwood electorate

Mr WATT (Burwood) — My adjournment matter is directed to the Minister for Innovation, Services and Small Business. The action I seek is for the minister to visit my electorate of Burwood and speak to people at many small and medium size businesses. I also note that Victoria's Small Business Festival is under way.

I am most attentive to the needs of small business not only as a former small business owner but as a Liberal — I consider it part of our DNA. I also recognise the abilities of people who risk leaving the safety of employed work for the financial and physical difficulties of self-employment. These risk-takers are the providers of our future. They provide the goods and services that we require and the employment opportunities that are needed for our society to prosper.

Small and medium size businesses form the backbone of our manufacturing and services sectors and contribute to our national wealth, There are more than 500 000 small businesses in Victoria representing 96 percent of all businesses and supplying 47 percent of private sector jobs. They are the innovators, the ones who venture with their own ideas and capital into new markets and commerce and will create the occupations and professions of the 21st century.

I understand that those opposite have no comprehension of what I am talking about, so I will illustrate my point. These businesses will be the ones that a future Labor government will impede, tax and overregulate and future unions will stand over and stifle. When it comes to aspirations, it is a given that a Liberal-Nationals coalition is the advocate of those in our community who wish to augment their wealth and by doing so enhance the wellbeing of our society. We should all encourage those who start out with a simple idea and end up with something much more — a business, a company, a profit and, from our perspective on this side of the house, an employee.

In reality this is how you distribute wealth. Wealth is not distributed by taxation or class warfare but by opportunity and employment. This is the Baillieu government's way: creating an environment for those who will create the pre-eminent businesses of the future for our state. It is with this objective in mind that I compliment the minister on the effective manner in which this government gives support to businesses not only through the budget, with its emphasis on relief for WorkCover premiums and $58 million to support local manufacturers to expand and grow their businesses, but also through funding for the small business festival, the removal of clearways, reductions in licence fees and red

tape and the mobile business centre now visiting metropolitan as well as regional areas to provide assistance and support to small businesses.

Having spoken with people from many of the businesses in my electorate and being a former small business owner myself I certainly understand how government policy can affect business. Businesses are suffering under the pressure of the federal Labor-Greens carbon tax. One business in Burwood with 48 employees is reporting a carbon tax bill equal to 7 per cent of turnover, and that is not even taking into account electricity bills. I am reminded of a saying often repeated by the member for Frankston: if you want to own a small business, buy a big business and wait for Labor to get into government, and pretty soon you will have a small business.

I would welcome the minister to my electorate to speak to people in small to medium businesses.

Victorian Open golf championships: funding

Mr EREN (Lara) — I raise an urgent matter for the attention of the Minister for Sport and Recreation. The action I seek from the minister is that he provide adequate funding to ensure that the men's and women's Victorian Open golf championships in February 2013 are successful. The events will be staged simultaneously over 72-hole stroke play at the Thirteenth Beach Golf Links on the wonderful Bellarine Peninsula.

I understand that the City of Greater Geelong has swung its support behind this event, but unfortunately the state government is yet to tee off and is reluctant to drive this event. Therefore I urge the Minister for Sport and Recreation and the government to also support the event and to provide adequate funding to ensure its success. I also suggest that the member for South Barwon get behind this event and call on his government to support it, as the event will be in his electorate.

I also understand that holding concurrent men's and women's championships is a format that will be unique to professional world golf. The proposed format for the 2013 men's championship would see a men's starting field of 144 players, including a minimum of 15 elite amateurs, and a women's starting field of 120 players, including 20 elite amateurs from all over Australia and overseas. I congratulate Golf Victoria on this new initiative, and I welcome its objective to promote golf to the entire Victorian community, generate interest in the sport and stimulate increased golf participation and club membership. One important part of Golf Victoria's strategy is to stage a pinnacle state event that showcases the best emerging professional young men and women along with elite amateurs. This golf championship event is also a huge opportunity to promote the full range of tourist attractions on the Bellarine Peninsula, including showcasing some key local elements such as food and wine. Other benefits include opportunities for state-level rules officials, who are volunteers, to officiate at an elite event, opportunities for both male and female junior golfers in the MYGolf Skills Challenge state final and the promotion of a strong grassroots connection with the Geelong and Bellarine communities.

In another first for world golf there will be equal prize money for both men and women, with $200 000 for each group. Golf Victoria anticipates that as a result of live scoring for the opens there will be web traffic of 25 000 to 30 000 during the event. There will also be up to 20 000 spectators. What a wonderful opportunity it will be for all golf lovers in Victoria and beyond, and what a wonderful opportunity for Geelong and the Bellarine Peninsula. I therefore urge the minister to support this event and provide an allocation of funding in excess of that made by the council so that the event can proceed without those involved experiencing the stress of not knowing whether it will receive any financial assistance from this very lazy state government.

East Ringwood Reserve: pavilion

Mr HODGETT (Kilsyth) — I rise today to call on the Minister for Sport and Recreation to visit the East Ringwood Football Club and the East Ringwood Cricket Club to meet with club representatives, view the current facilities and listen to a proposal for a new pavilion to be built at East Ringwood Reserve.

By way of background, sporting clubs that use the East Ringwood Reserve have been expressing concern at the poor and deteriorating standard of the pavilion for a number of years. The state of the building continues to decline, and the layout has very poor functionality. I am informed that the existing pavilion area is over 70 years old and has been extended in an ad hoc manner many times. I have had ongoing discussions with Mr Geoff Buzaglo, who represents the clubs, about the deplorable condition of the pavilion, which serves both the football club and the cricket club at East Ringwood, and the difficulties they have had in getting any assistance over a number of years.

Representatives from the football and cricket clubs met on site and toured the pavilion with the federal member for Deakin and councillors from Maroondah City

Council in June this year. A further meeting took place at the Maroondah council offices in July. I am told there is a consensus view that the pavilion is in such a state that it should be demolished and that all stakeholders should work together to develop plans for a new building. In time this will require funding assistance from all levels of government, and I would like the minister to explore possible funding opportunities that the club and the council can apply for at the appropriate time.

The user groups have put considerable effort into developing a proposal for a new facility and presenting a credible argument to secure support for this project, which includes extensive work on exploring the potential for attracting additional community groups to use the facility. Further information on this work can be supplied. I commend the efforts of the working group responsible for the proposal, which consists of representatives from the East Ringwood Football Club, the East Ringwood Cricket Club and the Maroondah Sports Club, including Brian Coopersmith, Andrew Breeden-Walton, Peter Baker, Adam Hinds, Bill Wilkins and Geoff Buzaglo.

I believe this proposal, which is envisioned to deliver a brand-new, state-of-the-art sporting facility in East Ringwood, is worthy of consideration and support. It must be considered on its merits in line with local priorities. This facility, which is on the border of the electorates of Kilsyth and Warrandyte, is shared by the member for Warrandyte, the Minister for Environment and Climate Change. The two clubs are terrific sporting clubs that have had a number of successes in football and cricket over many years — but not this year on the footy field.

The new pavilion would be a great initiative for us to put our efforts into, and it should be considered on its merits in line with local priorities. Again I call on the Minister for Sport and Recreation to visit the East Ringwood Football Club and the East Ringwood Cricket Club to meet with club representatives, view the current facilities and consider the proposal for a new pavilion at East Ringwood Reserve.

Responses

Ms ASHER (Minister for Innovation, Services and Small Business) — The member for Burwood has requested that I visit his electorate to meet with a range of small businesses. I am delighted to inform him that I would be pleased to do so.

The member for Burwood is a former small business owner, as he said in his adjournment matter, and he understands the challenges faced by small businesses and also the opportunities that are presented to them. He appreciates the role that small business plays in an enterprising community, and he also understands the employment possibilities that come from small businesses and the need for them to prosper and grow to provide more employment opportunities in the state of Victoria.

He conveyed to the house a list of the government's achievements — I will not run through that list; I thought he did that admirably — including clearways, significant reductions of liquor licences and so on. He also mentioned that the mobile business centre is now not just confined to country areas; under this government the centre is also visiting city areas.

I am delighted to inform him that I am advised that the mobile business centre will be visiting his electorate in Ashburton on 18 September from 10.00 a.m. to 4.00 p.m. I am sure he will be pleased to know that. I encourage him to encourage all small business owners in his electorate to attend both the event that I will be present at and the mobile business centre when it visits his electorate, where people from the small business mentoring service will also be in attendance.

Mr DELAHUNTY (Minister for Sport and Recreation) — Firstly, I will respond to the matter raised with me by the member for Kilsyth, who is a really good sport. He is a very active member.

The project he mentioned in his contribution is supported by the member for Warrandyte, who happens to be sitting beside me. As the member for Kilsyth knows, I have a strong aim — that is, to have more people more active more often. As part of this aim we have five key priorities in sport and recreation. One is to deliver active and healthy communities; the second is to deliver facilities for active communities.

The member for Kilsyth spoke in the chamber tonight about the invitation from him to me to come and visit the East Ringwood Football Club and East Ringwood Cricket Club, meet with representatives and view the facilities there. He spoke about the fact that the standard of the pavilion is poor and deteriorating, making it difficult to meet the aims and objectives of the clubs. I know the clubs are in the city of Maroondah area. I believe the council has been involved with this issue. The member spoke about the many groups using this facility that have gone to considerable effort in developing a proposal for a new facility. They have obviously presented to the member for Kilsyth a credible argument for supporting this project.

As the member for Kilsyth knows, we have major concerns in Australia. I am driving this issue very hard. My information says that 54 per cent of Australian adults are not doing enough physical activity. More worryingly, one in four children are overweight or obese. Those figures could rise to one in three if we do not act now. Having facilities for active communities is very important to me and the coalition government. We will do everything we can to address that. I look forward to visiting the clubs with the member for Kilsyth. I ask him to work with my office. He is a very good member who is working hard for that part of Victoria.

The member for Lara raised a matter for my attention about support for the men's and women's Victorian Open golf championships proposed to take place in 2013 at Thirteenth Beach Golf Links. I say to the member for Lara, who has been appointed as the shadow Minister for Sport and Recreation, that he does not know how to be a good sport. Many members from this side of the chamber and the other side of the chamber will talk to ministers about issues that are important to them, but the member for Lara will not do that. He is not a good sport. I believe, because of a lot of the statements he has made, that he is being lazy and misleading and that he is misguided.

The reality is that the member for South Barwon has been very active in this space. He has been talking to me about this issue of the men's and women's open championships. I inform the member for Lara that this coalition government funded the men's and women's open championships for the first time. The combined championships were played for the first time in Victoria.

The women's open had not been played for, I think, 19 years. It was the coalition government that put funding into supporting this event this year. It was a fantastic event for Victoria and for men's and women's golf. This super event was played at the Spring Valley Golf Club. It was funded from my program called the Significant Sporting Events program. I say to the member for Lara, who is on the other side of the chamber, that he needs to improve. At the moment he bowls to me no-balls, wides, half-volleys and fouls in a deliberate attempt to misguide the Victorian sport and recreation sector. The comments he made tonight are no different to those he has made in many other circles. They are wrong, wrong and wrong.

The opportunity to fund this is still being assessed. Work has been done by my department. It has been supported strongly by the member for South Barwon, who is a very active and committed member for that area. I can say to him that if it does get funded, it will be because of the support of people like the member for South Barwon. The combination of these championships is a good proposal. It is taking an event to Thirteenth Beach, and it was a fantastic event when it was played earlier this year. I remind the member for Lara that it was a coalition government which, for the first time ever, funded the combined men's and women's Victorian Open golf championships, and it might happen again.

Mr MULDER (Minister for Roads) — The member for Northcote raised an issue with me in relation to the requirement for cycling lanes on Darebin and Heidelberg roads. The member also raised an issue in relation to what she described as a lack of funding for cycling along with an issue in relation to a cycling strategy. The member indicated that funding had been put aside for some of these projects. I am not sure what 'put aside' means. That would indicate to me that money was made available or that there was an election commitment by the former Labor government to undertake these particular projects, but I certainly could not find any funding allocation for the project involving Darebin and Heidelberg roads. The member wants to talk about putting something aside, but perhaps if the former Labor government had put some money aside, that project would have proceeded.

As we know, when we came to government we looked at a number of different projects and programs that were in place, and the trouble started to unfold in front of us. There was the money that was required for the myki system and the digital train radio control system, and the list goes on. We had to find millions of dollars, and unfortunately we had to deal with that in our last budget to make sure that we could fund the election commitments we made. Obviously there was not a funding commitment to undertake this project for the member for Northcote. Money was not provided for that particular program by the former Labor government.

In relation to bicycle funding I inform the member for Northcote that in 2012–13 the VicRoads bicycle facilities program included approximately $10 million for bicycle improvement works, continuing from 2011–12. Cycling infrastructure projects were also included as part of several major road and public transport projects. In 2012–13 this included $5 million for cycling-related infrastructure as part of the regional rail link project and $1.6 million for a shared walking and cycling path as part of Peninsula Link. VicRoads estimated that approximately $2.2 million was provided for the provision of cycling facilities as part of various road projects such as the Dingley bypass, the

Springvale Road grade separations in Springvale and the upgrades of Stud Road in Bayswater and Narre Warren-Cranbourne Road in Narre Warren. They will all have significant bicycle components.

Approximately $260 000 is being invested in eight regional projects, and over $4 million is being spent on the Ride2School program, nine bike cages and nine hoops at multiple railway stations across Victoria and also in support of various cycling events. There is $2.5 million being provided to improve bicycle infrastructure and activity centre access, including $1 million for bicycle lanes along Chapel Street, and $1.5 million is being spent on better bicycle connections between Box Hill and Ringwood. I hope the member for Northcote is adding this up.

In some locations across Melbourne the principal bicycle network overlaps with the metropolitan train network, and VicRoads is currently delivering four bicycle projects at these locations at an estimated cost of $14.4 million during 2011–12 and 2012–13. These projects include extension of the Federation Trail from Millers Road to Williamstown Road, traffic signal improvements along Footscray Road, a new bridge on the Gardiners Creek trail and the completion of a missing link in the Bay trail on Beach Road. That project is costing somewhere in the order of $510 000. On top of that, prior to the election we announced a magnificent commitment to carry cyclists on the West Gate punt. I report to the house that the punt has attracted over 13 000 patrons to date on the weekday service. This particular service was created specifically for cyclists.

I say to the member for Northcote that she should get *Hansard* tomorrow, get her biro out, add up the commitments that this government has made in relation to cycling and realise that, as I said, if her project had been funded, if it had been an election commitment of the Labor government, it would have been delivered. To say that it was put aside says to me that the money was not put away for the project. If it had been put aside, it was because it simply was not funded.

I turn to an issue raised by the very hardworking member for Bayswater. She is an absolute champion for her community and a real fighter for her electorate. Prior to the election, when I was with the member for Bayswater in her electorate, she was out on the street corners talking to members of her community and asking them what needed to be done to make the streets safer for them. One of those issues was the installation of traffic lights at the intersection of Tormore and Boronia roads in Boronia. It was because of the very hard work put in by the member for Bayswater that that particular project was announced as an election commitment prior to the election. A lot of other commitments have been made in the electorate of Bayswater, and the member for Bayswater is delivering for her community.

This intersection has been a safety concern for the people of Boronia for a long time. As I said, the project was an election commitment. The contract for the project is expected to be awarded in the coming weeks — the member for Bayswater will be very happy to hear that — and work will start shortly thereafter. This is a very important project for the people of Bayswater. It will be delivered, and I congratulate the member for Bayswater on her strong advocacy for her community.

Ms WOOLDRIDGE (Minister for Mental Health) — I am very pleased to respond to two important mental health issues that have been raised by members this evening. I will start by responding to the member for Morwell's concerns and the issues he has raised in relation to mental health in the Gippsland region. There is no better champion of mental health services in their local community than the member for Morwell, who is a passionate advocate for his electorate and someone my staff and I speak to with great regularity in regard to the challenges and concerns of his constituents and community in relation to mental health services.

There is no doubt that there is a definite need for expanded mental health services in the Gippsland area. I am pleased that the Latrobe Regional Hospital, which provides acute inpatient services, is funded at over $33 million a year to provide clinical mental health services across eight different sites. There is also the prevention and recovery care service located in Bairnsdale and run in partnership with Snap. Over $4 million has been invested in psychiatric disability rehabilitation and support services for a whole range of service providers under different programs right across the Gippsland region.

Gippsland's mental health services have been a focus of the government as a result of our priorities and as a result of the advocacy of the member for Morwell. I have been pleased to announce a new mother and baby unit at Traralgon, with five beds for that regional service, meaning that mums with new babies do not have to come into the city to access those services because they can get them in their own community. There is also the Doorway program, which is a very innovative program and demonstration project that is supported by Mental Illness Fellowship Victoria. It is assists people with a mental illness to utilise the private

rental market. It maintains those tenancies and offers alternative pathways for accommodation, and it is under way in both the Baw Baw and Latrobe local government areas.

There has been a particular focus on, but we understand that we need to continue to prioritise, areas that are underserviced in relation to mental health services, so I am very pleased to inform the member tonight that Mind, one of our leading community-based mental health service providers, will receive funding for an additional six places to support people with a mental illness who have been referred from Latrobe Regional Hospital, allowing them to remain in their homes and in their communities. This is an investment of about $87 000 per year or $350 000 over a full four-year period, and it is going to help to meet the growing demand for home-based outreach support for people with significant mental illness and a high level of psychiatric disability.

We think this is a very important investment to make in the Gippsland community, and we know that with the quality of Mind's services, that will make a real difference and more residents will be able to access earlier effective treatment to assist them on their recovery pathway. I want to congratulate the member on his advocacy, and I know that this will make a big difference in his community.

In response to the member for Williamstown in relation to our review of the PDRSS (psychiatric disability rehabilitation and support services) sector, and particularly in relation to the mutual support and self-help services, the strengthening of community mental health as a vital aspect of our mental health system is a real focus of the coalition government. We currently invest more than $100 million every year into community-based mental health services, assisting about 12 500 people, so those services are a very important part of the system which we value. The coalition government has significantly invested further in these services, which has been welcomed because it has been many years — five or six years, I understand — since there has been any increase in funding for our community mental health support services. What we prioritise is the fact that if people can get assistance in their community, either early in their illness or as part of their recovery pathway, the likelihood of a successful recovery is much enhanced and the assistance is much appreciated.

Our PDRSS reform agenda is a very significant reform agenda and one that has been widely welcomed by the sector, and we are working very closely with the sector to make sure it is achieved. We want to build a stronger system in which long-term recovery and support for overall health and wellbeing as well as social and economic participation are seen as key objectives alongside clinical treatment.

Some of the key objectives are about equity of access. There will be a fundamental reform and restructuring of the way the services are delivered, but it is about putting people with a mental illness and their families at the centre of that service delivery. Can they equitably access services? Can they navigate their way through the system? Can they access high-quality services that are person centred and focused on their needs in the context of their family? Can we strengthen the capacity of service providers to be responsive and flexible in the work that they do? And how can we better coordinate care by improving planning and collaboration, both between and across community-managed mental health services, the specialist clinical services and also the broader health and social support services? As I say, the sector has been incredibly supportive, and we are working through the process with them.

In relation to mutual support and self-help, these are very important services. They receive about $4.3 million in funding a year, and we have about 20 different providers across 25 sites. Interestingly their funding varies. There is one agency that is funded with as little as $7000 a year, and it goes up to about $850 000, so it is quite a broad spectrum. Many agencies have a specialist focus, such as eating disorders, post-natal depression or even a diagnostic-specific area, such as obsessive compulsive and anxiety disorders, so there is quite a range.

One of the things we see very clearly is that in this reform of the system we definitely want to encourage both the often innovative and vibrant small agencies as well as the large agencies, and we want to see a service system that is absolutely able to deliver and have that spectrum and that range of services, because underlying all of that is quality. Any organisation that is well run, has the quality and is delivering for clients can be supported in a system. We want to up our measures of quality and our focus on delivering for clients, and that is going to be our benchmark in relation to who gets funded and supported to deliver these important services.

The review talks on page 53 about mutual support and self-help. It states:

> The Department of Health will formally review the role and function of …

this program —

and the peer support function more broadly.

That was an election commitment, as the member for Williamstown mentioned, and it is a real priority for the sector, members of whom met with us before and continue to meet with us on this issue. I met with Anne Wicking from The Compassionate Friends just last week for a consultation on suicide. That was also an election commitment, and a strategy in relation to that review will be under way in 2012. It is a commitment that we will be delivering on.

We value the sector, we see that it is very important and we understand the need to link the reform strategy so that everyone can be successful, because ultimately we need an array of services to provide the mental health support that is needed for clients and families. This will be undertaken, as we promised very clearly, and it will be done in the context of an ambitious and exciting reform of community mental health services which will ultimately make a real difference for people with a mental illness.

Mr R. SMITH (Minister for Environment and Climate Change) — I respond to the member for Forest Hill and his request to me to visit some of his community groups, including the Bellbird Dell advisory committee and the Wurundjeri Walk advisory committee. Both groups received funding through the very successful Communities for Nature grants program, a $20 million commitment that this government made while in opposition. This grant program was aimed at not only environment groups and friends groups but also sporting groups and school groups that operate in the confines of their environment but also like to do work to make sure that that environment is improved. It is clear that we were right on the money with that particular grant round because it was significantly oversubscribed. Organisations right across the state were able to partake in the first round of funding in that grants program.

It is a priority of this government to engage with our communities in their work on the environment and to support the many volunteers who perform environmental work around the state. Without the help of those volunteers we would not have the benefits of the great and necessary work that is being done on the environment to make sure we care for it in the manner we should. We also firmly believe that everyone should take responsibility for the environment, not just governments, and in that way we make sure we listen to communities about their priorities. In many cases we do not impose the government's priorities on them; rather our priorities are driven by community input, and I think that is very important. With grants such as the Communities for Nature grants we seek to facilitate the type of work that these groups put forward as their priority.

I have visited the Bellbird Dell advisory committee before with the member for Forest Hill. I am happy to do that again and also to visit the Wurundjeri Walk advisory committee with him. I spoke to the member for Forest Hill just a couple of weeks ago about his visits to those groups, and there was passion in what he had to say about the work that is being done. I would be pleased to join with him to visit those groups and to see the wonderful work they have been able to do with the support of the coalition government's Communities for Nature grants.

The member for Bellarine raised an issue around the development of Fishermans Wharf. I can assure the member that we are in discussions with the major stakeholders. The feedback we have received is that those discussions have been fruitful, even as we have navigated some fairly complex issues. When we get through those complex issues the community will be well informed about how we are going to move forward.

The member for Geelong raised an issue for the Minister for Health. It is pleasing to see that once again we have had so many ministers coming in here to respond to members' requests. The only minister who has not been here is the Minister for Health, who is a member of the upper house. The member for Geelong raised an issue regarding funding for the Barwon Health car park, and I will make sure the Minister for Health gets that request.

The DEPUTY SPEAKER — Order! The house now stands adjourned.

House adjourned 10.54 p.m.