PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 28 June 2011

(Extract from book 10)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. M. Davis, Mr P. R. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

Procedures Committee — The President, Mr Dalla-Riva, Mr D. M. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Ms Broad, Mrs Coote, Ms Crozier, Mr Drum, Mr Finn, Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, Ms Crozier, Mr Drum, Mr Finn, Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Environment and Planning Legislation Committee — Mr Elsbury, Mr Finn, Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Petrovich, Mrs Peulich, Mr Scheffer, *Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, Mr Finn, Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, Mr Ramsay and Mr Viney.

*Inquiry into Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011

Joint committees

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Napthine and Mr Walsh.

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

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Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
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Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
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Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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TUESDAY, 28 JUNE 2011

Tuesday, 28 June 2011

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.03 p.m. and read the prayer.

The PRESIDENT — Order! I advise the house that two members will be absent this week. Mr Viney's wife is ill and in hospital, and he is with her this week. We wish her a full recovery. I also indicate that the weekend before last Jan Kronberg fell over at home and broke her leg in two places, and they are quite serious breaks. She was having surgery in a private hospital yesterday. She will be affected in mobility terms for quite some time. We wish her a speedy recovery.

ROYAL ASSENT

Messages read advising royal assent on 21 June to:

Appropriation (2011/2012) Act 2011
Appropriation (Parliament 2011/2012) Act 2011
Environment Protection Amendment (Landfill Levies) Act 2011
Equal Opportunity Amendment Act 2011
Justice Legislation Amendment (Infringement Offences) Act 2011
State Taxation Acts Amendment Act 2011
Statute Law Revision Act 2011.

QUESTIONS WITHOUT NOTICE

Manufacturing: Victorian Competition and Efficiency Commission report

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade, Richard Dalla-Riva. The draft report of the manufacturing policy inquiry that the minister commissioned from the Victorian Competition and Efficiency Commission (VCEC) recommends dropping local content and local job requirements from government purchasing and ending strategic financial support for manufacturers. Has the minister's office conducted any modelling to indicate what the consequences of implementing those recommendations would be for Victorian manufacturing in terms of jobs and potential company collapses?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I have read the report — and it is a draft report — with great interest. Our commitment as the government is to do all we can to help Victoria's manufacturing sector to become more productive, more competitive, more innovative and more global in its outlook, and this VCEC inquiry is an important part of that process. I will not be commenting on VCEC's draft recommendations ahead of its final report. The final report is not due until the end of August, and between now and then there will be much input by industry, agencies and a range of specialists in the field.

I make this point: the manufacturing sector, as I have indicated many times before, is a vital part of our industrial base, especially in regional Victoria. This government has a strong commitment to produce a new and forward-looking policy approach to revitalising manufacturing in this state.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — Will the minister now at least rule out these anti-manufacturing proposals and ease the anxiety of the more than 300 000 Victorians working in the manufacturing sector and the more than 25 000 proprietors of manufacturing businesses in this state?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — As I indicated, I do not intend to comment on specific draft recommendations, but my views on the issues surrounding procurement are well known. I believe local industry, particularly small to medium enterprises, should get fair access to government procurement. For example, we gave a commitment before the election to the Victorian people and the Victorian industry that a $1.4 billion purchase of 40 new trains for our public transport system would involve those trains being largely manufactured here in Victoria, and I stand by that commitment.

Victorian Health Promotion Foundation: board

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Health. I ask: can the minister advise the house what actions the Baillieu government has taken to renew and refocus Victoria's health promotion activities?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question; I note her interest in health promotion. I am pleased to advise the house today that there have been a number of appointments to the VicHealth board. These are important new appointments, but there is also some continuity. Professor John Catford from Deakin University has been appointed along with Professor Mike Morgan, Professor Margaret Hamilton, AO, Margot Foster,

Nicole Livingstone, OAM, Susan Crow, the Honourable Mark Birrell and Professor Ruth Rentschler. I note the important reappointment of Jane Fenton as the chair, and of Mr Peter Gordon and Ms Belinda Duarte.

The importance of VicHealth is well understood. It has been an important body that has had support from all sides of the house over a long period since its establishment in the 1980s. I note that it is important to refocus our health promotion and disease prevention efforts and to do that in light of changes at the national level. There is now a national preventive health body, and the new VicHealth board will need to work with the government, the community and the national agency to get the best results in terms of health promotion for the Victorian community. I think it is a timely point to stocktake and look at the role VicHealth has played and how that can be enhanced and strengthened into the future. The Baillieu government is very committed to working with VicHealth. We have made these appointments on the basis of the capacities of the people concerned.

John Catford, who is the deputy vice-chancellor, an academic and the professor of health development at Deakin University, has a strong history in health promotion and disease prevention. Professor Mike Morgan has enormous knowledge of dental health science. He is at the University of Melbourne and is the executive director of an oral health leadership program. I believe he will make a significant contribution to ensuring that dental health is also on the health promotion agenda. Margaret Hamilton has decades of experience in the field of alcohol and drugs, including clinical work, education and research. I believe she will make a very good contribution. Margot Foster, Nicole Livingstone and Susan Crow, in keeping with the sports focus of VicHealth and the requirements of the act, will add significantly as well.

Belinda Duarte, an existing board member, has done enormously good work in indigenous health promotion. Recently I was very pleased to launch a document on which she had done a lot of work through VicHealth and to indicate the importance that the government placed on that issue. The Honourable Mark Birrell is no stranger to this chamber. He was very committed to the establishment of the original VicHealth legislation in the 1980s. He is deeply committed to the task of smoking reduction and the reduction of harm around smoking and other matters, and he has a strong focus on ensuring the best outcomes. Likewise Peter Gordon is somebody who has had a long-term commitment to ensuring that smoking is reduced, and his role in litigation and indeed on the board of VicHealth is widely respected. Ruth Rentschler will, I believe, also make a significant contribution given her background in arts and entertainment. I pay tribute to the work of Jane Fenton, the current and continuing board chair, who I believe will make a great contribution. I look forward to working with VicHealth, as I know everyone in this chamber does.

Planning: coastal developments

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning. The minister's predecessor ticked off a group of people under section 151 of the Planning and Environment Act 1987 to form the Coastal Climate Change Advisory Committee, which was to develop recommendations for changes to the higher level — that is, the Victorian planning provisions — of the planning scheme. It was to report by December last year. I ask: can the minister tell me if the committee has reported to him, and if so, will the report be released soon?

Hon. M. J. GUY (Minister for Planning) — The report is one that has not come across my desk.

Supplementary question

Mr BARBER (Northern Metropolitan) — I presume that means it is not sitting in the ministerial postbox either.

Honourable members interjecting.

The PRESIDENT — Order! Mr Barber, to continue.

Mr BARBER — My clock is running down here. I am sure the minister would agree that all the councils along Victoria's coasts are hanging out for some high-level policy guidance from him. Will he continue to make ad hoc decisions relating to sea level rise in the absence of this body of work, and what will happen at the end of the year when a number of other key decisions, such as the one relating to Lakes Entrance, come to his desk in the absence of this overall framework?

Hon. M. J. GUY (Minister for Planning) — In reference to Mr Barber's view that decisions are being made ad hoc, it should be noted that this government does not believe that as a consequence of a possible sea level rise and figures which may have applied in the year 2100 we should throw every planning application out, consider nothing and have an approach based on hysteria, not based on common sense. That is how this government has approached this issue. This

government has worked with a number of councils and communities, and indeed — —

Mr Lenders interjected.

Hon. M. J. GUY — Mr Lenders, you might want to talk to your Labor Party members — those on the committee who endorsed setbacks for wind farms. You and your white-shoe brigade from the last government might have a new attitude.

I would just say to Mr Barber, through you, President, that this government committed $9.7 million in the last budget to make this issue a reality.

Deakin University: geographical classification

Mr KOCH (Western Victoria) — My question is to the Minister for Higher Education and Skills, the Honourable Peter Hall, and I ask: could the minister advise the house how the commonwealth government's definition of regionality and rurality will impact on funding for Victorian universities?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank my colleague Mr Koch for the question. It is particularly relevant that he asked it, because the issue is one of concern to one of the major universities in his electorate, Deakin University in Geelong.

The first thing I want to say is that the commonwealth and state governments acknowledge that the cost of delivering higher education programs in regional areas is greater than that in city areas where their markets are much larger — and I probably do not need to go into all the reasons that explain why that cost differential exists. However, the commonwealth recently changed the formula under which it applies a regional loading to the delivery of higher education programs at regional campuses, and there is a difference in terms of that regional loading figure as it is applied to various university campuses. To its credit, the commonwealth government has increased the pool of funding for regional loading. Whereas Deakin University would otherwise have been significantly disadvantaged, in effect it will not be disadvantaged with respect to the regional loading applied to the relevant university campus. Indeed universities such as La Trobe University and the University of Ballarat will gain significant funds as a result of the changed definition.

The issue is of some concern, however, with respect to whether universities such as Deakin — in terms of its Geelong waterfront and Waurn Ponds campuses — will qualify for investment infrastructure funding or not. Investment infrastructure funding is the federal government funding source; it is the main funding source used by universities to assist in capital works developments. The next Education Investment Fund round is worth $500 million — it is a significant funding round. Currently there is some doubt, because of the change in definition, as to whether Geelong itself will be eligible for the allocation of some of those funds. Geelong has now been classified as being a major city rather than inner regional, and that is where the definitional problems and uncertainty exist. It seems quite odd that while the city of Geelong is defined as regional for the purposes of state funding — in terms of regional infrastructure funding grants — it is not so defined by the federal government. The state and federal governments need to get their acts together and reach consensus as to definitions and boundaries regarding what is regional and what is not.

In any case, because some doubt exists I have now written to the federal government urging it to consider both the Geelong waterfront campus and the Waurn Ponds campus, but particularly the Waurn Ponds campus, which services a major network of regional areas. It provides access to higher education programs for people who reside in what are very much parts of regional Victoria, in both the west and the north. The Victorian government's point of view is that it should qualify along with other regional university campuses to apply for capital works funding under the Education Investment Fund program. Today I wrote to the federal government, as I said, urging it to reconsider that boundary issue and to give some assurance that Deakin University campuses in Geelong will qualify in the same way as other regional university campuses.

Government: advertising

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Leader of the Government in his capacity as representing the Premier. Last year the minister introduced a private members bill to establish a government advertising review panel, and in doing so he described the former Premier, Mr Brumby, as 'hypocritical' because he had failed 'to introduce what he claimed would be his first piece of legislation'. Given that the minister had a bill prepared nine months ago, can he advise the house when it will be reintroduced?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and indicate that there are a number of points I want to make about this. The first is that a bill will be introduced, and the bill is being looked at at the moment. The carriage is with — —

Honourable members interjecting.

Hon. D. M. DAVIS — No, I am just explaining. Mr Pakula asked a question; he would like an answer.

Honourable members interjecting.

Hon. D. M. DAVIS — President, if members of the opposition want an answer, I am very happy to give them an answer. As I understand it, the bill is being carefully worked over at the moment to make sure that the limitation that was imposed because the bill came from this chamber in the previous cycle — the limitation on the ability to introduce financial provisions, which opposition members will understand — will not be imposed on a bill coming from the lower house. Indeed I made those points at the time that the bill was in this chamber.

A bill will come into the Parliament in due course, and that bill will take account of the fact that it can now come from the lower house. I make the point that John Brumby said those words in 1995 and in 2010 had failed to introduce the bill he said he would introduce. I can assure Mr Pakula that a bill will be introduced. It will be a bill that takes account of the fact that the financial restrictions imposed by the constitution on bills in this chamber will not be imposed on a bill coming from the lower house. But I make the point that Mr Brumby uttered those words in 1995, and 15 years later he had not introduced that bill. We will certainly be taking significant action to honour our commitment.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — I thank Mr Davis for his answer, particularly his reflection on the words that were uttered by Mr Brumby. I point out to him that in the second-reading speech I just referred to, the one delivered on 1 September 2010, the now minister said:

> We will introduce this legislation when in government. It will be the first piece of legislation we put through.

Given his attack on the former Premier, can the minister now outline why he has failed to live up to his identical promise, and does he concede that it is in fact him who is the hypocrite?

The PRESIDENT — Order! I ask Mr Pakula to withdraw that last phrase.

Hon. M. P. PAKULA — Just on that, President, I am reflecting on the words that the minister used in describing the former Premier, and I am simply quoting them back to him given that he made the same commitment that he criticised the former Premier for making.

The PRESIDENT — Order! I understand that and I accept Mr Pakula's reasoning, but I think the direct comment to the member on this occasion is inappropriate, so I ask Mr Pakula for a withdrawal.

Hon. M. P. PAKULA — I withdraw.

The PRESIDENT — Order! I thank Mr Pakula.

Hon. D. M. DAVIS (Minister for Health) — I make the point that we will introduce that bill. I have said that. I have to make the point very clear that a bill will come from the lower house. It will take account of the fact that financial allocations can be made as part of the arrangements. I say to Mr Pakula that 11 years was a long time in government for his government. Mr Brumby had 11 years to introduce that bill; he never did. We will introduce the bill. We will keep that commitment. It is an important commitment.

Hon. M. P. Pakula interjected.

Hon. D. M. DAVIS — We will introduce the bill. Members opposite need to be a little bit patient.

Planning: Caulfield Village

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Planning, Matthew Guy. Can the minister inform the house what action he has taken to assist the planned development around Caulfield Racecourse and around community involvement in this planned development?

Hon. M. J. GUY (Minister for Planning) — I thank Mrs Coote for her outstanding question and for her outstanding work in facilitating what is a terrific outcome for the community in Caulfield. The work done by Mrs Coote, Ms Crozier and the member for Caulfield in the Assembly, David Southwick, has been outstanding. The work they have put in as local MPs is unique.

Mr Lenders — What about Mr Davis?

Hon. M. J. GUY — Mr Lenders, I could also talk about Mr Davis and the work he has done. In the health portfolio he has been cleaning up 11 years of mess left by you. Mr Davis, as the Leader of the Government in this chamber, is trying to clean up $2 million a day worth of financial mismanagement from the desalination project contracts, which you signed with your mate Tim Holding.

That aside, it was terrific to be part of the Glen Eira planning scheme amendment C60 process, which will facilitate the development around the Caulfield

Racecourse. If Melbourne is to have urban renewal, this is the place to have it — around a railway, an activities area and existing facilities where new child-care and sporting facilities and open space can be built into this outstanding development.

It should also be remembered that in the previous Parliament the public land committee, which was chaired by Mr Davis, also met to hear issues in relation to Caulfield and public space, and I can report to this chamber with pleasure that the C60 amendment will, for the first time, pick up the recommendations of the committee's report. The C60 amendment will pick up those recommendations thanks to the work done by Ms Crozier, Mrs Coote and Mr Southwick to ensure that the central part of the racecourse will be used as public open space, which is a far cry from what we saw under the previous dark decade of former planning minister Justin Madden and former Premier John Brumby.

Mr Finn interjected.

Hon. M. J. GUY — Mr Finn, as he knows about open space issues, would also be interested in the fact that the C60 amendment — and the figure 60 is just two digits away from the Prime Minister's disapproval rating of 62 — which former Labor member Evan Thornley was in favour of, puts in place, as Mr Davis said, the results of a lot of work by the racing club and by the council, which should be congratulated for the work it has done. The council presented a planning scheme amendment to the state government, and there has been a truly collaborative approach between the government and the council. A 'collaborative' approach; don't you love that word? Labor Party members love it. It gets their little left-wing juices running. There has been a cooperative approach between the state government; the local government; our local members of Parliament, who have worked so hard on this; the public land inquiry, which reported on the necessity for open space; and the racing club, which has put forward a proposal and had it accepted and presented to the state government with the support of Glen Eira City Council. Congratulations to all involved.

Children: beauty pageants

Ms PULFORD (Western Victoria) — My question is to the Minister for Children and Early Childhood Development. In answer to a question in this place last month about the Universal Royalty beauty pageant to be held in Melbourne, the minister said that her department was going to keep a close eye on it. The minister would be aware that the organisers of the pageant are keeping its location under wraps. Can the minister advise the house if she is aware of the date and the location of the pageant, and if so, can she provide those details to the house?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — As I indicated to the house in answer to the last question, I have asked my department to keep an eye on the outcomes of that pageant. The pageant has not yet been held, and the department is working on it.

Supplementary question

Ms PULFORD (Western Victoria) — I am very concerned that the minister, and perhaps even her department, is unable to identify the date and location of a pageant that they are keeping 'a close eye on'. How does the minister ensure that her department keeps a close eye on the pageant when she, by her own admission, does not even know where and when it is going to be held?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I never said I was going to do it myself. I have asked my department, and I have confidence that my department is carrying out my wishes, as I have asked it to do. I note that the Brumby government had 11 years to ban these pageants if it wanted to, but it did not choose to do that. It stopped short of doing that.

I note that in the *Herald Sun* of Thursday, 8 April 2010, Maxine Morand, the former Minister for Children and Early Childhood Development, said she would never have entered her child into one of these pageants, but she resisted calls to ban them. That was reported in an article that referred to 'tots with tiaras'. I note the hypocrisy of the opposition in calling for these pageants to be banned when it failed to ban them itself.

Children: Take a Break program

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to Ms Jenny Mikakos. I refer the member to motion 119 on the notice paper, and under standing order 8.01(1)(b) I ask: has the member lobbied her federal colleagues to restore the federal funding slashed from occasional care in the 2010 federal budget?

Honourable members interjecting.

Mr Lenders — President, the point of order I raise is the scope of the standing order Mrs Peulich quotes under which a question can be asked. I asked a similar question of Mr Rich-Phillips in the last Parliament about a motion on the notice paper, and the ruling from

the Chair was specific and narrow: that a question could be asked as to the timing of when a motion on the notice paper is going to be presented but it could go no further. I draw your attention to the ruling by President Gould, I think it was, that a question about an item on the notice paper must be limited to timing only.

Mrs Peulich — On the point of order, President, the standing orders are quite clear. On page 26 under the heading 'Questions seeking information' standing order 8.01 says:

> Questions to ministers or other members
>
> (1) Questions may be put to —

and part (a) deals with putting questions to ministers. Part (b) deals with other members, and it says:

> other members relating to any matter connected with the business on the notice paper of which the member has charge.
>
> (2) Questions may be asked orally without notice for immediate reply and placed on the notice paper for written reply.

I would also like to draw your attention to the fact that the motion I am referring to is on the notice paper.

Hon. D. M. Davis — On the point of order, President, I was intending, further to this point of order, to read out the same point that Mrs Peulich has, but I make the point that the standing order is quite clear. There is no limitation in the standing order, and this is clearly a question that is connected to this point.

Ms Mikakos — On the point of order, President, I point out that we will be having a fulsome debate around the issue of the Take a Break program tomorrow — but for the record, the answer is yes.

Hon. D. M. Davis — On a related point of order, President, the member has clearly chosen to answer the question, although she has answered it at the wrong point in the cycle.

The PRESIDENT — Order! I point out to Mr Davis that that is clearly not a helpful point of order. It is nevertheless a matter of public record, no matter when Ms Mikakos made the comment. Standing order 8.01, in the sense of both the House of Representatives rules and ours, is specific in terms of matters that can be raised in this house with a member of the opposition or a member other than a minister. As Mr Lenders pointed out, and as Mrs Peulich and Mr Davis have concurred with, it is obviously open to a member to direct a question, at this time in our proceedings, to a member who is not a minister of this house. That opportunity exists. However, in terms of the House of Representatives and our own position in this house, the convention, or the standing order application, is that the question must relate only to a matter that is on the notice paper, and clearly this question does relate to a matter on the notice paper.

Having said that, there is an issue for us in terms of anticipation of the debate that might ensue in regard to the notice that has been given to the chamber. Therefore our standing orders, in terms of their application, require that matters that might be raised — and it is fairly rare that this happens — with a member other than a minister need to be fairly confined in their scope, in that they need to refer to procedures and/or timing. In other words, in many ways they must seek information that might help the house, or members of the house perhaps, in preparing for a future debate based on a little bit more knowledge of the intention of the mover. Matters of substance or policy in regard to the debate are not able to be addressed to a member. Those are matters that ought to be addressed by other procedures of the house that allow for debate provisions to apply.

On this matter, I have asked for a copy of the question, and I have received that. I thank the Government Whip for supplying the copy of the question. I am not sure how he came to have Mrs Peulich's question! At any rate, she has obviously taken other counsel before coming into the chamber, and I appreciate that too. My position is that I need to judge whether this question relates to either procedures or timing. It is if you like, cute in terms of procedures because there is a consultation step that this question begs. In the circumstances I will rule out this question as being outside the scope of our standing orders application. If the member can rephrase the question, I will certainly give her that opportunity.

Mrs Peulich — On the point of order, President, I am seeking clarification. Your ruling was not explicitly clear on the grounds on which you ruled the question out of order as it currently stands. I ask that you rephrase it.

The PRESIDENT — Order! To assist Mrs Peulich and the house, my judgement can only relate to the proceedings of the house. The basis upon which I have ruled the question out is that any approach to parties outside this Parliament is not within my jurisdiction and not in accord with the particular standing order because the standing order refers to the seeking of information on procedures of this house and this Parliament, not to procedures that are external to this Parliament, which an approach to another government would be.

Mrs Peulich — On a further point of order, President, regarding previous rulings, certainly under a previous President, on whether questions had been ruled in or out — and there were lots of times when Labor ministers sought to have questions ruled out — —

The PRESIDENT — Order! I am happy to hear from Mrs Peulich, but she is really straying into an area of debate in talking about what previous presiding officers have done.

Mrs Peulich — President, if you would just hear me out. Ms Mikakos occupies the position of a shadow minister with responsibilities for this particular area. She has given notice of a motion condemning the government for not providing its minority share of funding when the majority share is provided by the federal government. Advocacy, lobbying and representation are the role of each minister and shadow minister, and previous presidents have made those rulings. Therefore I would ask for the opportunity to rephrase the question. I do not believe it needs to be a stark rephrasing, and I ask — —

The PRESIDENT — Order! I will give Mrs Peulich a little more time to dwell on that rephrasing while I add to the information of the house in support of my ruling. I am less persuaded by the rulings that might have been made by previous presidents of this house than I am by Odgers and proceedings in the Senate. I wish to read into the record the guidance that Odgers provides on this matter, which I daresay supports my proposition to the house today. It states under the heading 'Questions to senators concerning business':

> At the time provided for questions, in addition to questions to ministers concerning public affairs and to committee chairs, questions may be asked of senators concerning business of which they have charge —

that is, under Senate standing order 72.1.

> As such questions may not anticipate debate on a matter on the notice paper —

under standing order 73.2 —

> they are in effect confined to asking senators when they intend that items of business should be dealt with, and similar questions not going to the merits of the business.

I suggest that that is in concert with the remarks that I have made and the ruling that I have given in respect of the procedures of the house and the Parliament as distinct from external procedures. Indeed I made reference to timing, which I am not sure is an issue in this case. It has been suggested that I might also, for the benefit of members going forward, read out the provision in our standing orders in terms of anticipating discussion. Standing order 12.19 states:

> A member may not anticipate the discussion of a subject listed on the notice paper and expected to be debated on the same or next sitting day. In determining whether a discussion is out of order the President should not prevent incidental reference to a subject.

I will give Mrs Peulich an opportunity to rephrase her question.

Mrs PEULICH (South Eastern Metropolitan) — Given that the motion refers to the minority funding of the government of the Take a Break program, I would like to rephrase the question to focus on the majority funding. I refer the member to general business, notice of motion 119 on the notice paper. Under standing order 8.01(1)(b), I ask: has the member considered lobbying the federal Labor government about restoring its majority federal funding, which was slashed from occasional care in the 2010 federal budget?

The PRESIDENT — Order! The question is on the record now, but it is certainly not going to be answered. I rule the question out of order.

Children: beauty pageants

Ms MIKAKOS (Northern Metropolitan) — It is interesting that after seven months in government members of the government want to give up being in government and come back to this side of the chamber. My question is to the Minister for Employment and Industrial Relations in that capacity and as minister representing the Attorney-General. I refer the minister to the answer by the Minister for Children and Early childhood development, Minister Lovell, to Ms Pulford's earlier question about the Universal Royalty children's beauty pageant and the secrecy surrounding the location of this controversial event, and I ask: is the minister confident that all relevant Victorian legislation will be complied with?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am pleased that Ms Mikakos eventually got something to say to the chamber.

The PRESIDENT — Order! Mr Dalla-Riva should note that that comment is most unhelpful to the proceedings. Ms Mikakos was acting in accordance with the ruling given by the Chair. If the minister has a beef, it is with the Chair, not with Ms Mikakos. Therefore that gratuitous comment to start his answer is not acceptable.

Hon. R. A. DALLA-RIVA — This is a question for which I have parliamentary responsibility, but as it goes to detail, I will take it on notice and get back to the member.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The government indicated previously that it would closely monitor the Universal Royalty pageant to be held in Melbourne — about which Minister Lovell seemed to equivocate in her responses today. I am concerned that the Minister for Employment and Industrial Relations, as the minister responsible for child employment and also as the minister representing the Attorney-General, who is responsible for Victoria's working-with-children laws, is seemingly oblivious to the issues involved in his portfolio that relate to this matter. I ask: what action will the minister now take to ensure that the Universal Royalty pageant is fully compliant with Victorian law?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I gather the member is talking about the Child Employment Act 2003, which came into operation in 2004, for which I have responsibility through the information and compliance unit of WorkSafe Victoria, but that relates to, as the member would understand, her party having been 11 years in government — —

An honourable member interjected.

Hon. R. A. DALLA-RIVA — Maybe it doesn't, but it relates to child employment. The issue to which Ms Mikakos's question refers is specific and should be directed to the Minister for Children and Early Childhood Development. The member needs to get it right.

Industrial relations: building industry

Mr RAMSAY (Western Victoria) — My question without notice is to the Minister for Employment and Industrial Relations. Can the minister explain to the house the importance of a review into the industrial relations principles that relate to the building and construction industry?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question, because it is an important point in which we, as a new government, are becoming involved. I am proud to report that the Victorian coalition government will be reviewing the industrial relations principles applying to building firms tendering for state government building and construction work. This review will lead to more rigorous requirements aimed at eliminating unlawful and undesirable workplace practices in the building and construction industry and will seek to ensure that Victorian taxpayers get full value for money on major building projects.

This is not about putting unions on notice; it is about addressing our concern about the rising construction costs and the record of poor workplace behaviour on major construction sites in this state. We do not want to risk costs being driven up to the point where we are pricing ourselves out of major infrastructure projects. We are all mindful of the recent federal court decision imposing fines of $560 000 on the Construction, Forestry, Mining and Energy Union, a case that highlighted the culture of intimidation and coercion that persists in part of the building and construction industry.

The coalition government's intention with these new principles is to do no more or less than ensure that workplace arrangements and practices applying to firms which tender for state government contracts comply with the applicable workplace laws and promote productivity. To achieve this goal the coalition government will review the current Industrial Relations Principles 2003 that form part of the Victorian Code of Practice for the Building and Construction Industry 1999.

Mr Lenders interjected.

Hon. R. A. DALLA-RIVA — These principles, which the former Labor government published in 2003, have failed, Mr Lenders, to encourage best practice workplace arrangements. They are expressed in general terms and do little to promote a genuine commitment to eliminating unlawful and undesirable workplace practices in the construction industry. The principles do not even refer to freedom of association and the right to join or not join a union. They should have been overhauled long before this government came to power.

We in the coalition will deliver where Labor failed to deliver. The aim of the review will be to introduce new principles which are modelled on guidelines operating at the commonwealth level. Since the Victorian principles were published, the federal government has published two versions through its implementation guidelines for the national code of practice for the construction industry in June 2006 and then later in August 2009. Each of these have been more detailed and prescriptive than the Victorian principles in setting standards of conduct.

As the Premier has said, these new principles will reflect the coalition government's determination to use its purchasing power to promote compliance, productivity and a broader culture of change across the Victorian building and construction industry. As the Premier has also said, we are in this together. The government, unions and the construction industry must all have in mind the interests of the wider community, including those of the Victorian taxpayer. The workers need the jobs, we need the infrastructure and we need it built on a competitive basis. It is crucial that we strengthen Victoria's industrial relations reputation to secure future investment and sustained economic growth for all Victorians.

QUESTIONS ON NOTICE

Answers

Ms HARTLAND (Western Metropolitan) — I have a number of answers to questions on notice that are overdue. On 24 March I asked question on notice 235, the answer to which is now 65 days overdue. I have already raised this matter on 1 June. On 6 April I asked questions on notice 598, 599 and 600, and they are now 53 days overdue. I have already raised this matter on 1 June. The answers to questions 677 and 678 are now 24 days overdue. On 24 May I asked questions on notice 679 and 680, the answers to which are now overdue.

The PRESIDENT — Order! I express my apology to the Leader of the Government for the discourtesy of not allowing him to announce to the house questions for which he does have answers and which indeed might cover some of those.

Hon. D. M. DAVIS (Minister for Health) — I have answers to a number of questions on notice, being: 150, 151, 224–6, 590, 591, 618, 624, 648, 661, 664, 687, 689, 690, 693, 717, 736, 737, 748, 754, 758, 760, 802, 803 and 807.

I take on board the points made — —

Ms Hartland — Sixty-five days.

Hon. D. M. DAVIS — We will certainly respond to the requests and seek to expedite those answers. Mr Pakula has also come to me with some further points. Under standing order 8.12(4) I am advised in relation to a number of questions on notice from 5 April 2011, relating to staffing, car parking spaces and public transport tickets, that work has been done to collate the necessary information to respond to those questions. The minister might appreciate that this involves all departments, and the task is — —

Hon. M. P. Pakula — He called me 'minister' again!

Hon. D. M. DAVIS — Sorry, the shadow minister will appreciate that it involves a number of departments, and the task is not yet completed. I am told that this is progressing and answers will be provided to the questions as quickly as practicable. In response to Ms Hartland, I will certainly follow those up again.

Hon. M. P. PAKULA (Western Metropolitan) — I thank Mr Davis for the information he has just provided me with, but I indicate that two questions — 108 and 114 — have been outstanding since 1 March. I think this is now the fifth time I have raised the matter, and each time Mr Davis has indicated that he will follow it up. I do not believe the answers to those questions form part of the explanation that Mr Davis just provided.

Ms HARTLAND (Western Metropolitan) — No answers to any of the questions that I read out have been delivered to me today, so the first lot are now 65 days overdue.

Mr LENDERS (Southern Metropolitan) — I have been studiously putting together some figures while this debate has been going on. There are 357 unanswered and overdue questions on notice — —

The PRESIDENT — Order! What I would seek from the Leader of the Opposition is a query to the Leader of the Government regarding any matters that he personally has outstanding, in accordance with what the other two members have done. In regard to the way he has started with an analysis of this matter, I daresay that is better prosecuted under a different procedure of the Parliament, whether it is a 90-second statement, an adjournment item or some other procedure. I think an analysis is inappropriate in the terms of the current proceedings.

Mr LENDERS — I will ask the Leader of the Government and all six upper house ministers about specific questions, but while doing so I draw your attention, President, to standing order 8.11(1)(b). That standing order specifically enables a member who has asked about the progress of answers to questions on notice — and I put it to you, President, that last sitting Thursday I asked about my questions and every member of the opposition who has unanswered questions on notice asked about their questions — and is not satisfied with the government's response to put a

motion forthwith, without notice, that the house take note of the minister's answer.

I propose to do that, but while waiting for any advice you may get, President, on whether my reading of that standing order is correct, I put it to Mr David Davis that he now has 8 questions on notice in his own portfolio that have passed the 30-day period, plus a further 10 such questions for other ministers he represents. I put it to Mr Hall that he has 8 questions on notice in his own portfolio plus 55 in other portfolios that have not been responded to in 30 days. I put it to Mr Guy, who has left the house, that he has 5 questions in his own portfolio and 35 in other portfolios which have not been answered. I put it to Mr Dalla-Riva, who is in the house, that he has 5 questions in his own portfolios and 42 in other portfolios to which responses have not been provided. I put it to the house that Ms Lovell has 9 questions in her own portfolios and 41 in others that have not been responded to. I further put it to the house that Mr Rich-Phillips has 15 in his own portfolio and 32 in others that have not been responded to.

Pursuant to the standing order, I draw the house's attention to why I am raising this matter today. We on this side of the house — and I am speaking from Labor's perspective; the Greens can speak for themselves — have put on notice questions to the six ministers in this place again and again. I have distinguished between the question — —

The PRESIDENT — Order! I am concerned that, notwithstanding what I indicated before, the Leader of the Opposition is presenting the very same analysis — albeit that he might have changed tack slightly — as he did earlier. I accept that quite a bit of what he has put to the chamber at this point involves mentioning questions that he believes are outside the time frame that is allowed and seeking an explanation of those. At this point I propose that he ask the Leader of the Government to provide an explanation in regard to those questions that he has said are outstanding from all those ministers. The Leader of the Opposition is quite right that under standing order 8.11(1)(b) he is entitled to initiate a debate. That accords with my first comment that this part of the proceedings is to seek explanations following question time and that he would need to use another instrument or mechanism to pursue the analysis and discussion of the concerns of members of the opposition or others about the implications of those delayed responses.

From that point of view what I would be doing now is immediately seeking an explanation from the Leader of the Government. Under the standing order that the Leader of the Opposition has cited, it is quite valid that if he has received that explanation and is dissatisfied with it or believes it does not go as far as he would have wanted, he is perfectly within his rights to initiate a debate using the alternative mechanism to which he has referred. It is certainly consistent with my initial ruling.

Hon. D. M. DAVIS (Minister for Health) — I want to make a couple of points. The Leader of the Opposition, when Leader of the Government, presided over the scandalous edition 43 of the questions paper as at 31 October 2010 which I have here. One of the questions had been on notice for 1256 days — from 27 May 2007 to 31 October 2010. That is a huge wad of questions.

The government is endeavouring to answer the questions on notice on the notice paper. We are working our way through each and every one of them; indeed I have responded to Ms Hartland today. I have also made points to Mr Pakula about a number of his specific questions that I have followed up on and come back with information from departments about and so forth. Equally, I will follow up on the particular questions that the Leader of the Opposition has raised today. I will need to get a list from him, but I will follow up on those as well.

Mr LENDERS (Southern Metropolitan) — Under standing order 8.11(1)(b), I move:

> That the Council take note of the explanation.

I do not do this lightly. Whenever members of the opposition raise matters on questions on notice in this house — and we follow the standing orders in good faith, we send the emails and we ask the ministers, 'What is the answer?' — we get Mr David Davis saying, and I would say smirking, 'I will raise it with my colleague'. Either he does not raise it or the colleague is ignoring him, because each time we have exactly the same answer in this house about what has happened.

The second thing we get from the government is Ms Lovell waving a pink paper and talking about what the previous government did. If she wishes to do that, she is certainly entitled to do so. The reason I have moved this take-note motion — and I will go through a number of these issues chronologically — is that this is an issue about accountability.

Hon. D. M. Davis — It sure is!

Mr LENDERS — Mr David Davis says, 'It sure is'. He invites me to quote from *Hansard* of 4 December 2007 from none other than himself. He said:

> It is disgraceful that this government has not answered questions in a timely manner, and it is disgraceful that in the Legislative Assembly questions are not being answered in a timely way.

What we have here is a person who, year after year, came into this place and said that it was unacceptable. He said, 'Elect me. We will have a new standard in what we see happen'. The same Mr David Davis, on 4 December 2007, said in this chamber:

> The Leader of the Government needs to take a measure of responsibility in ensuring that the ministers in this chamber and in the other place answer questions in a timely way.

I said before that all six ministers in this place, without exception, are derelict in their obligations under the standing orders to do that. I accept it is always difficult for ministers in this house to get ministers in the Assembly to reply in a timely way, but the standard I am seeking from these ministers — and we will be taking note of this answer — is that they be accountable for their own behaviour.

Mr David Davis has answers for me, and these are really complex ones! My question 209 to Mr David Davis was to find out who the coordinating minister is in each department and why that is not identified on the department's website. If you go to a department's website to find out who the coordinating minister is for, say, the Department of Planning and Community Development, you might think it was the Minister for Planning or you might think it was the Deputy Premier. It is a legitimate question to ask which one it is; it is hardly a complex question. Under the administrative orders — a secret, unpublished part of them — somewhere someone in government knows who the coordinating minister is for the Department of Planning and Community Development. It is hardly a mischievous or outrageous question or a question that one should not get an answer for because it is on the public record. It is not on the public record, it is not on the website of the department and it is not on the administrative order that comes forward.

Mr David Davis again smiles. He might not think this matters a lot, but we are talking about basic accountability of government to allow a member of Parliament to ask the question, 'Who is the coordinating minister?'. The reason I raise this is that in this house I was assured by Mr David Davis about that early on, when there was a question over the general order and who was doing what during the eight weeks when the general order was not made public. We had the Baillieu government sworn in — the government of accountability — on 1 December, and eight weeks later the people of Victoria had still not been told who is responsible for individual acts of Parliament.

When I raise a question in this house with Mr David Davis, he assures me, with all sincerity, and says, 'Trust me. Leave it to me and I will bring back the information to the house'. Surprise, surprise, seven months later we on this side are sceptical about any claims about openness, transparency and accountability, because it cannot be difficult for a senior minister to get the list of which ministers are the coordinating ministers. We hear that Mr Hall is a coordinating minister of the Department of Education and Early Childhood Development. We also hear that Mr Dixon, the Minister for Education, is a coordinating minister. We are told that Mr Hall is in a west wing office; I think that shows what we see. Perhaps Ms Lovell is a coordinating minister, heaven forbid!

It is not an unreasonable question, and these are the sorts of questions in response to which Mr Davis gets up in this house and says, very sincerely, 'I will ask my colleagues and get back to you promptly'. If he is asking his colleague the Premier, the Premier cannot think all that much of him if he is not actually prepared to come back and say, 'These are the 11 coordinating ministers'. I have a pretty good guess who some of them are because I keep asking the question. I know Mr Pakula asked who some of them are in the Public Accounts and Estimates Committee hearings, and he got an answer. However, Mr David Davis will not even present these questions to the Premier to get an answer — and they are legitimate questions, particularly for a minister who got up in this house in February and said, in all sincerity, 'Trust me on the general order. I will tell you as soon as I know'.

I would expect that when the budget was being presented to the budget expenditure review committee of cabinet someone would have known who the coordinating minister was for the department, but the Parliament is still not allowed to know and is treated with contempt. The reason I raise this motion to take note is that this is just one example. These are not mischievous questions; they are not like when a member put 7000 questions on the notice paper, which happened in the last Parliament. These are questions within the scope of a minister, who could answer them. As I said, I do not raise this lightly, and this is not an ambush.

On Thursday of the last sitting week every member of the Labor Party — I cannot speak for the Greens — who had an outstanding question to a minister in this house got up and asked about it. That was two weeks ago on the Thursday. In that time Mr David Davis has come forward with answers to 20-something questions, and we are pleased those answers have come — —

Hon. D. M. Davis — And more will come.

Mr LENDERS — More will come, he says. Last sitting week, over three sitting days, not a single question on notice was tabled in this house. There was not a single answer to a question on notice in the last sitting week. The government actually thinks it is open, transparent and accountable, but it treats this Parliament with such contempt that not even a single question gets tabled in a sitting week. This week we get 20-something out of hundreds of outstanding answers and get assured yet again by Mr David Davis, 'Trust me, I will do it'. This is the same man who, in February when I asked specifically about the general order, said, 'I will get back to you', and you, President, correctly said, in polite parliamentary terms, 'The minister has undertaken to get back to you; back off'. And I did back off. I am raising this for that reason.

I will go through some more quotes from Mr David Davis, given that he is a very good man to quote on these matters. I have referred to two of his quotes, and I now go to a third quote from Mr David Davis, as reported in *Hansard* of 12 June 2002:

> For example, questions on notice asked by me that have not been fully answered relate to the secondment of public service staff into ministers' offices —

funny, I think Mr Pakula asked about that —

> and the employment of various people within ministers' offices.

Funny about that, but I think Mr Pakula asked about that too. He continued:

> The government has been tardy and slack in its answers to those questions, which reflects very badly on its commitment, both before the election and at the time of the signing of the Independents charter, to transparency and openness.

Mr David Davis got up in this house and attacked then Minister Gould, as Leader of the Government, on the issue of questions being answered. It was exactly the same issue: on promises made before elections. He came in here like the legendary Mr O'Crit of County Tipperary and talked about these matters.

On 8 May 2002 Mr David Davis said:

> Each and every minister in this house … ought to take some personal responsibility for the slowness with which questions are being answered.

This takes me back to the analysis that I have done and that ministers have done in their own portfolios. Mr Hall, the Minister for Higher Education and Skills, sits here in the chamber. Without wishing to embarrass him, I think Minister Hall is a very conscientious and good minister. In his portfolio of higher education and skills he has three unanswered questions and in that of the teaching profession he has five. I will not mention the 55 unanswered questions he has for other ministers, because I concede that they are more difficult for Minister Hall to answer. I will not let Mr David Davis off the hook, because it is not that hard to find out who the coordinating ministers are. Mr Hall has a number of unanswered questions for other ministers. I think for the 55 questions for Mr Walsh, the Minister for Agriculture and Food Security, Mr Ryan, the Minister for Police and Emergency Services, and other ministers there is a very different standard from that which applies to the 8 questions that relate to his own portfolios.

Mr Guy, the Minister for Planning, answered a couple of questions today, but he has five questions in his portfolio of planning that he has not answered. He has 35 unanswered questions for other ministers, but in regard to the 5 unanswered questions in his own portfolio he could give directions to his staff, he could apply himself to the task, he could read his members proofs and he could even give a cursory answer in this chamber, but he cannot be bothered. I would say to Mr David Davis that he should look at my record. If he were to look at the information in previous notice papers on my own portfolio areas, he would not find that tardiness.

Ms Lovell has 3 unanswered questions in her portfolio of housing, 6 in childhood and early childhood development and 41 for other ministers. Again, the 41 for other ministers are probably of a different standard. Mr Rich-Phillips has 5 in his portfolio of Assistant Treasurer, 5 in technology, 5 in relation to the aviation industry and 17 for other ministers.
Mr Dalla-Riva has 4 in his portfolio of employment, 4 in manufacturing and 42 for other ministers.
Mr David Davis has 3 in health, 5 in ageing and 19 for other ministers.

The issue becomes very clear. From this Leader of the Government and this government when they were in opposition we had 11 years of preaching. I go back to a quote from Mr David Davis from 8 May 2002:

> It is contempt for the house and is unsuitable in a whole manner of ways. It is something for which the Leader of the Government is not solely responsible as each minister in this place, including the Minister for Ports —

Ms Broad in this case —

> needs to take a measure of responsibility.

I could go on about this through all of these questions, but my central premise is that when we asked about the general order earlier this year, we were told to wait our time and trust Mr David Davis because he would deliver. Eventually we got a general order, and we

could see why it was hidden, because it showed that Mr Dalla-Riva and Mr Delahunty, the Minister for Sport and Recreation, had no acts to administer. The cabinet had gone from having 20 members to 22. There were no acts for them to administer, but that has been rectified in the second lot of amendments to the general order. This may have been a cover-up. Who knows what it was. We were then assured by Mr David Davis that he would come back and tell us. However, when we asked him 11 simple questions as to who the coordinating minister was, he got up every time and said, 'Trust me; I am a sincere politician. Trust me; I will answer the question. Trust me; I have asked my colleagues'. I put to the President that either Mr Davis has not asked his colleagues and has misled the house or he is so ineffective that his colleagues just ignore him.

I urge the house to take note of these answers, this disgraceful lack of transparency and this contempt of the Parliament as an institution. It is not an offence to get up and talk about what a previous government did. I challenge Mr David Davis or any minister here to show which minister in the last Parliament who was a member of the Legislative Council was in arrears with questions in their own portfolio. I say we should take note of this motion about a government that is contemptuous of the Parliament and extremely insincere.

Hon. P. R. HALL (Minister for Higher Education and Skills) — First of all, I want to reject the accusation that we as ministers do not take our responsibilities seriously. I can assure the Leader of the Opposition that we do. Every single one of us takes those responsibilities seriously. I must say that the fact that I personally have not responded to eight questions directed to me is as big a disappointment to myself as it is to Mr Lenders and perhaps to those who put the questions to me. I want to make it very clear that I accept full responsibility for the non-tabling of those answers. The responsibility does not lie with my staff or anyone in the department, because I know for a fact that those answers have been compiled. This is a process problem rather than one of not taking my duties seriously. I simply say I do take them seriously, and I say to Mr Lenders and those who have asked questions that I will provide to the chamber answers to questions for which I am totally responsible before the end of this week. There is no reason why that should not happen.

In respect of questions for other ministers, as Mr Lenders rightly says, it is sometimes difficult to coordinate all questions for other ministers. Mr Lenders admitted that he had some difficulty when he was doing so. I accept that I have eight questions to be answered in this chamber and I will do that this week.

Ms BROAD (Northern Victoria) — I also wish to speak to this take-note motion, and in doing so I indicate that I understand the assurance that Mr Hall has given. I am sure he has done so in all sincerity. However, there is a problem with accepting statements of sincerity when, as happened when I sought an explanation regarding answers to questions on notice, the Leader of the Government says, as he did on 16 June:

> I am informed that the responses are on their way, and we will get them to the member.

That has not happened. That was the third occasion on which I had sought an explanation from the Leader of the Government, who is the responsible minister in this place, and I indicated that under the standing orders that it is perfectly open to the responsible minister in the other place to advise me if there are some difficulties in responding to these questions. I have received no indication that there is some difficulty in responding to these questions, so when the Leader of the Government advised me, 'I am informed that the responses are on their way, and we will get them to the member', I thought it would be reasonable to expect that 'on their way' would mean they would be available two weeks later. It is a little difficult for members to then accept a statement that the responses will be with them by the end of the week as they have been asked to do. This assurance two weeks ago that the responses were on their way was from no less a person than the Leader of the Government, but they have not arrived.

These questions on notice are not trivial matters. They relate to major flood damage that occurred back in January. The questions were placed on notice in April, and I would have thought, given that these are serious issues around damage caused by flooding events in January, that it would be reasonable for the government to be able to provide a response about the actions it is taking to deal with that flood damage. This is certainly an important matter for the communities that have been affected and goes to how the government is spending the money it has committed to this matter — money which is welcomed by the communities affected. It does not seems an onerous expectation that the government should provide not just to me but more importantly to the constituents I represent in this house information that has been sought about the actions the government is taking in response to the flood damage in January. That is the first reason I wanted to make some statements on this take-note motion.

The other reason I wish to make some comment on this motion is that, as the Leader of the Opposition has pointed out, it was good enough for the now Leader of the Government to make comments in 2002 directed at myself as a then minister of the Crown asserting that 'It is contempt for the house and is unsuitable in a whole manner of ways', and that I needed to take responsibility — and I am paraphrasing here — including responsibility for the actions or inactions of ministers in the other place.

I take on board your view, President, about the use of the word 'hypocritical' in this place. It seems to me, though, that if it is good enough for the now Leader of the Government to make those statements when he was on this side of the house, then it is reasonable, now that I am on this side of the house, to expect that the Leader of the Government will live up to his words — and he had quite a lot to say on this subject over a long period of time — and take responsibility for providing answers to questions on notice in a reasonable time frame. Members have acted, as I believe I have, perfectly reasonably in repeatedly seeking explanations after waiting for months for responses.

The final reason I wish to speak on this take-note motion is that I think it is reasonable to conclude from the actions of members of the government in waving about notice papers from the — —

Hon. D. M. Davis interjected.

Ms BROAD — The Leader of the Government has helped me out; the actions were picking up a notice paper of the previous government and waving that about as a prop. In taking that action, in waving that notice paper about, the Leader of the Government and other frontbench members on the other side are reasonably seen as having given an indication that that notice paper represents a standard they think they can use to excuse their failure to provide answers to questions on notice. The view I am putting to the house is that the government cannot have it both ways. It cannot on the one hand criticise the performance of the former government and its ministers, including me, and on the other hand expect members on this side to accept at face value explanations about why, month in and month out, it is not possible to provide answers to questions on notice. Either government members are going to uphold a standard they were very vocal in applying when they were in opposition, or they are not. Every time they point to a standard they believe was a lesser standard demonstrated by the former government they are essentially leading members on this side to conclude that they are not going to uphold the standards they said should be met when they were in opposition. They really need to choose where they stand on these matters. Those are the three matters I wished to raise in speaking to this take-note motion.

The PRESIDENT — Order! Before I call Mr Barber, I clarify for members and particularly Ms Broad that my reference to the use of the word 'hypocrite' related to the word being used in a question and as a direct remark about a member in this place. It is certainly in order to talk in debate about matters or behaviours that might well be considered hypocritical. I do not have a problem with the word as such; I simply had a problem with the fact that the word was directed specifically at a member in a way that was a bit inflammatory and designed to provoke, which I did not think was helpful for question time. The word 'hypocritical', however, is obviously firmly within the vocabulary members may use if they believe behaviours portray that attribute.

Mr BARBER (Northern Metropolitan) — It is fundamental to the work of members of Parliament that they are able to ask questions. When we end up voting on various measures that go through the Parliament, that vote has to be informed. It cannot be that members vote with the blinkers on or with only the information they can obtain through public and other sources. The government may not like it, but we have every right to ask these questions. If government members think they are better than members of the last government — and it is abundantly clear they think that is the case — they should do better. The fact that they may not like the pointed nature of some of the questions that are being put to them at the moment does not change anything.

In some cases the questions relate to matters of general interest that could come before the house for a vote at some future time; in other cases they relate to matters that are being dealt with by the house right now; and then there are questions relating to matters that are of public interest right now. With one or two notable exceptions — some conscientious ministers — the government is systematically avoiding the answering of these questions. In this case, unless we get a flood of answers tomorrow or the next day, the government is giving itself six weeks off over the coming break when it will not have to answer questions about the answers it has given in relation to some of our questions on notice.

I realise, President, that we are debating specifically Mr Lenders's complaint, but notable similar examples from those raised by the Greens include the swathe of questions on notice that we lodged about the $40 billion-plus budget which we voted on last sitting week. It is notable that first of all a bunch of government members got up and argued through points

of order that we could not ask the questions we were asking or that the minister at the table during the committee stage of the appropriation bill could not be expected to answer our questions. Frankly they just wanted to get away and have their dinner early, but it did not work out that way for them.

As we went through the debate it was notable that there were certain questions that the minister at the table could answer. He could not tell me how many trams we are buying, but he did tell us the amount that is allocated for dingo baiting. The public would hope that there would be a more consistent approach to debating a $40 billion appropriation bill.

Likewise, I have a question on notice, which I have asked about four times, in relation to a particular police operation at Broadmeadows railway station where people were being stopped and searched for weapons. I have not got the answer to that one. It was one of the first ones that I lodged, and like Mr Lenders and others I lodged questions right back in the first sitting weeks of this year. We will soon be debating a piece of legislation in relation to putting more police on railway stations, and some are arguing that it is an excessive use of police resources that could be better used elsewhere, such as in family violence response, which is a question that Ms Hartland raised and that I believe is still outstanding.

Without that sort of information being available to us there is no meaningful way for other members of Parliament, particularly non-government members, and also the general public to get any facts brought to bear on the sorts of questions that are being debated publicly in the run-up to specific government legislation and other accountability mechanisms put through this Parliament. Some members on the government side might not like this; some of them clearly begrudge the way they were treated by the previous government and that is part of their distress with Mr Lenders's motion. Other members whose feet have only just hit the floor think it is cocky of Mr Lenders to be moving such a motion. I would have to say that until members new to this place have been through the experience of asking a question and having it knocked back or refused or delayed over a very long time, they should not really be in such a hurry to get so upset at the impertinence of an opposition asking questions.

Clearly there are going to be a lot more questions of this type. The government is making a number of changes of direction when it comes to policy. It is not always doing a great job of explaining why or how it is doing it. At this moment the Greens have dozens of questions on notice relating to a broad range of matters that are of direct public interest. The government is going to find that, as they say in the classics, you can run but you can't hide. At the moment the government is on the run; we have it on the run on these issues. It cannot answer simple questions, and it cannot answer them after months of delay. That makes it look like the government is not approaching its job seriously. It simply cannot be possible that after six months in office the government has not yet developed a system for properly accounting, in a whole-of-government way, to this chamber.

I say that because the differences in responses from different ministers across the spectrum are quite notable. In some cases they answer in a timely fashion, and it was notable during the committee stage of the appropriation bill that two ministers in particular had answers ready and waiting to go while most other questions that I asked were not answered. At the same time, though, from having interacted with various ministers' offices over this issue of questions on notice, it is clear that some of them just do not have a clue about how to go about answering questions or have no real understanding of their importance and therefore their Westminster accountability back to the chamber. Of course it is the job of the Premier and the Leader of the Government in this house to pull that together and make it happen. Otherwise the non-answering of questions itself becomes the issue, but there are many issues on the notice paper right now which the government cannot in any way argue are improper questions or of low priority.

Clearly the government has another agenda emerging, and it wants to buy time. It has moved out of its honeymoon phase and is now starting to see some of the problems pile up around it, and some of these are questions it simply does not want to answer yet. I am sure other members of the chamber have had the same experience. It would be appropriate for the government to quickly develop for itself a system for ensuring that these questions on notice are answered, otherwise it will become harder and harder and slower and slower to deal with the business of the house, as we saw with the budget bill in the last sitting week, without the necessary facts in our hands when we as members vote.

Ms HARTLAND (Western Metropolitan) — I wish to speak on this motion as someone who has a number of questions on notice that are substantially overdue. I also note that all of my questions except for one are for Mr Mulder, the Minister for Public Transport.

Mr Barber — Everything goes slowly in his portfolio.

Ms HARTLAND — I am particularly concerned about one question that I have on notice — question 680 — which has a number of parts and relates to the regional rail link. This question relates to how the government is going to manage the closure of the Sydenham line for two weeks while major work occurs for the regional rail link. I have asked the government this question on behalf of the communities that will be using or would normally use that line in that period. If this question is not answered this week, it will not be answered until after that closure occurs. I am concerned that I am not going to be able to give information to the community where I live. Certainly the government has not given that information to the community.

I have asked some very basic things like how many people presently catch the peak hour trains between Watergardens and Sunshine and how many buses will be required to make sure that those people can still get to work. Where is the government going to be sourcing the buses from? How many delays does it expect? How much longer will the journey be for people coming into the city or working in Footscray who live on the Sydenham line? Basic things, too, like is there a traffic management plan? If so, does the plan model the impact on the boom gates on Macaulay Road, Kensington, and Ascot Road, Newport? If there are going to have to be more trains going through that area because people will be bussed from Albion to Showgrounds station, we think that means that the boom gates will be down for substantially more time.

I would have thought all these questions were things that the government should have already modelled for the closure of the line. I am extremely concerned that all my questions are now overdue and that the majority of my questions are to Mr Mulder. It indicates to me that, given he will not attend public meetings and he will not attend meetings with residents when they come to the Parliament — he simply will not speak to people about concerns in the western suburbs — he now cannot even bother answering questions on notice.

Ms PENNICUIK (Southern Metropolitan) — I think the upshot of this motion is that it is the duty of the government, as outlined in the standing orders, to respond to questions on notice within 30 days or as close to 30 days as is possible. As Mr Barber said, it is a hallmark of the Westminster system that the government is accountable to members through the chamber. One of those ways is through questions without notice, and another more important way is through questions on notice, which can be quite detailed and seek very specific information and should elicit detailed responses in good faith from the government.

Like Mr Barber and Ms Hartland, I put a lot of questions on notice regarding the budget, particularly to the Attorney-General, the Minister for Police and Emergency Services, the Minister for Corrections and Minister for Crime Prevention, and the education ministers, and I have received some answers back from the minister for education in this house, Mr Hall, but I am still waiting on others. In particular I am waiting on answers from the minister for police to questions 136–141, 167 and 175. As at last Friday we had called the Deputy Premier's office on 28 April, 25 May and 15 June looking for those answers to questions from the Deputy Premier and the minister for police, but they were still not forthcoming. I really hope I will be receiving those answers this week, as I hope will all the members who put questions on notice the answers to which are due to be tabled this week.

The government has departments at its disposal. Ministers have departments to assist them in answering these questions, and the departments know, or can get, the answers to questions. They can easily do so within 30 days. Already we are seeing everything start slipping behind, only six months into this term of government. We do not want to get into the situation we had last time. I agree that there were many outstanding questions on notice. In fact we got to the end of the last Parliament and some questions were unanswered — never to be answered, I presume. Some of mine were put back on notice for the new ministers to answer. The job the government should be putting its mind to is making sure that questions are answered in a timely way so that at the end of the year, or at the end of the parliamentary session, we do not end up with a great big tome of unanswered questions on notice. It is very important that the government get on top of this forthwith.

Hon. D. M. DAVIS (Minister for Health) — I want to respond to this take-note motion and add to the comments of my colleague Mr Hall. The government does take seriously its responsibilities in answering questions. A number of questions have been answered today, and I know more are likely to be answered this week. I was hopeful that a number of these answers that were put down today would have been put down last week — —

Mr Lenders interjected.

Hon. D. M. DAVIS — You might just settle down, Mr Lenders. The reality is that these questions will be

answered, and the government does take it quite seriously.

Ms Hartland — When?

Hon. D. M. DAVIS — There were some that were answered today, and others will be answered over the next few days.

Ms Hartland interjected.

Hon. D. M. DAVIS — Ms Hartland, I did not hear you complaining in the last Parliament in the same way — —

Honourable members interjecting.

Hon. D. M. DAVIS — Acting President, we will genuinely seek to get these questions answered as quickly as possible. We will seek to respond — —

Mr Lenders — Like you did in March.

Hon. D. M. DAVIS — Mr Lenders, let me just say something about your record. I want to put this on record. This is edition no. 43 of unanswered questions on notice from 31 October 2010. Let me just turn to the second page here and start to look at a number of these. Notice of question 946 was received on 19 September 2007 — more than three years earlier! This is Mr Lenders's record: 2007 — three years! Ms Broad said the government in some way regarded this as an acceptable standard. No, we do not regard it as an acceptable standard.

Mr Lenders — Then why do you wait around?

Hon. D. M. DAVIS — Because it's actually your record — —

Mr Lenders — You're the government.

Hon. D. M. DAVIS — The crocodile tears that you might cry now have to be judged by your record as well, Mr Lenders. We do not aspire to reach your record, and we will answer these questions — —

Mr Lenders — That's why you're asking opposition members questions. You forgot you're the government.

Hon. D. M. DAVIS — No, it was a legitimate point, and it made a legitimate point. Picking up Mr Lenders's interjection, it is clear that Ms Mikakos did not succeed in getting money from the commonwealth government, and I make the point that her motion does not properly reflect the fact that she sought money from the commonwealth government and to redress this. That is her record. She tried to mislead the house by her failure to properly account for the commonwealth's role. But I will return to the key point that is being made here.

The point I want to make, in addition to what Mr Hall has said, is that we accept absolutely the right and the responsibility of members of this chamber to ask questions and we accept it is the responsibility of government ministers to answer those questions and do so in a timely way. We will genuinely seek to answer questions as swiftly as possible, and we will seek to reach much better benchmarks than were achieved by the last government. We will seek to respond.

I want to make some comments about Mr Barber's points. It is true that there were a number of questions put on notice by Mr Barber ahead of the budget. Not all of them were answered ahead of the budget, but it is also true that that was over a relatively short period, and I note that Gordon Rich-Phillips was actually very reasonable in the way he responded to most of the questions. He spent 3 hours and 52 minutes in committee — —

Mr Barber — An hour of that was you guys taking points of order, until you realised dinner was served.

Hon. D. M. DAVIS — I think, Mr Barber, that is actually ungenerous and not fully accurate. Most of the time was spent legitimately and sensibly responding to questions — from you in some cases and in other cases from Mr Lenders and a small number of other members. Mr Rich-Phillips did that willingly, he did it in good faith and he covered an enormous amount of ground. I think anyone who looked dispassionately and fairly at his contribution in this chamber in that long budget committee would attest to the fact that he put in and really sought to respond genuinely to the chamber. I do not believe there has been an accountability exercise on that scale in this chamber for a very long time. The budget committees in previous years under Mr Lenders were much shorter — —

Mr Lenders — You were never in here; you wouldn't know.

Hon. D. M. DAVIS — I was actually. I was indeed. But my point is that nobody could reasonably argue that Mr Rich-Phillips did not genuinely respond to those questions and seek to do the very best he was able to do. A number of those questions are indeed still on notice, and they will be answered. I make a commitment to the chamber that all of the questions on notice will be answered. Equally I draw the comparison with the previous government: there are well over

1000 questions that were never answered under Mr Lenders.

Ms Hartland interjected.

Hon. D. M. DAVIS — It is a serious point, Ms Hartland. I do not think this is a good standard, and we will not be held to that standard. We do think it is a legitimate point to make, when Mr Lenders cries crocodile tears, that that is actually his record. It is very legitimate to make that point.

Ms Hartland interjected.

Hon. D. M. DAVIS — Let me make the point here: there was 947, my own question to Mr Lenders, on 19 September as well.

Mr Lenders — You could answer it now.

Hon. D. M. DAVIS — Indeed. Some of these might even find their way onto the notice paper. There was another question, 997, to the then Minister for Planning.

An honourable member interjected.

Hon. D. M. DAVIS — I am going through some of my questions here. I could go on. There was Mr Dalla-Riva's question 1196 to the Treasurer, notice of which was received on 31 October 2007 — a famous date in unanswered questions. It lasted until exactly the three-year anniversary of this unanswered question appearing on the notice paper — three years from the date that Mr Dalla-Riva asked the question. From 31 October 2007 to 31 October 2010 — that is their record. The crocodile tears from Mr Lenders I have to say do not cut much mustard. But I have to say we will do much better than those opposite ever did, and we are doing much better than they ever did. We are answering questions much quicker than his government ever did, and we will do simply much better. We will hold ourselves to a much higher standard, but I have to say three years — more than three years — is their record.

Ms PULFORD (Western Victoria) — I was not particularly planning on joining this debate today until Mr Davis got up and ranted and raved about a much higher standard and proceeded to insult members from the opposition and from the Greens about the audacity they have in seeking answers to questions about important matters that they have raised in this place, but I will join the debate and respond to a couple of points raised. Ms Hartland has spoken, so she is probably unable to correct the record, but I certainly can recall her making the occasional comment about this in the last Parliament. On every occasion when I have sought and when my colleagues have sought to follow up an answer to a question on notice Mr Davis's explanation has been 'They are coming' and 'Look what was going on in the 56th Parliament'.

We are well past the six-month mark in this Parliament. This is the 57th Parliament, and this is a government that was elected on a platform of openness, accountability and transparency — the type of openness, accountability and transparency that I think we all look forward to hearing about the commencement date of — so I will cite but one example of the 22 outstanding questions that I am still waiting for answers to, and I might start at the top of my pile. I know previous people have spoken about the lack of responsiveness from the government, so I will not labour the point through all 22 matters, but the one that sits on the top of the pile is question on notice 146. Notice was received on 3 March; today is 28 June. It is not a particularly obscure subject that this question seeks to elicit information on. This is a question to the Minister for Employment and Industrial Relations for the Minister for Police and Emergency Services. It relates to the commitments made by the government to increase the number of sworn Victoria Police officers in Ballarat, and it asks:

> … has the minister instructed Victoria Police or the department to station additional police in Ballarat.

The question also seeks to find out the planned number of additional full-time equivalent police to be provided to the Ballarat police service area in 2011, 2012, 2013 and 2014. The Liberal Party candidates in Ballarat had enormous corflutes everywhere — big signs everywhere you went. When we open our letterboxes there is the Liberal Party message about more police. As my colleagues from Western Victoria Region and indeed other members may recall, this was a big issue in Ballarat in the lead-up to the election campaign — specifically the question of police numbers in Ballarat — so it is not some obscure thing that I imagine is going to cause the government a whole lot of difficulty to find an answer to. It is a straightforward question about how and when a key election commitment is going to be delivered, and this is something that I think is important.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I draw Ms Pulford's attention to the fact that we are looking for explanations from the minister in relation to time responses. It is not an opportunity to create an open debate on different subjects. The interjections also have been particularly unhelpful, bearing in mind we are nearly 2 hours into proceedings and we are only up to agenda item 3. I am not suggesting we stop the progress of democracy, but it is

going to be a long night, so I ask Ms Pulford to keep within the boundaries of seeking explanations in relation to questions to the minister.

Ms PULFORD — Thank you for your guidance on that matter. I had perhaps begun to stray a little into the substantive nature of the question, but this is but one example. I have 21 other matters that I am seeking an answer to, and these have been very slow in coming. I certainly would like an answer to this question and at the very least an answer to the question about why I am not getting an answer to this question. I think opposition members, and I am sure members of the Greens as well, are entirely entitled — indeed, as Mr Davis said — to have answers to their questions. Mr Davis said that the government accepts the right and responsibility that is implicit in this process and that answers would come as swiftly as possible, but the answer to this question and the answers to many others have not been very swift at all, and I would certainly support this motion.

Motion agreed to.

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I have received a letter from the Minister for Health requesting that arrangements be made for a joint sitting for the purpose of appointing three members to serve on the Victorian Health Promotion Foundation for a three-year term following the expiry of the terms of Ms Kirstie Marshall, Mr Richard Dalla-Riva and Mr Hugh Delahunty.

I have also received the following message from the Assembly:

> The Legislative Assembly has agreed to the following resolution:
>
> > That this house meets the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the Victorian Health Promotion Foundation and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 29 June 2011, at 6.15 p.m.

Hon. D. M. DAVIS (Minister for Health) — By leave, I move:

> That the Council meet the Legislative Assembly for the purpose of sitting and voting together to elect three members for appointment to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly chamber on Wednesday, 29 June 2011, at 6.15 p.m.

Motion agreed to.

Ordered that message be sent to Assembly acquainting them with resolution.

PETITIONS

Following petitions presented to house:

Kindergartens: funding

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council:

1. Victoria's current baby boom and the COAG agreement to increase kinder hours for all four-year-olds from 10 to 15 hours will mean that many more kinder places will be required; and

2. the Baillieu government's commitment of only $15 million over four years will be unable to provide the necessary expansion of kinder facilities.

The petitioners therefore request that the Legislative Council of Victoria urgently calls on the Baillieu government to address this funding shortfall and significantly increase the level of funding available to expand Victoria's kindergartens.

By Ms MIKAKOS (Northern Metropolitan) (55 signatures).

Laid on table.

Children: Take a Break program

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that funding for the Take a Break occasional child-care program, which is provided at more than 220 neighbourhood houses and community centres across Victoria, will cease after 31 December 2011.

The Take a Break occasional child-care program allows parents and guardians to participate in activities including employment, study, recreational classes and voluntary community activities while their children socialise and interact with other children in an early learning environment.

Full funding for the program was provided by the previous state Labor government, but will not be continued by the Baillieu government beyond December 2011.

The cut to funding will mean that families across Victoria will be unable to access affordable, community-based occasional child care to undertake tasks that benefit the family and allow them to take a break.

The petitioners therefore request that the Baillieu government reinstate funding for the Take a Break occasional child-care program.

By Ms MIKAKOS (Northern Metropolitan) (160 signatures) and Mr LEANE (Eastern Metropolitan) (47 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest* No. 7 of 2011, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Land Acquisition and Compensation Act 1986 — Minister's certificate of 20 June 2011 pursuant to section 7(4) of the Act.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Nineteenth Amending Deed, 14 June 2011, pursuant to section 15B(5) of the Act.

Exhibition Street Extension Thirteenth Amending Deed, 14 June 2011, pursuant to section 15D(6) of the Act.

Melbourne City Link Twenty-ninth Amending Deed, 14 June 2011, pursuant to section 15(2) of the Act.

National Parks Act 1975 — Reports in relation to the Barmah, Gunbower, Lower Goulburn and Warby-Ovens national parks, together with an independent assessment of the reports pursuant to section 17(2A) of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Banyule Planning Scheme — Amendment C59.

Campaspe Planning Scheme — Amendment C76.

Greater Dandenong Planning Scheme — Amendment C134.

Hume Planning Scheme — Amendment C152.

Mildura Planning Scheme — Amendment C47.

Monash Planning Scheme — Amendment C96.

Port Phillip Planning Scheme — Amendment C62.

Stonnington Planning Scheme — Amendment C112.

Warrnambool Planning Scheme — Amendment C61 Part 2.

Wellington Planning Scheme — Amendment C50 Part 1.

Yarra Ranges Planning Scheme — Amendments C80 and C90 Part 3.

Statutory Rules under the following Acts of Parliament:

Corporations (Ancillary Provisions) Act 2001 — No. 34.

Dangerous Goods Act 1985 — No. 37.

Magistrates' Court Act 1989 — No. 36.

Transfer of Land Act 1958 — No. 35.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 34, 36 and 37.

Victorian Electoral Commission — Report on the Broadmeadows District by-election held on 19 February 2011.

A proclamation of the Governor in Council fixing an operative date in respect of the following act:

Victoria Law Foundation Amendment Act 2011 — 23 June 2011 *(Gazette No. S193, 21 June 2011).*

PRODUCTION OF DOCUMENTS

The Clerk — I have received a letter dated 27 June from the Minister for Public Transport.

Letter at page 95.

BUSINESS OF THE HOUSE

General business

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That:

(1) precedence be given to the following general business on Wednesday, 29 June 2011:

(a) notice of motion 129, standing in the name of Mr Viney, relating to the development of a work plan by the Legal and Social Issues Legislation Committee;

(b) the notice of motion given this day by Ms Pennicuik relating to the establishment of an independent commissioner to regulate and oversee senior public appointments by ministers;

(c) notice of motion 119, standing in the name of Ms Mikakos, relating to the Take a Break occasional child-care program;

(d) notice of motion 89, standing in the name of Mr Barber, relating to train timetables;

(e) order of the day 4, consideration of the Altona loop train services petition;

(f) order of the day 7, consideration of the letter from the Minister for Roads and Minister for Public Transport and related documents relating to the metropolitan train timetable;

(g) the notice of motion given this day by Mr Pakula relating to government secrecy;

(h) notice of motion 85, standing in the name of Mr Barber, relating to a review of the Members of Parliament (Register of Interests) Act 1978; and

(i) notice of motion 48, standing in the name of Ms Pennicuik, relating to a statutory body to conduct inquiries into custodial facilities; and

(2) this house authorises the President to permit item 1(d) to be moved and debated concurrently with items 1(e) and (f) listed above.

Motion agreed to.

ABORIGINAL HERITAGE AMENDMENT BILL 2011

Introduction and first reading

Received from Assembly.

Read first time for Hon. W. A. LOVELL (Minister for Housing) on motion of Hon. R. A. Dalla-Riva.

MEMBERS STATEMENTS

Refugee Week

Mr SCHEFFER (Eastern Victoria) — Last week was Refugee Week, and along with around 80 citizens of the city of Casey I attended a Refugee Week panel discussion at the municipal centre.

The Refugee Council of Australia reminds us that 2011 is the 60th anniversary of the United Nations High Commissioner for Refugees Refugee Convention, the 30th anniversary of the Refugee Council of Australia and the 25th anniversary of Refugee Week itself. Around Australia 200 events were held and, if the Casey discussion panel was anything to go by, a strong message was communicated to the Australian public on this important matter.

Research conducted by Professor Andrew Markus through the Scanlon Foundation has found that only 30 per cent of Australians understand that asylum seekers arriving by boat are in fear of their lives or facing persecution, 41 per cent think that asylum seekers arriving by boat come for a better life, 27 per cent favour turning back the boats, 37 per cent favour only giving asylum seekers temporary residence and 19 per cent think asylum seekers should have the right to apply for permanent residency.

Obviously a lot of work needs to be done to turn around some of these deeply worrying perceptions, and while I suspect that most Refugee Week events were attended by those who already have a good understanding of the issues, we need to put more energy into events that enable citizens to talk directly to refugees. The 80 or so people who attended the Casey Refugee Week panel discussion were impressed with the young people who came to this country against the odds from Afghanistan, Sierra Leone, Burundi and Sudan and who are now still struggling but positively and enthusiastically making their way.

Freedom of speech: protection

Ms CROZIER (Southern Metropolitan) — On Monday of last week I attended a function in support of Andrew Bolt as a consequence of the extraordinary legal action directed at him and in the interest of freedom of speech generally.

It was an event that attracted well over 500 people, who came to hear several speakers argue the importance of free speech in Australia — a message that was reinforced by the fact that the speakers came from a range of different political perspectives, including Dr David Kemp, Paul Howes, Michael Kroger and Professor Jim Allan — and to watch a highly amusing video message from internationally acclaimed author and columnist Mark Steyn.

Even though the event was a success you would have to ask why such an event would ever be necessary in a robust democracy. Clearly it is a sad reflection on our current legislative and legal framework when over 500 people feel compelled to show their support of freedom of speech in this country because they realise it is under attack.

In fact a plethora of legislation enacted by federal and state parliaments and its interpretation by the courts threaten to stifle genuine debate. When the so-called ‘rights’ of designated identity groups are enshrined by legislation and include that of ‘not being offended’, we are well down the track of a society with a distinctly Orwellian overtone, as was highlighted by Mark Steyn, with freedom of expression the prime casualty.

Such an environment is, by any definition, incompatible with the fundamental concepts of true democracy — the lifeblood of which, we were reminded last Monday, is freedom of speech, and the protection of which should be a prime responsibility of this and every other parliament in this country.

Refugee Week

Ms HARTLAND (Western Metropolitan) — On Monday, 20 June, I attended the launch of Refugee Week 2011. Refugee Week is Australia's peak national activity to inform the public about refugees and celebrate positive contributions made by refugees to Australian society.

In Victoria there are 57 events occurring as part of Refugee Week. This is a reflection of the great community support for refugees in our state and across Australia. At the launch we heard from Majak Daw, a North Melbourne AFL football player, who is Sudanese and who waited many years to come to Australia. Najeeba Wazefadost, an Afghan refugee, spoke and reminded us why people like her parents had to make the heartbreaking choice to leave their home country on a rickety boat to seek a better life for their daughters away from the Taliban and, as she described it, a life of darkness for women.

Carina Hoang also spoke. Carina was one of hundreds of thousands who escaped the aftermath of the Vietnam War by boat and who, under the Fraser government, was not put into soul-destroying detention. She is the author of the new book *Boat People*. John Gibson, president of the Refugee Council of Australia, spoke on behalf of many Australians who want to see refugees treated with compassion. We must also remember that unless we are indigenous, we or our ancestors have come to Australia as displaced persons, refugees, asylum seekers or migrants.

Refugee Week

Mr TARLAMIS (South Eastern Metropolitan) — I rise to speak about some Refugee Week activities which took place in South Eastern Metropolitan Region last week. Refugee Week provides an opportunity for all to recognise the valuable contribution refugees have made and will continue to make to Australian society. OnSide Victoria, in partnership with key alliance partners, held connecting youth services forums as part of the week-long celebrations. These forums were held in the cities of Greater Dandenong and Frankston and included presentations from youth service provider agencies about successful programs being delivered by these and other service providers to new young arrivals. The City of Greater Dandenong hosted a music event featuring cultural performances and other activities at the Dandenong market. Also in Dandenong, Women's Health in the South East hosted a movie marathon featuring refugee stories, followed by a discussion. The City of Casey hosted ENVELOP, a half-day creative consultation workshop for women from diverse cultures and generations. The purpose of these activities is to engage participants in discussion about the importance of creative participation as a tool for connecting people and learning from one another.

Parliamentary Friends of Multiculturalism

Mr TARLAMIS — I had the pleasure of attending the Victorian launch of the federal Parliamentary Friends of Multiculturalism on Friday night along with a number of federal and state colleagues, including Ms Mikakos. This was a well-attended bipartisan event organised by the federal member for Calwell, Maria Vamvakinou, and the federal member for McMillan, Russell Broadbent. Guest speakers included SBS chairman Joseph Skrzynski, AO, and Professor Petro Georgiou. There were also moving performances and presentations by Ilim College, Lowanna College and Alphington Grammar School. Events like this help promote the benefits of multiculturalism, and I was glad to be part of this event.

Albert Park College: facilities

Mrs COOTE (Southern Metropolitan) — On 17 June I had the great honour of visiting the newly reopened and completed Albert Park College. It is a testament to modern schooling and shows a whole new approach to the learning environment, how students are regarded and the respect with which students are treated. The school, under the guidance of the principal, Steve Cook, has done some amazing work. The sensitivity shown in the landscaping and architecture is reflected in the policies, school uniforms and the development of the school. For example, each child has an iPad and their iPad work can be displayed on huge screens in what is very much an ICT framework, and that is to be encouraged.

The school council president, Dominic Grounds, has done an excellent job of including the entire school community and the community of Albert Park during the improvements. It is an excellent school and will set the benchmark for some time to come. It is a truly urban school with fabulous facilities and terrific opportunities. Whilst I was there I saw a whole range of young master chefs in training, working in the kitchen area, and other students doing woodwork and art. The school also intends to have an environment and climate

facility which will also be first rate. We have in this house an alumni of the Albert Park secondary college in Inga Peulich, who is highly regarded.

Manufacturing: Victorian Competition and Efficiency Commission report

Ms PULFORD (Western Victoria) — In the last few days the government has presented a draft report entitled *Victorian Manufacturing — Meeting the Challenges*, a Victorian Competition and Efficiency Commission inquiry into a more competitive Victorian manufacturing industry. Manufacturing is an incredibly important part of the Victorian economy, providing employment to some 10.9 per cent of the Victorian workforce. There are many things I could say about this report, but in the short amount of time available I refer to the significant changes to the Victorian industry participation policy (VIPP) that are flagged by this draft report.

I refer briefly to the 2010 VIPP annual report, which shows that the VIPP helped create more than 2300 jobs in 1499 contracts worth $2.8 billion in a huge year for the VIPP. The VIPP also played an important role in attracting and retaining apprentices and trainees. Some 434 new apprenticeships and traineeships were created, and 700 existing apprentice trainees were retained. The VIPP has also provided supportive employment opportunities through the Bendigo hospital, through the Victorian Comprehensive Cancer Centre Project at Parkville and through rail infrastructure procurement at both Bombardier in Dandenong and Alstom in Ballarat, which are all very important and worthwhile things.

Bob Henderson

Mr KOCH (Western Victoria) — I am delighted to congratulate Hamilton resident Bob Henderson on being awarded a Medal of the Order of Australia in the 2011 Queen's Birthday honours list. Mr Henderson was awarded this medal in recognition of his extensive service to the Hamilton community over many years. Mr Henderson, who is now 90 years of age, is well known in the Hamilton community for his generous philanthropy and significant contribution to music and particularly for encouraging young people to learn and play. A talented musician, Mr Henderson began playing the violin as a 10-year-old boy and has continued to entertain audiences with his participation in the Hamilton Symphony Orchestra, the Good Shepherd Lutheran College band and various dance bands.

Mr Henderson has used his musical talent to fundraise for many different charities and has presented local schools with a wide range of musical instruments, including grand pianos, to help students with their musical studies. The extent of Mr Henderson's generosity is widespread. He gives significant financial contributions to Hamilton History Centre, Hamilton Base Hospital, the Royal Flying Doctor Service and the Hamilton and Alexandra College. He is also generous in his commitment to the Hamilton and district community, giving help to families in temporary crisis.

For his continued commitment to service in the Hamilton community Mr Henderson is indeed a most worthy recipient of the Medal of the Order of Australia, and I wish him well in the future as he continues to give his ongoing support in so many different ways in the Hamilton community.

Melbourne Brain Centre: opening

Mr ELASMAR (Northern Metropolitan) — On Friday, 24 June, I attended, along with state and federal parliamentary colleagues, the official launch of the new Melbourne Brain Centre in Heidelberg. The $225 million cost of this world-class project was shared by the previous state Labor government, which contributed $53 million, and the federal Labor government in collaboration with Melbourne University. The Austin Hospital, together with Melbourne University's Parkville campus, can be very proud of this new facility.

I am extremely impressed by the Florey Neuroscience Institutes (FNI), which is the largest brain research group in the Southern Hemisphere. The complex houses more than 500 research and support staff on two campuses. FNI scientists are searching for cures to life-threatening brain disorders that affect 3 million Australians.

Melbourne Wholesale Fish Market: relocation

Mr P. DAVIS (Eastern Victoria) — I raise for the attention of the house the matter of the Melbourne Wholesale Fish Market relocation. I want to respond to comments made by the Leader of the Opposition, Mr Lenders, on the adjournment debate on Tuesday of the last sitting week — one sitting week and two calendar weeks ago. I advise Mr Lenders and the house that moving like the speed of light the Baillieu government did in fact intervene to ensure that there will be no disruption to the seafood supply chain as a result of Melbourne City Council's action to close the Melbourne Wholesale Fish Market.

The fact is that the Victorian government needs to be congratulated on its intervention to ensure that fishermen, wholesalers and consumers will be in a

position to continue to have their expectations met by the wholesale market, because trading will continue under the auspice of the Melbourne Seafood Centre, which will be operating under a licence from VicTrack, which is bringing forward its acquisition of the site from Melbourne City Council, and that will therefore enable trading to continue uninterrupted. This contrasts with the neglect over the last 11 years by the Labor government, the members of which chose not to take any interest in the operations of the wholesale market; in fact that government refused on four — or was it five? — occasions to intervene at the request of the industry to assist in relocation.

The ACTING PRESIDENT (**Mr Tarlamis**) — Time!

Leaders for Geelong: research presentations

Ms TIERNEY (Western Victoria) — Last Thursday I had the pleasure of attending the 2009–11 Leaders for Geelong team research project breakfast in Geelong. The event showcased five presentations of research projects conducted over the past two years by some of Geelong's leaders, including projects on school bullying in Geelong, which dealt with the trends in Geelong and successful practices in curbing bullying; ReadOn, which focuses on improving literacy skills for Geelong's youth by collecting and distributing children's books amongst disadvantaged youth in Geelong; peoplemap, a strategic process to generate a positive community-led vision by eliciting, analysing and broadcasting the community voice; Tomorrow's Geelong Today, outlining the best possible practice for conducting community forums and engaging communities in important issues; and the Youth At Risk — AME High program, which developed a model for the optimum delivery of youth leadership programs in the Geelong region for children at risk.

I have attended a number of these presentations, and I was pleased this year to see a particular focus on community and community-based organisations. I congratulate Jean Paul as well as the participants in the projects for their excellent presentations and ongoing support for the wider Geelong community through this program. I am sure that their project experiences have provided them with lifelong friendships and working networks that will provide Geelong with ongoing leadership into the future.

Victorian Farmers Federation: annual conference

Ms TIERNEY — I also congratulate the Victorian Farmers Federation on a very successful conference that was held last Thursday and Friday — —

The ACTING PRESIDENT (**Mr Tarlamis**) — Time!

Kaele Way

Hon. B. N. ATKINSON (Eastern Metropolitan) — I have the sad responsibility in many ways of commenting on Kaele Way, AM, who is currently gravely ill in the Epworth Eastern hospital in Box Hill. Mrs Way is known to many members in this chamber, and my association with her goes back close on 25 years. She has been a dynamic community representative in the Whitehorse area and indeed has gone on to many things at a national level in terms of serving as a representative on local government and mentoring, encouraging and motivating women to stand for public office and to seek out executive appointments within the local government sector in particular but other government sectors as well.

In 1997 Mrs Way was elected to Whitehorse City Council and spent six years there. In 2004 she was elected national president of the Australian Local Government Women's Association and held that role until 2009. She is highly regarded by members of Parliament and people across the political spectrum for her work and particularly for her very strong advocacy of local government. She was awarded Australia Day honours in 2009 on the Queen's Birthday, and up until very recently she has been deputy chair of the eastern metropolitan region of Regional Development Australia. Mrs Way is also a justice of the peace and has also been involved in a historical society and many other local organisations, including the Liberal Party.

She has made a remarkable contribution in our community, and I commend her for it today. Usually we stand up and give a eulogy for such people, but Kaele Way is still with us, and it is a great pleasure to extend some words of support, encouragement and congratulations to her on a significant contribution to the community and also to say that her husband, Alan, and children, Diane and Damien, ought to be very proud of that contribution as indeed the community is.

Berry Street: First Steps parenting program

Ms MIKAKOS (Northern Metropolitan) — On 22 June I was pleased to attend the launch of the Berry

Street First Steps parenting resource for young parents. This program is another addition to the wide range of programs on offer for children, young people and families at Berry Street. The First Steps parenting resource supports parents through their journey of understanding the important first steps of a child's life. The event showcased the centre's early work with the Sudanese local community. Play and learn sheets have been produced in both English and Arabic to promote nurturing relationships. I congratulate Berry Street's CEO, Sandie de Wolf, and all the staff at the centre, who aim to ensure that all children grow up in a safe and supportive environment.

Pallaconian Brotherhood of Melbourne and Victoria: 50th anniversary

Ms MIKAKOS — On 25 June I had the honour of attending the 50th anniversary of the Pallaconian Brotherhood of Melbourne and Victoria, Leonidas, at its Brunswick building, together with many other members of Parliament. I congratulate the president, Mr Paikopoulos, and committee members on organising this event to mark the significant milestone. I also congratulate past presidents and committee members who volunteered their time and energy over the last 50 years.

Parliamentary Friends of Multiculturalism

Ms MIKAKOS — On 24 June I attended the launch of the Victorian branch of the Parliamentary Friends of Multiculturalism group, together with many other members of Parliament, including you, Acting President. The launch was held at Alphington Grammar School and was organised by federal MPs Maria Vamvakinou and Russell Broadbent. It was a reminder that as Victorians we have every reason to be proud of our state's cultural and religious diversity. It was a wonderful event that highlighted the value of multiculturalism to Australian society. The speakers were very insightful, but the highlight of the evening was the young school students who showcased the wealth of talent of our future generations. I congratulate everyone involved.

Ukelele for Carers

Ms DARVENIZA (Northern Victoria) — I congratulate Northeast Health Wangaratta, the Ovens and King Community Health Service and Villa Maria on the success of their innovative program which encourages individuals caring for people who are suffering from dementia and from advanced chronic illness to get together for singalongs while playing the ukelele. The program has been such a phenomenal success that another series has been scheduled for September. The program provides an opportunity for carers to get together, share their experiences and learn how to play the ukelele. I am told that participants were surprised at how easy playing the instrument is and how good it feels after a session of singing and playing. Congratulations to all on the success of the program.

John Crawford

Ms DARVENIZA — On another matter, I congratulate a local Shepparton painter, Mr John Crawford of John Crawford Master Painters and Decorators, on winning the Master Painters Association of Victoria's annual award for EnviroPainter of the Year for Victoria. Mr Crawford was up against some stiff competition from right across Victoria. This award recognises and acknowledges his contribution to environmentally sustainable painting practices. Mr Crawford is a registered EnviroPainter with the skills and knowledge to ensure that environmental practices and measures are used for sustainable painting. Congratulations to Mr Crawford.

ROAD SAFETY AMENDMENT (HOON DRIVING AND OTHER MATTERS) BILL 2011

Second reading

Debate resumed from 16 June; motion of Hon. M. J. GUY (Minister for Planning).

Hon. M. P. PAKULA (Western Metropolitan) — It gives me pleasure to rise and indicate that the government will not be opposing this bill — —

Mr O'Donohue — The government's supporting the bill, actually!

Hon. M. P. PAKULA — I thank Mr O'Donohue; the opposition will not be opposing the bill. I think my confusion was the result of the Leader of the Government referring to me as 'minister' earlier today. If he stops doing that, I will stop referring to our side as 'the government'. Mr O'Donohue is correct: the government will be supporting the bill and the opposition will not be opposing it.

As members of the house and certainly those who were here in the last Parliament would be aware, hoon driving legislation has been the subject of some considerable debate in this place in the past, particularly in regard to the amendments to the Road Safety Act 1986 that were carried by the Parliament last year through the Road Safety Amendment (Hoon Driving)

Act 2010. There was a significant debate around the move to 14-day impoundment and the then opposition's attempt to increase that to 30 days. As is now well recorded, the position of the then opposition that was taken to the election now finds expression in the bill before us today.

The reason the opposition will not be opposing the bill is that it builds on a proud framework that the Parliament has supported over a period of decades to reduce road deaths and serious injury. It extends the hoon driving framework that the Labor government introduced in 2005, which covered a range of hoon driving related offences. A number of elements were included in that legislation, including the improper use of a motor vehicle where the driver intentionally causes one or more tyres to lose traction; excessive speed, particularly where the speed limit has been exceeded by 45 kilometres an hour or more; and a range of other offences, including repeat incidents of driving whilst disqualified, dangerous driving, failing to have proper control of a vehicle, causing a vehicle to make excessive noise or smoke, and careless driving. All those elements helped make up the previous hoon driving framework.

It was important that that legislation was introduced, because hoon driving had become quite a serious concern to the Victorian community. As has been vented in the other place, crash studies carried out by Victoria Police showed that hoon driving was involved in 41 serious crashes in a period of less than two years over 2003 and 2004, contributing to some 28 deaths. The Bracks government felt that it needed to introduce measures that were targeted specifically at hoon driving. A range of provisions was introduced at the time. A number of years later the Road Safety Amendment (Hoon Driving) Act 2010 further enhanced the hoon driving framework. As members would be aware, the original legislation contained a 48-hour impoundment provision. As I recall, there was a significant debate between me, Mr Koch and other members of this place that ultimately led to a 14-day impoundment for a first offence and a 45-day impoundment for a second offence, but the then opposition supported an initial 30-day impoundment, and that found expression in its election policy and ultimately in this bill.

As I recall, the Greens supported a 30-day impoundment. I hope I am not verballing Mr Barber, but I recall his contribution to the debate. He lamented the hoons that were causing him some sleep deprivation in Brunswick. It was a memorable debate for that, if nothing else.

Mrs Peulich — They want to impound all vehicles.

Hon. M. P. PAKULA — Mrs Peulich said they want to impound all vehicles. I would not normally take up one of Mrs Peulich's interjections, but I think that is a worthy interjection and one that should be recorded in *Hansard*. It is accurate, as government members will no doubt indicate, to say that at the time of the debate the then opposition had a policy of increasing that impoundment period to 30 days. The position was not supported by the then government, but we acknowledge that it was the policy that the coalition took to the last election.

Without in any way undermining the fact that the opposition is not opposing the bill, I point out that it is important to be consistent in your messaging about dangerous driving. Over the last couple of years of our term in government we were very concerned about some of the implicit messaging that was coming from the coalition. I note that that seems to have stopped now that it is in government. It was messaging around whether or not it is okay to run a red light and whether or not speed cameras are really there to save lives.

Some of the commentary that emerged from the Liberals and The Nationals in the 56th Parliament included, for instance, the suggestion that we could relax the rules about running a red light for drivers with a good record. That would have been a shocking public policy outcome and one I hope they do not pursue now that they are in government, because there is scarcely a more dangerous thing you can do than run a red light. In most circumstances I would suspect that running a red light would lead to a collision or a very near miss.

That is one of the examples I use when I say it is important to be consistent in messaging. It is also important that, for example, the position that the coalition took in the last term, where it was prepared to dispute whether road safety cameras were indeed about road safety, does not find its way into its policy positioning now that it is in government with a majority in both houses. I put that on the record to make the point that if a government is going to take important action about improving safety on our roads, it is incumbent on the government to ensure that it is also consistent in terms of the signals it sends out to the community that it is not okay to speed, that it is not okay to run a red light and that the government will continue to support road safety measures, whether they be speed cameras, red light cameras or maintaining an aggressive regime in ensuring that people are brought to account for breaching laws in those regards now that the coalition is the government.

It is important to go very briefly through the main parts of the bill. As I indicated, it provides for the immediate impoundment of a vehicle for 30 days for a first offence. The 2010 amendment act would have increased the impoundment from 48 hours to 14 days from this Friday, and this bill will supplant that 14-day impoundment period with a 30-day impoundment period. It is also worth nothing that this bill will also extend the period of time for which someone's previous record is relevant. At the moment, if you are charged with an offence under the hoon driving legislation, the previous three years effectively make up your relevant record for the purposes of the act, and this bill extends that period to six years.

This bill also brings in a change with regard to the offence of overloading. As members would be aware, there are already offences on the book with regard to overloading, but the effect of this bill is to tie the hoon driving legislation and the overloading provisions together. In the opposition's view that is an appropriate thing for this bill to do.

There is a range of other less consequential changes that are brought about as a result of this bill. It is nevertheless worth pointing out — and I know this was raised by my colleague Mr Merlino in the other place — that the inevitable consequence of increasing the period of time for which Victoria Police has a responsibility to impound a vehicle is that there will be additional costs associated with that. It would be useful to the debate in this place if either the lead government speaker or any government speaker was in a position to outline whether the government has an estimate of what that increased cost would be and give an indication of how it would be funded, because there is no doubt that there would be an element of increased cost in police having to hold vehicles for a longer period of time. It is also worth pointing out that the elements of the bill which now bring the hoon driving framework into application for the holders of interstate and overseas licences in regard to drug driving are also appropriate, and the opposition welcomes those elements.

The opposition is pleased that the hoon driving framework which was implemented by the Bracks and Brumby governments over the last decade is being built upon and enhanced by this legislation. Having said all that, and in the interests of neither Mr O'Donohue nor anybody else believing I am being too effusive in my comments, it is appropriate to point out that having a hoon driving framework cannot substitute for measures to prevent young drivers from developing bad driving habits or becoming hoons in the first place. We are very concerned by the fact that the Arrive Alive strategy, which was due to be released in December last year, is still nowhere to be seen. We are days away from the end of the financial year, and the Arrive Alive strategy in conjunction with a whole range of other initiatives that have been put in place by governments, both Labor and conservative, over the last 40 years — whether they have been seatbelt laws, drink-driving laws, drug-driving laws, booze buses or the extremely effective Transport Accident Commission (TAC) advertisement campaigns that ran over a period of many years and across administrations — have all contributed to bringing the road toll down from over 1000 to under 300 over that period of 40 years. It is equally true to say that over the last few years Arrive Alive has been a very important component of that.

We are extremely concerned about not only the absence of any commentary from the government about whether Arrive Alive is going to be renewed and, if so, when that will happen — we should have heard something by now — but also the refusal of the new government to fund the road safety experience centre that the previous government indicated prior to the last election it was going to support. As we have previously indicated in this place, we believe the road safety experience centre was perfectly able to have been funded out of the TAC surplus. We believe it was an extremely important initiative that would have provided young people with a learning environment that would have been of interest to them. It was to be a state-of-the-art, interactive educational environment which would have gone a long way towards encouraging young people to follow best practice on our roads and educating them about the dangers of all kinds of careless driving, and driving that in some cases goes well beyond careless.

Hoon driving laws are important. They have played an important role over the last six years, but they are only one part of a more integrated and holistic road safety strategy. In the last few years hoon driving laws have been combined with not only Arrive Alive and the TAC's campaigns but also changes to drink-driving laws, drug-driving laws, speed laws and the increased use of cameras. All of those things have combined to radically bring down the road toll over a period of years.

I recall a debate in this place sometime over the last term when Mrs Peulich suggested — and I imagine her comment was somewhat tongue in cheek — that we had the drought to thank for the reduction in the road toll.

Mrs Peulich — No, I said it was a factor.

Hon. M. P. PAKULA — At least in part. Mrs Peulich indicated that she said at the time that it was a factor. I prefer to think that the consistent road toll reduction that we have seen over the last 40 years has in fact been a product of the bipartisan approach that all parties in the Parliament have taken in supporting tougher drink-driving laws, seatbelt laws, drug-driving laws, speed laws, the TAC's campaigns and hoon driving laws. Most recently Arrive Alive has played a very important part in all of that.

In indicating that the opposition will not be opposing this bill, let me again put on record our fervent hope that the government will release a new Arrive Alive strategy with the utmost urgency and will also reconsider its decision not to support the road safety experience centre, because in terms of changing attitudes and changing the habits of young drivers everything that the various offices and departments of the government do collectively will have a far greater impact than the hoon driving laws by themselves.

Mr BARBER (Northern Metropolitan) — The Greens will support this bill, but nobody is pretending that this is some sort of revolutionary point in the history of our road safety policies. The toll of injuries and deaths from motor vehicles, including the toll for drivers, pedestrians, passengers and cyclists, is a modern epidemic. While certainly the situation has improved dramatically over recent decades — it was once an embarrassment to a modern society — it is nevertheless still a major problem by the standards of those other things out there that influence our wellbeing and longevity.

We have here a number of small changes to the hoon driving laws, which were implemented to target specific types of hoon behaviour — burnouts and driving in certain ways at certain times — but the definition has been widened for the first time. We now have a provision that determines that a driver of a car in which the number of passengers exceeds the number of seats is said to be hoon driving. Therefore those who overload their cars with passengers are now subject to the penalties applicable to hoon driving — that is, they risk their car being impounded, immobilised or forfeited to the state.

The Greens take the issue of road safety extremely seriously. We believe that it is not a part of a person's human rights to drive or operate a motor vehicle, rather it is a privilege, and the standards that must be met in order to do that need to be quite high and need to continue rising if we are going to have a further steady trajectory downwards in the numbers of deaths and injuries we see on our roads. This is in the context of a number of factors, including the ageing population and the baby boom. I refer to the young kids out there — once they become independent they immediately start falling into the category of passenger injuries. I also refer to the urbanisation of our society and the densification that has been occurring around certain areas of our cities. That requires not only increased attention to enforcing speeds and other factors but also, in our view, a lowering of speeds.

While legislation such as the bill we are dealing with today has an educative and deterrent effect, the fact is that even this approach and the campaigns that are run through the TAC (Transport Accident Commission) do not seem to be having the effect that we would like them to have. In the last six months we have learnt that both the Minister for Police and Emergency Services and the CEO of the TAC have received speeding fines for driving a number of kilometres per hour over the speed limit in 50-kilometre-per-hour zones. Of course, being 50-kilometre-per-hour zones, those offences would have occurred in closely settled urban areas. From information I have been able to garner I know that 50-kilometre-per-hour zones are often not respected and that speed limit is often exceeded by a significant amount.

We have seen measures to introduce 40-kilometre-per-hour zones in areas where there are particularly vulnerable groups of pedestrians, either busy shopping strips or school zones, and according to a question I asked Mr Rich-Phillips last week, we are not able to get any information about how those speed limits are being complied with. We do know — and members can look this up for themselves in the VicRoads statistics — that nobody has died in a 40-kilometre-per-hour zone since those zones were introduced. That is very positive. We know in fact that the difference between 40 and 50 kilometres per hour as a travelling speed at which you might be hit as a pedestrian is literally the difference between life and death. If a car is travelling at 40 kilometres per hour, it may stop; the driver may see you and hit you at 30 or 35 kilometres per hour, in which case you would probably live. However, if the car is travelling over at 50 kilometres per hour, it might hit you at that speed and you will have a very good chance of dying. At any speed above that it is very close to a certainty that you would die.

We are now at the point where the majority of traffic in city areas is under a control of 50 kilometres per hour but people are often driving 4 or 5 kilometres per hour above that, and really they should be driving 4 or 5 kilometres below that. In fact we should be expanding some of those 40-kilometre-per-hour zones from

shopping strips and the network of roads around schools to make them broader 40-kilometre-per-hour zones that cross entire municipalities except where otherwise signed — where by exception some local road is given a higher speed limit. Without those sorts of broadscale measures we will not get broadscale reductions. Measures such as those in this bill may have some demonstrative, educative and deterrent effect, but these small tweaks we are making through this legislation today will not do the job.

It is good to see that interstate drink drivers are now being brought in under this regime. We approached the office of the Minister for Public Transport, Mr Mulder, and did not get a response on this, but our understanding, given the mechanics of this bill, is that it has been the case forever that people have been able to get around our laws by obtaining an interstate driver's licence and going back to driving on Victorian roads. I find it truly remarkable that we are only today correcting that matter.

Mr O'Donohue interjected.

Mr BARBER — A little voice in my left ear says, 'It took a Liberal government'. No doubt it has been the place — —

Mr O'Brien interjected.

Mr BARBER — Another little voice in my left ear says, 'Actually it's a coalition government'. Let us just call it a conservative government. That is what it is.

Hon. D. M. Davis interjected.

Mr BARBER — Another little voice in my ear now — I have managed to tease out at least three factions — says there are some true liberals. Yes, I met the ghost of Alfred Deakin in the basement one night. He is the last true liberal I met in this place. Whether conservative or liberal, these are the sorts of measures that have to be taken to protect human life, which is paramount. I hope we see more legislation embodying practical measures designed to make deep cuts to the road death and injury toll backed up by solid research that demonstrates those measures will have immediate effect.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise on behalf of the government and speak on this bill. At the outset I would like to respond to a few of the comments made by previous speakers. The government welcomes the support of the Greens and thanks the Greens for that support. The government notes the opposition will not oppose the bill. Whilst that position is not as fulsome as that of the Greens, the government is pleased the opposition will not be opposing the bill.

Mr Pakula went through some of the main aspects of the bill and expressed the opposition's support for those aspects. I want to make a point in relation to how the amendments passed last year, which were proposed to come into effect on 1 July, came into being. It is important to make this point and show the government has a different approach towards hoon driving to that of the opposition. As the legislation currently stands, vehicles can be impounded for 48 hours. As of 1 July, without the passage of this bill, that would change to 14 days. However, the change from 48 hours to 14 days came about only as a result of the then shadow Minister for Public Transport and now Minister for Public Transport, Mr Mulder, moving an amendment in the Assembly, which was rejected but which was followed by the coalition in this house, with the support of the Greens, amending the previous government's position of 7 days. The then Minister for Roads and Ports, Mr Pallas, went to some lengths on the amendment, arguing that 30 days was unsatisfactory while 7 days was satisfactory. An agreement was reached according to which the bill would pass with an impoundment period of 14 days.

That is something that Mr Merlino, the member for Monbulk, the shadow minister for the TAC and road safety and the lead speaker for the opposition in the other place, failed to articulate in his contribution, as did Mr Pakula. The real difference we are considering here is between the opposition's previous position of 7 days and the government's position of 30 days.

I want to touch on the issue of road safety that Mr Pakula mentioned. His comments echoed the comments made by Mr Merlino in the debate in the Assembly on this issue. Both Mr Pakula and Mr Merlino were saying on the one hand, 'We want a bipartisan approach to road safety. Victoria has enjoyed that for decades, and we want it to continue'. On the other hand both members listed a range of issues, politicising the road safety agenda and levelling what I would characterise as unfair criticism of the government.

Perhaps one of the best examples is the debate around the road safety experience centre. This centre was proposed by the previous government in its dying days before the election but, as has been put on the record in this place before, no funding source was provided. I know that in his contribution Mr Pakula was interested in funding sources. No funding source was identified for that centre; nor was a business case developed. It is misrepresenting the facts when the opposition contends

that this centre was a well-advanced proposal that would have been implemented, because there was no business case and no funding for its implementation.

Moving on from those comments, this is a very important piece of legislation. We as the then opposition and now government have advocated for stronger hoon laws for some time. On Friday, 22 January 2010, the then Leader of the Opposition and the Leader of The Nationals, now the Premier and Deputy Premier, issued a press release titled 'Baillieu government to crush hoon driving with tough new laws', which articulated many of the issues which are before us today, particularly the immediate 30-day vehicle impoundment for a first hoon offence. As I said, it put on the record at a very early juncture in the election year our very clear commitment to take a tougher approach to hooning, because hooning is a road safety issue which has been discussed in debate already. It is also a significant community issue.

People have a right to the quiet enjoyment of their home. I want to quote from an article in the *Cranbourne Leader* of 20 April. Whilst the area affected is outside my electorate, it deals with an issue on which I receive direct representations. The article quotes a resident, Brianna Alkemade, as saying:

> … she was selling her home because she feared for her two boys, 4 and 1.
>
> 'We have been here for six years and we just won't bring up our kids on a street like this.
>
> There are always people speeding and doing burnouts. On a normal day there's 10-15 burnouts and on a wet day who knows how many.
>
> It's in the area of a school and it's a busy thoroughfare'.

The government believes that sort of behaviour is just not on, it is not good enough and the penalties for such behaviour need to better reflect community expectations. The government believes changes in relation to the impoundment period in particular better reflect those community expectations.

The bill also extends what is known as the look-back period — the period in which prior offences can be taken into account to determine whether a vehicle impoundment offence is a second or subsequent offence. It does that by amending the period from the current three years to six years. The government believes this is a significant step not only as a deterrent but also because the six-year window better covers the statistical period when young drivers are more at risk of having an accident or participating in hoon activities.

In a press release of 26 May announcing these new laws, the Minister for Public Transport, Mr Mulder, states:

> Drivers aged 18 to 25 account for over a quarter of driver fatalities each year; yet represent only 13 per cent of all licensed drivers.
>
> Currently 44 per cent of hoon offenders are L or P-plate drivers.

The change to the look-back period will better reflect that danger period.

The bill also provides that where the driver of a motor vehicle carries more passengers in the vehicle than the vehicle is designed to carry, otherwise known as overloading, that person may be subject to vehicle impoundment, immobilisation and forfeiture sanctions. The Premier made comments about this issue after an overloading incident in Mornington in my electorate on 14 April, where as I understand it there were nine passengers in a standard five-seat vehicle. Again that is a sensible change and one the government has responded to very quickly. The overloading provision will come into effect on 1 July next year unless otherwise stated.

The bill makes some other changes. It limits the loss of traction offence in section 65A(1) of the Road Safety Act 1986 so it does not unduly interfere with legitimate activities conducted on land other than a highway. It allows for a broader class of exemptions from the offences in section 68 of the act that prohibit participation in and the ongoing organising and managing of speed trials. It enables Victoria Police to start using the Alcotest breath analysing instrument for drink-driving enforcement purposes. The bill also tidies up some other issues and makes some other efficiencies to the broader area of road safety.

The government is very pleased that yet again it is delivering on commitments it made prior to the election. I make the point again that this was announced by the then opposition in January last year, so this is a policy which the community has had a significant period to absorb and digest. The government is very pleased that it is before the house today, and it welcomes the support of the Greens in the passage of this legislation.

Ms PULFORD (Western Victoria) — I am pleased to join the debate on this important subject of road safety. As previous speakers have indicated, Labor will not be opposing this bill. In fact it is an extension of the hoon driving framework that Labor introduced in 2005 through the Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill 2005 that

came into this place in the 55th Parliament. This was followed by the Road Safety Amendment (Hoon Driving) Act 2010, which further strengthened the hoon driving provisions.

The new legislation extends to 30 days the period for which police can immediately impound or immobilise a vehicle upon the detection of a relevant offence. Currently the period for which police may immediately impound or immobilise a vehicle is 48 hours. This was scheduled to increase to 14 days on 1 July this year in accordance with the 2010 legislation.

The bill further enhances the vehicle impoundment scheme by extending the period in which prior offences can be taken into account by the courts when they impose impoundment, immobilisation and forfeiture sanctions. Under the current scheme if an offender has been found guilty of prior relevant offences in the preceding three years, then they will be more likely to incur lengthy court-imposed impoundment or immobilisation sanctions of up to three months in total or have their vehicle forfeited.

The bill provides that where the driver of a vehicle carries more passengers than the vehicle is designed to carry, vehicle impoundment, immobilisation and forfeiture sanctions may now be applied. I am sure any newspaper article that members read about a tragic accident in an overloaded car is one too many, but an overloaded car is a recipe for disaster. All too often we hear of tragic circumstances in which lives are lost or altered forever by that kind of behaviour. This is an important measure, which is designed to further discourage the overloading of vehicles and certainly one that I hope will prevent needless loss of life in the future.

The bill builds on recent reforms by also providing that where a person who commits a drug-driving infringement does not hold a Victorian drivers licence or permit because they hold an interstate or international licence, that person would be disqualified from driving on Victorian roads. The period of disqualification from driving would be the same as the period a Victorian licence-holder would be disqualified had they committed the same offence.

The second amendment relates to section 65A(1) of the Road Safety Act 1986, which prohibits a person from driving a vehicle in a manner designed to cause that vehicle to undergo loss of traction. This is about further defining and describing hoon-like behaviour, which is characterised by burnouts on public roads, in private car parks or in other spaces.

The third amendment relates to section 68 of the principal act and provides that it is an offence to participate in, organise or manage a race or speed trial on a highway. These are all good things of course, but this is no substitute for the government's lack of a clear strategy on road safety. In his remarks Mr O'Donohue was inferring that it was the Labor Party that first departed from the long history of a bipartisan approach to road safety in Victoria, but I would suggest that it was government members when in opposition who departed from it first.

When the Minister for Roads, Terry Mulder, was opposition transport spokesperson he said he believed that a person with a good driving record who was snapped running a red light by a fraction should in some circumstances be entitled to apply for a warning. Then opposition leader Ted Baillieu said further discussion was needed on extending warnings to red-light offenders. He said:

> It's arguable that if there are any other discretions exercised across those areas (of traffic infringements) then it might be worth considering exercising the same discretion (for red light offences) …

The Monash University Accident Research Centre has rejected this idea. It says running red lights is one of the major causes of death and serious injury at Victorian intersections. It is well recognised that speed is a significant factor in road accidents and road tragedies. I think it is also well recognised that imposing fines on speeding drivers modifies their behaviour. Speeding fines slow people down. That is why we have them. Speed is one of the biggest killers on our roads and is, I am told, a factor in over 30 per cent of fatal crashes. Yet, again in opposition, Terry Mulder repeatedly accused the then government of revenue raising. He said:

> John Brumby continues using his mobile speed cameras as a revenue-raising exercise …

He also said:

> There's no doubt this has been the policy of the government from day one, to use speed cameras for revenue raising …

Certainly much was made by the opposition of speed camera fines and the assertion that some fines had been wrongly issued. Quite some months have passed since then, but I note that just last week an independent review by Deloittes concluded that only 9 out of 68 000 fines issued by point-to-point cameras on the Hume Highway were wrongly issued. According to media reports these cameras have been out of action since October 2010 when that technical fault was uncovered. A news radio report stated that the Minister

for Police and Emergency Services, Peter Ryan, says he will not be rushing to reinstate the cameras until the Auditor-General's report on this issue is completed. That will be later in the year.

So 9 out of 68 000 people were wrongly fined. I imagine those nine people who were wrongly pinged for speeding would be rightly upset, but the outrage that was expressed by coalition members on this issue in the lead-up to the election would suggest the figure was much higher than 9 out of 68 000. There are now a whole lot of people driving on that section of road knowing that an important safety mechanism is not there. That is another example of the coalition putting politics before road safety.

This bill and the Road Safety Camera Commissioner Bill 2011, which is yet to be debated, are the only road safety bills to have been introduced by this government so far. That is well short of a comprehensive road safety strategy. Members will recall that quite out-of-body, out-of-mind moment experienced by former Premier Jeff Kennett in 2010 when he was talking about a Kool Mint being a good thing to get into before breath testing. That was truly staggering. I hope it does not reflect his view and that he was just having a strange kind of moment.

Mrs Peulich — What are you talking about? You're straying a bit far from the bill.

Ms PULFORD — We are on the subject of road safety, and while cracking down on hoon driving is an important thing, there are a whole lot of elements to road safety. Hoon driving is one of them. Drink driving is one of them. Speed is one of them. Running red lights is one of them. Mr O'Donohue suggested it was Labor that was departing from a longstanding bipartisan approach to road safety in Victoria, and I suggest that that is not the case.

If I could just conclude, Norm Robinson, whom members will be familiar with from his role in Transport Accident Commission ads that talk about the impact on family and friends of his son Luke's death, has said about this legislation:

> Any move to put tougher penalties on hoons is good … My concern is what they are planning on doing to stop them from becoming hoons in the first place.

At risk of veering from the topic, I will say very briefly that I think addressing the issues that lead to hooning behaviour is important too, and I certainly welcome comments from future government speakers in this debate about what strategies they have for that.

With those comments, Labor will not be opposing this bill. We wait with bated breath for a comprehensive road safety strategy from the Liberal Party and a cessation of the mixed messages about road safety that Victorians have been hearing in the last year or so.

Ms CROZIER (Southern Metropolitan) — I too am pleased to rise to speak on the Road Safety Amendment (Hoon Driving and Other Matters) Bill 2011, and I again commend the Baillieu government for taking such direct and decisive action on an issue that has been concerning for the Victorian community and has been highlighted by a number of members in this chamber. I would also like to commend members of the opposition and the Greens for supporting this bill.

Far too often we hear news reports of erratic and dangerous driving and dangerous road behaviour from a small minority within our community. This bill addresses road safety concerns, certainly, but in particular hoon driving. The bill will achieve a number of things. It will not only penalise those who break the law but will also send a strong message to younger drivers that dangerous and reckless driving behaviour is neither acceptable to nor tolerated by the Victorian community. Consequently, should they — —

Mr Barber interjected.

Ms CROZIER — We will. We are sending a strong message. We said we are decisive on this, and we will be sending that message. That is exactly what this bill will do. It says that should people break or disregard the law, they will be dealt with through the proper channels and harsher penalties will apply.

The bill amends the Road Safety Amendment (Hoon Driving) Act 2010 to strengthen vehicle impoundment and immobilisation sanctions in relation to serious traffic offences, which was outlined by Mr O'Donohue a few moments ago. Victoria's road toll is still unacceptably high, and too often it is our young drivers who are the casualties of road death and road trauma. The outcomes can be absolutely catastrophic for families that have experienced a road trauma, and people who have been maimed through road accidents have consequences that they have to live with for the rest of their lives. I have witnessed in my time working as a nurse the extremely harsh rehabilitation processes that these people endure, so we can do much to improve those outcomes. As Mr Pakula said, this Parliament and parliaments in the past have done much to ensure that road safety measures are continually improved.

Since 2006 a staggering 13 000 vehicles have been impounded across Victoria for either dangerous driving or hoon behaviour. It is regrettable that some have seen the impoundment of their vehicles as a badge of honour. Neither Victoria Police nor the Victorian community in general wants young people to receive glorification for such behaviour.

An honourable member interjected.

Ms CROZIER — We are not glorifying hoon behaviour or impounding.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Through the Chair!

Ms CROZIER — Clearly the penalty of having a car impounded for 48 hours is not having a large enough impact on many who participate in such dangerous or reckless driving behaviour. The clear message this legislation will send drivers is that not only is this behaviour unacceptable but also it will not be tolerated.

During last year's election campaign we heard from many concerned Victorians about the rates and degrees of hoon behaviour and dangerous driving. Just a few weeks ago in South Melbourne, within my electorate of Southern Metropolitan Region, a man was caught after allegedly doing a 50-metre burnout, speeding and having an alleged blood alcohol reading of .163. In Windsor earlier this month another P-plater was caught drink driving twice in as many hours on Chapel Street and Dandenong Road in Windsor. These and other acts of dangerous driving put the safety of pedestrians and other innocent road users at great risk.

The Baillieu government is committed to reducing road trauma and improving safety on Victorian roads, and it is serious in sending a message that there will be consequences for those who disregard the law. Drivers, no matter their age or experience, must understand that they need to take responsibility for their actions and know that if they partake in hoon driving or dangerous driving behaviour, there will be an immediate and substantial penalty.

Mr TARLAMIS (South Eastern Metropolitan) — I also rise to contribute to the debate on the Road Safety Amendment (Hoon Driving and Other Matters) Bill 2011. I appreciate the opportunity to speak on this bill, which is the third iteration of hoon driving legislation and builds on the important and significant measures introduced by the previous Labor government. I will not go into the details of those measures, as they have been touched on by my colleagues in their earlier contributions. I make it clear from the outset that I do not oppose this bill.

The bill increases the penalties for hoon driving, broadens the impoundment laws and their application, and increases the period of immediate impoundment to 30 days. It also introduces the offence of overloading. It provides for an extension from three to six years, wherein prior offences can be considered to determine if a motor vehicle impoundment offence is a second offence. If that is deemed to be the case, the driver will face losing their car for up to three months or, when the speeding is deemed to be 70 kilometres an hour or over, having it confiscated for good. It establishes that if drivers cannot pay the fines and costs of impoundment, including towing, they will be required to forfeit the vehicle to police, who can then crush the vehicle. It also creates for the first time the authorisation for police to carry out roadworthiness inspections on impounded cars, issue defect notices and stipulate conditions about the future use of the vehicle.

I am supportive of any measures that effectively address hoon driving to protect other motorists, pedestrians and of course the hoon drivers themselves from the fatal consequences of their actions. The previous Labor government is extremely proud of its achievements in this area. Its actions have resulted in a road toll substantially reduced to the lowest ever, and this legislation will assist in continuing that trend.

It is with heartbreaking regularity that I read about the unnecessary deaths of motorists who, while abiding by the law and going about their daily business, encounter hoon drivers, with fatal and devastating consequences. As a local member I am all too regularly contacted by concerned residents who are living in suburban streets, frightened to let their children play outside because hoon drivers are using their streets as drag-racing strips. The Princes Highway is a notorious stretch of road which runs through suburbs in my electorate such as Dandenong, Clayton, Noble Park, Narre Warren and Hallam and is the site of too many serious incidents and fatalities caused by hooning.

In Frankston hooning is such a problem that the local council has established its own hoon line, and a recent public meeting about the matter attracted over 100 people. Hoon lines are now operating in many other municipalities as well. In figures released last year Frankston was listed as no. 4 on the list of suburbs where hoon drivers had their cars confiscated.

In the city of Casey streets such as Maramba Drive, Memorial Drive, Kurrajong Road and Ernst Wanke Road are used as drag strips by reckless young drivers

who are a menace to community safety. The cities of Casey and Monash are two of five municipalities which recorded the highest number of road fatalities in 2009. Young men aged between 20 and 25 account for 44.2 per cent of drivers whose vehicles have been impounded, with excessive speed and improper use of a vehicle cited as the most common offences. Sadly those same young men account for the greatest percentage of single-vehicle and multiple-fatality accidents and are overrepresented in road trauma incidents.

Clearly road safety remains a vital issue, and as important as the changes made by this legislation are, they are no substitute for a road safety strategy. In order to have an effective road safety strategy we need to have a whole-of-government focus on reducing road trauma, the road toll and the number of people who suffer serious injuries as a result of road trauma. Under the world-leading Arrive Alive strategy of the former Labor government the state's road toll fell by 35 per cent, from 444 in 2001 to 288 last year. Over the 11 years of the Labor government almost 1000 lives were saved thanks to a range of accident mitigation measures, including better driver education, cracking down on offending drivers and undertaking remedial works to improve road safety at black spots. That is why I am concerned that there is no new funding for road safety initiatives in the recent state budget. It is a worrying trend when, despite the alarming statistics, areas like the city of Casey received no road funding in the budget, and that is not limited to the city of Casey.

I call on the government to undertake the update of the Arrive Alive strategy, which was due last December but is now over six months late, and also to immediately provide funding for the road safety experience centre so that we can educate young drivers about the importance of driving safely. Furthermore, I implore the government to continue funding roads, especially in high-growth suburbs like those in South Eastern Metropolitan Region, to fix black spots and to improve the safety of roads as part of a whole road safety strategy.

Mrs COOTE (Southern Metropolitan) — One of the things this chamber does extremely well is highlight road safety issues for Victorians. You have only to go back and have a look at our track record to see that. We were the first jurisdiction in the entire world to legislate for compulsory seatbelts. It was something that came out of here from former Premier Lindsay Thompson — —

Mrs Peulich — It was from a Liberal Party branch.

Mrs COOTE — As Mrs Peulich said, the suggestion came from a Liberal Party branch. We are seen to be leaders in the field. This is another piece of legislation that shows our concern about doing something real to make certain that we reduce the road toll and reckless driving on our roads. The coverage of this debate has been exemplary, and I put on the record my praise for Edward O'Donohue, who gave a measured speech on this Road Safety Amendment (Hoon Driving and Other Matters) Bill 2011.

One of the things I want to highlight is that it is not just about the burnouts, the doughnuts and the unacceptable racing on the streets — they are not the only issues involved in hoon driving. We have had a considerable amount of hoon driving in, believe it or not, Chapel Street, Prahran. What is happening is that these drivers drive up, tailgate each other and then leave a space and zoom ahead at an unacceptable speed so they are able to tailgate again. They leave about a 25-metre gap and then scream along and pull up again, causing a lot of noise. They have their huge amplifiers going and there is a lot of music blasting out; it is an unpleasant and unsafe scene. Pedestrians in areas such as Chapel Street, where people expect to have a good evening out, feel unsafe. The safety of pedestrians has to be taken into account in looking at and debating the bill before the house this afternoon.

It is good to see this well-thought-through bill tighten up the law in a whole range of areas, including introducing an offence for having additional passengers in a car, extending the immobilisation period, taking prior offences into consideration and increasing the number of roadworthiness inspections. All of these measures will send a message from the Baillieu government to young Victorians that reckless driving, hoon driving — whether it involves doughnuts, burnouts, excessive speed, alcohol-related speed, too many people in the car at once or the type of hoon driving which I have spoken about occurring in Chapel Street — is not acceptable. If you display any of these unacceptable behaviours, you will get caught. This bill will enable that to happen, and I commend it to the house.

Mr ELASMAR (Northern Metropolitan) — I also rise to speak on the Road Safety Amendment (Hoon Driving and Other Matters) Bill 2011. I have no doubt there are some in the community who would consider this bill drastic, but in many ways it is symptomatic of the pace of life set by the so-called cool brigade. In other words, if you are not up for a drinking spree followed by drag-racing, you are not cool. Fitting in is what this behaviour is about. In my experience, in all generations young people are considered brash and

foolish when it comes to showing off. However, getting behind a wheel and endangering lives is more than foolish or rash.

This bill seeks to make offenders realise that all illegal actions behind the wheel have consequences. It was a Labor government which put in place mechanisms to slow down irrational and dangerous hoon drivers. The amendment contained in the bill is obviously intended to dramatically reduce the road toll and the tragic impact it has on Victorian families. The impoundment provisions contained in this bill, which cover a range of offences, should go a long way towards minimising the deaths and havoc caused by excessive alcohol consumption, the use of illegal drugs and the sheer stupidity of speeding hoons, who seem to think they are invincible.

The deprivation of vehicles has proven to be effective, so in the event that parents decide to buy their offspring large, powerful motor cars they will think twice about junior's capacity to drive and behave sensibly behind the wheel of an expensive car. I say 'expensive' because if the vehicle costs a couple of thousand or several thousand dollars, its value is the same if it is impounded by police and locked away for 30 days. Hoons can live with not having their vehicles for 48 hours, but one whole month will give them something to think about. Hopefully they will modify their behaviour and make the roads safer for the rest of the driving public of Victoria. My parliamentary colleagues on this side have spoken about a lot of issues, and, as we have said, we are not opposing the bill.

Mr ONDARCHIE (Northern Metropolitan) — I too rise to speak on the Road Safety Amendment (Hoon Driving and Other Matters) Bill 2011. I spoke about road safety in my inaugural speech in this place not that long ago. I have to say my views on this issue have not changed. I talked about the fact that younger people are overrepresented in road accidents and road fatalities and that we as a society need to do something about that.

I took my 16-year-old daughter out for her first driving lesson just three weeks ago. There was trepidation, there was sweating, there were nerves — but she was fine. I said to her at the time, 'This is the most powerful weapon you could ever have in your hands'. She did very well — better than her father did — but as we went through the basics of driving a motor vehicle I expressed to her that it is the most powerful weapon she could ever have in her hands. That is why I am pleased that this bill has been introduced into this house. I am a little disappointed that those opposite are saying they will not oppose it; I would much rather they had said they would support it, because this bill is important. It is fundamental to what this government and this Parliament are all about — that is, saving lives.

This bill amends the Road Safety Act 1986 and the Road Safety Amendment (Hoon Driving) Act 2010. It extends the period of impoundment/immobilisation for relevant offences from the current 48 hours to 30 days. It also extends the period for which prior offences can be considered up to six years. Where drivers carry more passengers than the vehicle is authorised to carry they can be subject to impoundment, immobilisation or forfeiture. The police are authorised to check the roadworthiness of vehicles and can clarify the rights of those with security interests in impounded vehicles — that is, vehicles that are financed.

Just two weeks ago I was driving down Plenty Road in Mill Park in my electorate and I watched a very quick, very souped-up Commodore come out of a side street in front of me and fishtail down Plenty Road for about 110 metres. I pulled up at the lights alongside this car at Bundoora and looked across at the driver. He wound down his window expecting road rage from me. He was expecting me to yell at him. He yelled some profanities at me, such as 'What is your problem?'. I wound down my window and said this to him, 'I don't want you to die'. He did not know what I meant, so I just reiterated, 'I don't know who you are, but I don't want you to die'. I think that is the message in this hoon legislation — we do not want young people to die. They are overrepresented in the statistics.

I live not far from where five young Victorians were killed on Plenty Road last year. The day that the police were holding a forum on safe driving at the Whittlesea City Council offices for secondary students another young person was killed on Plenty Road. Enough is enough. I am hopeful that this bill will be supported on the other side of the chamber today, because it is targeted at hoons and culpably reckless drivers.

On Plenty Road in my electorate there were eight deaths in 2010 and over 400 collisions. The police launched Operation Paste to try to do something about the issues on Plenty Road. Quite frankly I am tired of seeing young people die on our roads. I am tired of seeing anybody die on our roads. The message from this government, and I hope from those opposite also, is that enough is enough. I do not want young people to die. I want every Victorian to experience life to the best of their ability.

This bill is about saving lives, so I am disappointed when I hear from across the chamber the words, 'We

won't oppose it'. I ask those opposite to do Victorians the honour of saying, 'We will support this'. I am sure those opposite share my views. I am sure they share the views of the coalition government that we just do not want them to die.

Ms TIERNEY (Western Victoria) — I advise Mr Ondarchie that any piece of legislation that deters unsafe driving in any way is a step in the right direction and is welcomed by the opposition. This particular piece of legislation is an extension of the previous Labor government's hoon driving framework, which was part of a very comprehensive strategy to reduce deaths and injuries on our roads — a record of which the previous Labor government is extremely proud.

It is, however, very disappointing to see that the current government brings before the house what I consider to be an inadequate substitute for a comprehensive road strategy. As we have heard from other speakers, the Baillieu government has failed to deliver the next Arrive Alive action plan, which was due in December last year. It has walked away from plans for a road safety experience centre, amidst much criticism from the public.

Whilst members of the opposition do not oppose this bill, we are quite disconcerted that the Baillieu government has offered only this legislation, which essentially extends and increases punishment for hoon and unsafe driving, and has not offered any initiatives on education, particularly for Victoria's young people.

The road safety experience centre would have been a fantastic addition to the many initiatives brought about by the previous government to educate Victorians about the dangers and consequences of unsafe driving. In October last year the previous government committed a $50 million package for the centre to provide a number of initiatives. Those initiatives would have included presentations on the reality of a crash as seen by emergency services experts; simulators demonstrating the influence of alcohol, drugs, distractions and speed on driver performance; diversionary programs for driving offenders; physical displays demonstrating crash dynamics and the role of safe roads and vehicles; a road trauma remembrance memorial; and experiences of living with the aftermath of road trauma presented by rehabilitation workers and road accident victims. Special access provisions were also planned to ensure that young Victorians in regional Victoria would also have had access to the centre. Online access to the centre's programs was also going to be provided. Unfortunately this government has decided to shelve plans for this centre as well as reduce funding for road safety initiatives.

Whilst we welcome increased punishments for unsafe driving we must also seek to educate all Victorians on the dangers of hoon driving so that at best we do not have to enforce these punishments in the first instance and at worst we do not lose one or a number of people in an accident caused by hoon driving. These sentiments are echoed by all Victorians, especially those victims and their families who want to see the government do more on road safety education.

These sentiments have been expressed by Norm Robinson, the father of Luke Robinson, who was killed when his car hit a tree while travelling at 160 kilometres per hour. Norm Robinson has essentially said that any move to have tougher penalties is a good move, but he is also very concerned about the need for planning to make sure that young drivers are prevented from becoming hoons in the first place. I think all of us here in this chamber, as well as in the wider community, would concur with those sentiments.

The previous government, as I have said, had a proud record on road safety initiatives — from the Arrive Alive strategy and education programs to black spot funding programs and its action on car safety and driving under the influence of drugs or alcohol. Other initiatives included the requirement for all new vehicles to have electronic stability control and side curtain airbags. All these initiatives contributed to the previous government's record on road safety.

The previous government's support for car manufacturers such as Ford in Geelong and Broadmeadows added to the innovation of new safety facilities in vehicles such as those. I read with interest the contributions made on this topic in the lower house by the member for Lara, John Eren, who said he is constantly asked by a number of stakeholders from this state, interstate and overseas what we are doing in Victoria to drive the road toll down. As we know, John Eren and the member for Geelong, Ian Tresize, have been longstanding members of the Road Safety Committee and have made a significant contribution to the promotion of road safety in Geelong and the surrounding area.

I sincerely hope the current government has every intention of continuing Victoria's record on road safety. Seven months into the term of this coalition government I do not think there is much evidence of that. To make such a commitment there must be a clear and comprehensive strategy outlined to all Victorians as to how the government will continue this state's commitment to reduce the road toll and the injuries sustained from unsafe driving practices. Shelving plans for the road safety experience centre, failing to deliver

the Arrive Alive action plan and reducing funding for road safety initiatives is simply not good enough and is certainly not a good start.

As I stated, I fully support this piece of legislation and any legislation that has the purpose of making our roads safer and lowering the road toll, but I hope in the very near future we will see initiatives from this government that mirror the absolute commitment of the previous Labor government on road safety issues.

Mrs PEULICH (South Eastern Metropolitan) — I also rise to make a few comments on the Road Safety Amendment (Hoon Driving and Other Matters) Bill 2011. In doing so I note that the opposition is not opposing the legislation and that the Greens are supporting it. This bill demonstrates the evolutionary nature of laws that apply to driving in the state of Victoria and across Australia, which build on previous initiatives, some of which, as pointed out by Mrs Coote, started in humble Liberal Party branches. For some members to claim that this legislation is a Labor initiative is disingenuous, and they are simply engaging in cheap political point-scoring.

First of all, road trauma must be every parent's nightmare, whether their child is of driving age or not. In saying that, I recognise the importance of the motor vehicle to Australians in particular and to others in the Western world as well as to people in the developing world. Most people aspire to drive a motor car and do so for a range of reasons, some of which are personal and social. There are also important economic reasons. In a country such as Australia, where the tyranny of distance is a challenge in life, the importance of driving can never be underestimated. For a lot of young men in particular it is almost a rite of passage, and often, unfortunately, reckless and hoon driving becomes a badge of honour, as canvassed by Ms Crozier.

However, cumulative improvements mean the road toll is declining, not forgetting road injuries which, on the other side of the coin, are still very substantial. Much has improved as a result of, first and foremost, licensing. There are still some improvements that could be made in the education of learner drivers and also ongoing education by the Transport Accident Commission and education in schools; enforcement of laws; better technology associated with cars and other vehicle safety equipment; better roads; and other related laws, especially those that pertain to alcohol and drug use and testing. A whole range of contributing factors have led to the improvement in road statistics. Nonetheless, there are still far too many tragedies, and many communities have taken initiatives of their own in response, particularly in partnership with local government, to address the issues of reckless drivers and hoon drivers in particular.

In South Eastern Metropolitan Region there are significant issues involving hoon drivers. Mr Tarlamis mentioned some issues, especially those focused on the Princes Highway. Hoon drivers affect the lives of people in pockets of Cranbourne, and there is a group of people in particular who constantly make complaints about hoon drivers who are a daily threat to their lives and those of family members. Frankston City Council has a significant issue to the point where recently it held a hoon driving forum. Unfortunately most of the local members of Parliament were not informed in time and the council had consulted the community on the wrong piece of legislation — Labor's legislation, as opposed to the bill before us. In Casey there is the particular instance of the Hallam Road fatalities, which resulted in a community rally to demand improvements to an intersection.

Monash, Casey, Frankston and Greater Dandenong are among the top 10 local government areas in the state for hoon driving issues. People aged 18 to 28 are overrepresented in crashes. The councils I have consulted — the cities of Greater Dandenong, Frankston and Casey — support this legislation. Some endorse the proposed bill as it is, and others would like to see it go further. The City of Frankston, in particular, claimed it would like the provisions to go further, although I am not confident it knows all the details. That council wants to see laws to make hoon driving a thing of the past.

I am mindful of the time limitation in making my contribution, but hopefully this tranche of amendments to the legislation will go some way towards addressing the issues and helping communities make a stand against hoon driving. The sorts of initiatives that have been instigated by local government will be well supported by this important piece of legislation.

Motion agreed to.

Read second time.

Third reading

Hon. P. R. HALL (Minister for Higher Education and Skills) — By leave, I move:

That the bill be now read a third time.

In doing so, I thank all members for their wholehearted contributions to the debate on the bill and their support, and I thank opposition members for their agreement.

Motion agreed to.

Read third time.

VICTORIAN URBAN DEVELOPMENT AUTHORITY AMENDMENT (URBAN RENEWAL AUTHORITY VICTORIA) BILL 2011

Second reading

Debate resumed from 16 June; motion of Hon. M. J. GUY (Minister for Planning).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a contribution to the debate on the Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Bill 2011, which in essence winds up VicUrban and transforms it into the Urban Renewal Authority Victoria. A number of issues still need to be resolved in terms of the consequences of the new Urban Renewal Authority. The opposition has several areas of concern, including whether the new urban renewal authority will have an independent board. There are two aspects to that concern. The first is that there are provisions in the bill whereby the minister in effect intercedes and becomes the gatekeeper and decision-maker in terms of the activities of the urban renewal authority. Our second concern is the announcement of Mr Peter Clarke as chairman of its board, and this is a subject I will return to. However, the first aspect of the bill I want to talk about is the provisions relating to the appointment of board members, including how they are appointed, and the role of the minister as the champion of the board.

Another issue that has emerged is a concern that with the proposal that VicUrban should disappear, the focus that VicUrban had in terms of greenfield development will also disappear because the focus of the new authority will be inner urban renewal. There are concerns about communities in greenfield developments, some of which are nearly finished and others of which are newly started, and there are concerns that commitments made may not now be delivered by VicUrban. There is concern about what will occur in those communities and what will become of those developments.

While members of the opposition will not oppose the bill, we think the bill puts a greater focus on urban renewal and is a move away from greenfield development. Our concern is that there is an assumption that all is well with development on Melbourne's fringe and that this bill provides an opportunity for VicUrban to move out of those developments and into a more inner urban mode. What does that mean for the shape of the growth of those communities? Will we see the development of dormitory suburbs as happened 20 or 30 years ago?

VicUrban played an important role in setting benchmarks in greenfield development — for example, it was VicUrban that made sure developments such as the Aurora project had bike paths, shops, employment opportunities and schools. All of these things were provided for as an active community package, and this became not only the benchmark for communities to live in but also the benchmark for developers in terms of how to develop a community rather than a series of homes. With the withdrawal of VicUrban from that role, there is a concern that we will go backwards. People in those communities do not buy a house; in every community what we buy is a vision of how and where we want to live — a dream in terms of the home that we want to make for ourselves and our families. VicUrban was about ensuring that if you had a home on Melbourne's fringe, then your home was located so that you were encouraged to exercise, including walking to your shops and having sufficient open space. That is at risk now, as VicUrban moves out of that space.

Essentially the staff of VicUrban will stay on in their former roles, but this legislation provides the minister with the capacity to appoint his own people to the new authority's board. This is not only somewhat arrogant but certainly dismissive of the hard work that the existing board has done. There has been no suggestion that the board of VicUrban has done anything improper and no suggestion that its members have been anything other than people of the highest expertise and integrity, yet with one fell swoop that board will be dismissed. The minister will come in and say, 'No, I know better; I will put my own people in', and all of that dedication and history will be struck out with the stroke of a pen.

The government has also announced the first appointment relating to the 'transition', as the media release put it, from VicUrban to the urban renewal authority — Mr Peter Clarke. Mr Barber has already intimated that Mr Clarke is a local government councillor and narrowly missed preselection for the seat of Warrandyte at the 2006 election. Mr Clarke is also a former candidate for the position of president of the Liberal Party. As we saw over the weekend and as we all heard Mr Reith explain this morning, that can be a very difficult process indeed. At a state level Mr Clarke, like Mr Reith, was an unsuccessful participant in that process.

We also know that Mr Clarke held a position on the executive of the state Liberal Party, but on both those occasions — his attempt to gain preselection for the seat of Warrandyte and as a candidate for the presidency of the Liberal Party — he was opposed by the Costello forces and was unsuccessful. But I suppose — —

Mr Ondarchie — On a point of order, Acting President, as much as I am enjoying Mr Tee's enthusiastic, theatrical presentation, I am not sure what the Liberal Party conference has to do with this bill.

The ACTING PRESIDENT (**Mr Finn**) — Order! I do not uphold the point of order for the moment, but I emphasise for the moment that Mr Tee is getting perilously close to crossing that line that Mr Ondarchie has raised. I will call Mr Tee to order if he does not move away from some of less relevant areas of his discussion at this point and return to the substance of the bill.

Mr TEE — Thank you for your guidance on this matter, Acting President. Mr Clarke has been appointed, and he is a very relevant part of this debate and contribution. I am sure that those opposite would not want to resile from an examination of the history of the most powerful position in this authority in terms of being its chair, which is a very important position.

Mr Ondarchie interjected.

Mr TEE — I do not want to be distracted by those opposite, so I will continue. It is well known that Mr Clarke has a long and detailed history in the Liberal Party. It is also well known that he has been appointed as the authority's chair. It is further well known that he sought the position of CEO of VicUrban. I note too, by way of background, and in response to Mr Ondarchie's interjection, that an amendment made by this bill will now mean that the chair cannot be the CEO, which would be an interesting conflict for Mr Clarke should he continue to pursue his ambition to be the CEO.

Mr Ondarchie — Is that good government?

Mr TEE — I am just talking about the dilemma. I wish Mr Clarke well in his position. I hope he does a better job than he did when he sought preselection.

The other important aspect of the bill — and this sets up the dilemma in terms of the position of the chair and the minister — is that the position the minister has created for himself with this bill is a very powerful one. Previously VicUrban operated on the basis that it was subject to the policies of the government, but on a day-to-day basis it was run by the board as directed by the chair. What we will have now is a situation where the board does not have any power. The minister has interposed himself, and the board cannot do anything other than at the request of the minister. The exact wording of the provision is 'if requested to do so by the Minister'. If the board has in mind any development or proposal, it is somewhat academic because without the minister the board cannot carry out the development of land alone or in partnership; it cannot enter into arrangements or agreements for the development of land. In many ways the board will be neutered; it will have very little capacity to act independently of the minister. It will be interesting to see, as the minister's relationship with the chair will be a critical part of the implementation of the functions of Urban Renewal Authority Victoria.

The other concern is the central role the minister has created for himself and what that means. If a developer wants to deal with the authority, it will have to approach the minister. If a developer wants to sell land to the authority, it can only do so if requested by the minister. If a developer wants to go into partnership with the authority, it can only do so at the request of the minister. All roads lead to the door of the minister in terms of the work that the authority will do. That is somewhat concerning. In essence the provision pushes aside the board and the authority and makes the minister's office the gatekeeper for any development. I am concerned that this will create a conflict of interest. We have already seen what happened in Footscray, where the minister intervened to approve a proposal for a 25-storey tower when the minister's department had advice that 12 storeys was the right level, where the council had sought 12 storeys and where the next tallest building in the area is 4 storeys.

Under this bill the minister will potentially be not only the planning authority but also the developer, because any agreement that Urban Renewal Authority Victoria has will have been requested by the minister. There is a concern about how to ensure that these developments are separated from the role of the minister — that is, a concern about how to ensure the right degree of independence and transparency. We have concerns about the bill, the role of the minister and the process for the appointment of the board. Time will tell whether those concerns are realised.

Mr BARBER (Northern Metropolitan) — The Greens will support the bill. It is another bit of minor tinkering with the legislation governing the body with an interest in urban development. It is yet another example of the smooth transitions we have seen from

Labor to Liberal policies with minimal change in direction. Whatever the subtleties Mr Tee tried to point out, there is little that changes under the bill apart from the name of the authority. If we go into committee I might ask the minister how much will be spent on new letterhead and business cards for effectively the same result. Apart from that, we can be confident that little will change at all.

Instead of the previous objective of VicUrban, which was 'to contribute to improvements in housing affordability', the new authority will 'promote housing affordability and housing diversity'. It is hard to work out which of the two is the more passive — 'to promote' or 'to contribute to improving' — but in any case there is not going to be any serious market intervention; or maybe there will be, depending on what the minister decides. Certainly the spin has been that the government wants the authority to be more involved in urban renewal than in greenfield sprawl, but nothing in the legislation confirms this. It is purely up to the minister of the day to set the priorities for the authority.

The minister is now the gatekeeper for whether the authority carries out developments at all, or whether it does that alone or in partnership. On that argument, apart from the benefits of liability, there is no real reason why this authority should remain an independent entity. Mr Tee tried to uncover some vast right-wing conspiracy, but you could go to any state-owned enterprise, or for that matter any statutory body, in the last four to eight years and you will find ministerial directions, nods and winks or straight-out instructions to those bodies. Even an organisation as big and ugly as Melbourne Water had its policies and investments dictated to it by the previous government. For the smaller state-owned enterprises it is simply a matter of a ministerial direction, and we almost never see what those are.

It is interesting, though, that the Minister for Planning had a whole page dedicated to him in the *Age* newspaper the other day. He spruiked his desire to hand over and get rid of his powers. But with this bill he will set up an entity that will very much need his nod before it takes serious action to intervene in the marketplace. Apart from that, what have we got? We have another assembler of land and a role in putting up ideas that the minister himself, as planning authority, might — —

Mrs Peulich interjected.

Mr BARBER — If there was a mention of 'seeding' the projects in the legislation, that might tell us something more, but we are not seeing any new powers, responsibilities, accountabilities or transparency around how the government would go about doing that. We are seeing a name change and a switcheroo as to who decides what.

Mr Tee also wanted to dance towards the issue of who has been appointed chair. He noted that the requirements or the eligibility criteria for the appointment of directors are listed in this bill. So the criteria for who we choose is enacted in statute, which is probably a good thing. It only remains for someone to make a judgement as to whether the chair and other board member appointments fit those criteria. In the view of the Greens, and I hope Mr Tee will soon endorse this view, a commissioner for public appointments should be appointed, as is the case in the UK.

Mrs Peulich — That is tomorrow's business. Don't pre-empt debate.

Mr BARBER — I will certainly not pre-empt the debate for tomorrow, but we are dealing with it right here in this legislation, and Mr Tee has raised it as a debating point. Mr Tee could have said that he thinks a commissioner for public appointments, which they have in the UK, who scrutinises heads of major departments and appointments to major government boards and statutory boards and entities, would be a good thing.

In an analogous case, we had the discussion about the new Chief Commissioner of Police recently. During that discussion Daniel Andrews, the Leader of the Opposition in the Assembly, suggested that that appointment might occur in consultation with him. That was his solution to the problem — that he and the police minister should sit around a table and decide who would be a good candidate for this particular office. I think that would be a major breakdown in ministerial and Westminster accountability. What would happen if the opposition leader ticked off on such an important appointment and the person turned out to be no good? What would the opposition leader and the opposition then have to say about it if they had signed off on that appointment? What about the rest of us in the Parliament who are not part of the government or the formal Labor opposition? It is all very well that those parties get together and have a bit of a chat about it — —

An honourable member interjected.

Mr BARBER — I do not think it should just be me either. At some later time there might be another force represented in the Parliament that wants to have a go.

The Westminster system can be flexible in some ways, but not when it comes to ministerial accountability. In my view that concept has to be retained as more or less sacrosanct. Labor is now trying to raise these kinds of controversies in relation to one particular appointment. The Liberal Party tried to raise them in relation to the appointment of the new head of the Environment Protection Authority. In my opinion these controversies often become very personalised and very dirty and do not benefit the public; they simply get a lot of heat and not much light.

To avoid these kinds of controversies the solution might be along the lines of what the Greens have put forward, which is the appointment of a commissioner of public appointments who would automatically scrutinise each major appointment and the process the government went through to ensure that the appointment was merit based. That is all we are saying here: that these appointments should be based on merit and that in making appointments the minister should be assured that the best candidates that could be found against a set of objective criteria have been appointed. Those criteria will be in the act in this case, so that will make life quite easy.

From the government's statements it seems to be clear that it is not interested in intervening specifically in the product market of outer suburban housing by providing that housing. At least that is the hint it has given us. It would be good to know if the government was still fully committed to intervening in the provision of public housing, and it would be good if it would hurry up and build some. That could very well occur on these sorts of redevelopment sites as opposed to greenfield sites.

The authority — the old version and the new one — is required to have regard to the question of sustainability, but there are not a lot of criteria available for its work in doing that. In certain circumstances it will be governed by the Planning and Environment Act 1987 and the planning scheme, and there are some sustainability criteria there. There is a lot more to the redevelopment of urban land than simply those matters governed by the planning scheme. There are of course the issues of the provision of transport, the way that is integrated into a particular development and other matters outside the planning act that nevertheless are very important. For example, there is the provision of energy and a reliable energy grid that is environmentally friendly, better generation, local production of energy, demand management, high efficiency in the built form and also in appliances and other energy-using devices within dwellings, and the provision of local employment. These are all matters that an ideal developer with a commitment to sustainable development would be considering, but this bill does not contain those criteria.

Those criteria exist in other acts. They exist in the mining act, for example, or to be more precise the Mineral Resources (Sustainable Development) Act 1990. That indicates that this government, like the last government, is not offering any stepped change to the way urban development is done. It puts no particular benchmarks up for itself to be measured against or any particular criteria for this authority to work towards, and that indicates, in yet another area of policy, that we are really seeing a continual vector of Liberal-Labor policies rolling through this Parliament with very little to excite anyone and certainly nothing that will make a major difference to the sort of problems that society is grappling with.

Mr O'BRIEN (Western Victoria) — It is a great pleasure to rise to speak in support of the Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Bill 2011, which is another significant delivery on behalf of the coalition government by the very capable, diligent and industrious Minister for Planning, Mr Guy. It is an important part of the comprehensive planning policy the coalition took to the election, which was a significant component in the Victorian public's vote to bring the coalition government into office to restore confidence, integrity and short, medium and long-term planning that offers certainty, structure and efficiency to the Victorian community. In opposing this proposed policy the now opposition produced no policies going into the last election.

As part of coalition policy this bill has as its primary purpose to abolish what has been called VicUrban and to establish the Urban Renewal Authority Victoria. In that context the bill also seeks to structure some of the roles of the urban renewal authority that had been left either silent in previous legislation or in need of reform.

The purposes of the bill as set out in clause 1 are to abolish the Victorian Urban Development Authority and establish Urban Renewal Authority Victoria as its successor in law, to amend the name of the principal act as a result of the establishment of the new authority, to amend the purpose of the principal act to reflect the purposes of the new authority, to set out additional functions of the new authority and to provide additional eligibility criteria for appointment to the board of the new authority.

Importantly, clause 5 of this bill substitutes section 1, which amends the purpose of the principal act. It provides that the main purpose of the amended principal act will be to:

> … establish the Urban Renewal Authority Victoria—
>
> (a) to carry out or manage or co-ordinate the carrying out of urban renewal projects; and
>
> (b) to contribute to the implementation of government urban planning and development policies; and
>
> (c) to undertake declared projects; and
>
> (d) to complete the development of the docklands area ...

That is a change from the previous purposes of the equivalent authority as set out in the principal act, the Victorian Urban Development Authority Act 2003. Significantly the existing principal act has as its purpose:

> (a) to carry out urban development …

The importance of coordination and management of the carrying out of urban renewal projects is something that, to answer some of Mr Barber's queries, will be a focus of the new authority. This bill will also get rid of subsection (d) of the existing purposes section, which is:

> to assist in the implementation of government urban development policies and strategies (including Melbourne 2030).

This bill replaces that with a much more flexible and ongoing role in the development and implementation of urban policies. It also draws a line in the sand for the removal of Melbourne 2030. I had always criticised that policy for one important reason — namely, that that regional and statewide Victorian planning policy was called 'Melbourne 2030' rather than 'Victoria 2030' or some other phrase that represented the need for statewide planning across all relevant areas of the state.

The opportunities created through the focus on urban renewal as opposed to simply development will enable large and major areas in the metropolitan area and regional centres to be renewed. When pondering the meaning of renewal it is important to consider the definition being inserted into the proposed act by the bill, which states as follows:

> urban renewal means the redevelopment of large scale urban neighbourhoods to improve their amenity for residential and mixed use purposes …

That has been put in as a clear direction to the new authority as to its task. As has been stated frequently by the Minister for Planning since the measures in this bill were announced as part of the release of policies during the election campaign, the measures will enable us to develop where it is appropriate and to renew those areas that are moving into transition to enable Victoria to accommodate increased levels of population in a sustainable, efficient and harmonious way. This will be done in a way that will also improve our residential amenity and allow consistent protection for our metropolitan areas of established heritage, amenity and infrastructure. The present situation in those areas can be maintained where appropriate. With the clear directions provided in the proposed amendments to the existing act, this new authority will be able to deliver on these election promises in an independent manner, and where appropriate it will have structured guidance from the Minister for Planning.

I note that the opposition does not oppose the bill, but one of the criticisms raised by Mr Tee was around the level of independence of the new board and the role of the minister. This bill structures the direction that will be given to the new authority in a way that is transparent, open and clear, a point that was acknowledged by Mr Barber at least in relation to the criteria for appointment to the board. In making his points Mr Tee has overlooked, potentially mischievously — in the sense that this is very clear — that the previous Minister for Planning on many occasions gave very clear directions to VicUrban.

I have at hand a bundle of material released under FOI, but I will turn to a single letter from the then Minister for Planning to Ms Carolyn Lloyd, acting chairperson of VicUrban, which is headed 'VicUrban redefined role and implementation plan — government decisions'. The letter says:

> In March 2010, government endorsed in principle, a redefined role for VicUrban subject to an assessment of the associated financial implications. The redefined role will focus on VicUrban's role towards supporting development of more housing in established areas, particularly Melbourne's inner and middle ring suburbs, central activity districts and in large regional centres.

There is a four-page attachment to the letter which has as its heading 'Redefined role'. The suggestion that there has not been any direction given to the board in the past is not correct. What this bill will do is structure that direction in a very clear manner.

This letter is also helpful in relation to growth areas, which was the second aspect of concern, because it indicates on page 4 the then minister's contemplation of this issue, namely, that:

> VicUrban is to undertake a planned and measured transition out of growth areas, with new operations to occur on an

> exceptions basis, where there are demonstrable policy outcomes … Note: as a transitional arrangement, a detailed business case will be required.

What the government is doing with this bill is structuring that existing form of ministerial direction in a very transparent manner while at the same time indicating that the authority will have a reduced presence in greenfield locations. This is appropriate because where there is a healthy and competitive private market to provide for local market demands there will not necessarily be the need going forward for the authority to have that focus, particularly when under the legislation its focus will be on urban renewal opportunities.

I turn now to some of the transitional arrangements, which are important because they outline what will occur — that is, that the old authority is being abolished and the new authority is its successor in law and all rights, assets, liabilities and obligations of the old authority immediately before its abolition become the rights, assets, liabilities and obligations of the new authority. New section 83, to be substituted in the principal act by clause 15, provides that on the commencement day all staff of the old authority will immediately become employees of the new authority.

I turn to the importance of the independence of the board and the criteria for appointment, which was a point picked up by Mr Barber.

Mr Barber — Nothing gets past Mr Barber.

Mr O'BRIEN — New section 19A, to be inserted by clause 12, outlines the eligibility criteria for the appointment of directors. This indicates the skills, experience or knowledge that the board members will have, including the funding and delivery of infrastructure; property and land development; urban planning; economics and financial management; public administration; corporate governance; housing delivery, supply and affordability; and law, particularly commercial law. These criteria are very appropriate for the board, which will operate in a commercial environment as is appropriate to its role. In relation to the delivery of these projects, it is anticipated that the criteria will assist in the important objectives of delivering both a greater diversity and a greater affordability of housing on these urban renewal sites.

I note that the bill has received support from the Property Council of Australia. In an article in the *Australian Financial Review* of 3 June Ms Jennifer Cunich, executive director of the Victorian division, is reported as saying that the establishment of the renewal authority was a 'significant step in the right direction'.

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

Mr O'BRIEN — Before the dinner break I referred to Jennifer Cunich, executive director of the Victorian division of the Property Council of Australia, who said that the establishment of the renewal authority was a significant step in the right direction. This is a reform that will be of longstanding benefit to the people of Victoria. It will be the sort of thing that our children and our children's children will join us in commending.

I also take the opportunity of congratulating Mr Clarke on his appointment. The criteria that have been set out in the legislation by the government are criteria that that particular individual well suits, and I note Mr Barber's support for merit-based criteria in the appointment process.

In concluding, I indicate that another important aspect of the legislation is that it will place a greater emphasis on resource efficiencies and accountability, with the government setting a performance framework and rigorous reporting measures. The authority's board will be required to develop key performance measures that will be monitored by the responsible departments through the corporate planning process. Supporting this, clause 14 of the bill will require that a statement of corporate intent for the authority address an overall five-year period instead of the current three-year period, in order to provide for a more comprehensive forward plan for the authority. It is also the intention that the authority will continue the work of VicUrban towards being financially self-sustaining. This will require the authority to maintain a strong and balanced portfolio of profit-generating projects to generate sufficient cash flow to cover interest and other costs of non-commercial components of major urban renewal initiatives.

I pick up Mr Tee's concern about what is to happen with the 'dormitory suburbs', to use his phrase. I think he was referring to the greenfield suburbs. We say that the renewal authority will in fact awaken any dormitory suburbs that have lain dormant since the initiatives of the former Kennett government in relation to potential urban renewal areas such as Docklands and will provide a significant legacy to the state for the benefit of all Victorians. I commend the work of the previous VicUrban board, and I commend the bill to the house.

Mr SCHEFFER (Eastern Victoria) — As both Mr Tee and Mr Barber have observed, this bill essentially changes the name of the Victorian Urban

Development Authority to Urban Renewal Authority Victoria and makes some apparently minor changes to some of the authority's functions that do have some concerning implications for Victorians; however, the opposition will not be opposing this legislation.

As with the Regional Growth Fund, which is the new name for the Regional Infrastructure Development Fund, the bill renames and modifies the legislation that underpins VicUrban, the authority devised and established by Labor, which the government wishes to retain but make its own. A good deal of this is about the optics, because the government is under pressure to be seen to be doing something. However, the changes that have been made do need to be taken seriously because they will have some impact on the community and on the prosperity and good management of the state.

The purpose of the Urban Development Authority Act 2003 that created VicUrban was to create a single entity that would strengthen government capacity for a strategic focus in relation to urban renewal projects. The legislation built on the experience of the Urban and Regional Land Corporation and the Docklands Authority, incorporating many functions of these bodies that have found their way into the bill we are considering today. The creation of VicUrban in 2003 enabled a separation of the government's normal regulatory role in relation to urban renewal activities into planning on the one hand and commercial activities on the other. Those roles are better undertaken by an authority such as VicUrban.

VicUrban was also charged with the important responsibility of providing affordable housing, and this area of its activity was critical to the lives of many Victorians aspiring to buy their first homes. VicUrban and its predecessors, the Urban Land Corporation and the Urban and Regional Land Corporation, intervened in the purchase, release and preparation for sale of parcels of land on the urban fringe to limit the cost pressures on land and reduce speculation so as to make home ownership more affordable.

The Urban and Regional Land Corporation, and VicUrban after it, also ensured that the standard of amenity of the parcels of land would benefit residents and so set a benchmark for good infrastructure — parks and open spaces as well as children's services, education and training facilities, health-care services, retail outlets and good roads and public transport. It is also important to recognise that it was the foresight and the commitment of the state through the Urban and Regional Land Corporation, and VicUrban after it, that promoted sustainability and environmental considerations that were factored into the planning and development of new suburban developments.

It was public authorities, not private developers, that led the way in solar orientation of houses, for example, in water saving and energy conservation. VicUrban was directed to build its strategic and technical expertise so that it would be able to provide high-level advice on land development, both to the government and to the private developers, within a policy framework that promoted the principles of sustainable development.

Back in 2003 the coalition strenuously opposed the Victorian Urban Development Authority Bill 2003 on the grounds that the Docklands Authority would somehow take over the work of the Urban and Regional Land Corporation and reallocate funds meant for those needing cheaper land on the fringes to wealthier people looking to buy properties in the Docklands precinct. The coalition — and in fact the record shows it was the member for Hawthorn in the Assembly — accused the then Bracks government of destroying the culture of the Urban and Regional Land Corporation and not respecting the fact that the expertise of the URLC lay in developing the fringe areas of Melbourne and that the Docklands Authority had no expertise in that area, but the fact is that what Labor was doing at that time was building on the skills and expertise of both the URLC and the Docklands Authority to forge an updated structure that was right for the times.

The bill we have before us today retains the general structure and objectives of VicUrban, proving that the basis for the coalition's opposition to the legislation back in 2003 was ill-considered. The powers of Urban Renewal Authority Victoria (URAV) in this legislation are substantially the same as they were for VicUrban, and while VicUrban is being abolished under this bill, we should understand, as previous speakers have indicated, that fundamentally this is an exercise in rebadging.

The provisions set out in clause 9 of the bill, which amend section 7 of the principal act, empower the urban renewal authority to continue to purchase and transfer land and property and to act as an agent of another person. Section 7(1)(j) of the Victorian Urban Development Authority Act 2003, which the coalition opposed, provides that VicUrban holds those functions that are conferred on it by the Docklands Act 1991, and this provision is unchanged in the present legislation, so it is pretty clear that after eight years the coalition is satisfied that it was a good provision and it would have to concede that Labor got it right at that time.

The bill amends section 7(1)(b) of the principal act to enable the URAV to carry out the development of land or to enter into relevant arrangements and agreements only if requested to do so by the minister. Similarly, under this bill the provision in section 7(1)(g) of the principal act that enabled Urban Development Authority Victoria to provide consultancy services in relation to the development of land can only be undertaken if the minister requests the URAV to do so.

The second-reading speech states that the authority will only undertake some of the previous functions of VicUrban where the responsible minister expressly requests that that be done. That change is puzzling when read in conjunction with last Friday's *Age* article by Justin Dowling entitled 'Man with a plan'. In that article the planning minister is reported to have said that he intends where possible to remove himself from the planning process — presumably to stick to policy — yet here we have the minister in this legislation inserting himself directly into the planning decisions of the urban renewal authority. The minister's second-reading speech states that Urban Renewal Authority Victoria's role is to drive major long-term urban renewal projects and cites the 20-hectare E-Gate development in West Melbourne and the Fishermans Bend development as examples. I expect that the authority's focus will also be on other Melbourne sites, such as the Richmond station housing development.

It is critical that we keep up momentum on the urban consolidation program that has been a feature of development in Melbourne over the past period, and we need to continue to push for the renewal and redevelopment of urban sites, but while we are doing this the government should not lose focus on the outer urban developments, and I frankly do not see anything in the legislation or the second-reading speech that identifies that that will continue to be a priority of the government. I am not confident that the government will give attention to that or that it has plans to promote and to continue to develop the outer suburbs.

There is also some cause for concern in that the government is clearly stepping away from the state role through bodies such as the Urban Land Council and VicUrban, where the state has a direct role in the shaping of new developments to both encourage best practice in sustainability, for example, and play a role in making land more affordable.

To be fair, the second-reading speech does say that 'the authority will have a key role in promoting housing affordability'. The words 'a key role in promoting' have been carefully chosen, but that is not the same as saying that the authority will play a leadership role in increasing the availability of affordable housing and ensuring that something is done about the decreasing numbers of young people who are giving up on the private housing market.

The second-reading speech says that the authority will engage with private developers and government departments and agencies in the planning and design of new urban accommodation, and it talks about the complexity of renewal projects requiring government oversight rather than leadership. The second-reading speech says that the authority will have a reduced presence within greenfield locations compared with VicUrban.

Under the direction of the minister the authority may also play a role in facilitating development at strategic locations in regional Victoria. All this amounts to a weakening of the strong leadership role that the Urban and Regional Land Corporation and VicUrban have had over the period that those entities have existed. Frankly I am fearful that there will be an aggregate loss of independence of authority and a lot more direct say-so on the part of the minister, who does not really believe that this is a space in which the state should play a major role. I suspect that this government will defer to the private sector to take the lead, and as others have observed in this debate, it can be fraught with problems when developments are left to the market. For example, where it is imperative that housing be made available to low-income people, as is the case in some of the inner suburban sites, there can be high levels of soil contamination, and there is an important role for entities such as the Environment Protection Authority in making sure that the soils are cleaned up before building takes place.

This legislation and the new arrangements that are set out in the bill have the potential to place the minister in dangerous proximity to developers. He will play the role of gatekeeper and the go-to person who stands between the developers and the new urban renewal authority.

Mr ONDARCHIE (Northern Metropolitan) — I rise today to speak on the Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Bill 2011.

Mr Finn — And happy birthday!

Mr ONDARCHIE — Thank you, Mr Finn, for your wishes; I appreciate them. The bill abolishes the Victorian Urban Development Authority, VicUrban, and creates an Urban Renewal Authority Victoria,

which I will call the authority for the purposes of tonight's discussion. The authority will have the same powers that applied to VicUrban under the Victorian Urban Development Authority Act 2003. The powers include acquiring an interest in land compulsorily by a process with the approval of the minister. The bill amends the purpose of the act to reflect the purpose of the authority and sets out additional functions of the authority to manage or coordinate the carrying out of urban renewal projects.

This bill does not introduce any further limitations on an individual's right not to be deprived of their property; land can only be acquired for the purposes of a declared project with the minister administering the Planning and Environment Act 1987 approval. Projects are declared by the Governor in Council on recommendation of the minister responsible for the VicUrban act and also with Treasury approval. The Land Acquisition and Compensation Act 1986 also applies.

The bill also introduces an eligibility criteria that the minister must take into account when recommending that a person be appointed to the board of this authority. It is on that point that I wish to speak further. It was interesting to listen to the oration by Mr Tee this afternoon. When I joined this place I was interested to hear that 'Mr T' was in the chamber. I was thinking back to the *A-Team* Mr T. I was looking forward to seeing a Mohawk and chains and hearing 'Pity the fool'. I was expecting Mr T from the *A-Team* to be in the chamber. Sadly I was bitterly disappointed. There is not the same amount of energy and not the same amount of personality, but Mr Tee is in the chamber. Mr Tee talked about the appointments to the board. He talked about the appointment of Peter Clarke, a property and planning expert — Cr Peter Clarke from the Melbourne City Council. Mr Tee made some connection, as obtuse as it was — without the Mohawk and chains — between Mr Clarke and his affiliation with the Liberal Party. He seemed in shock that the government would appoint a planning expert to this authority.

Let us talk about government appointments. Let us talk about the appointments of the former government. Let me share this with you, Acting President: the former federal member for McMillan, Christian Zara, was appointed to VENCorp. He was a member of the Labor Party. Elaine Carbines, a former member of this place, was appointed to Parks Victoria. A former member of the Legislative Council, Monica Gould, was appointed to VicForests. Labor Senator Robert Ray was appointed to the Victorian Managed Insurance Authority. Former member of this place Geoff Hilton was appointed to the Transport Accident Commission and WorkCover; he was also a Labor member. There is a surprise, Mr Tee! John McQuilten, a former member of this place — —

Mr Leane — Can we have a drug test?

Mr ONDARCHIE — There should be one on the opposite side; there is no doubt about that, Mr Leane! John McQuilten, a former member of this place, was appointed to the Victorian Regional Channels Authority. Ministerial adviser to the Labor Party, Nada Kirkwood, was appointed to the Melbourne Market Authority, and Craig Cook, John Brumby's chief of staff — remember Craig Cook; nobody else does! — was appointed to Goulburn-Murray Water. I wonder whether they were appointed on their skills and ability, as was Mr Clarke, a planning expert.

Rob Jolly, a former Treasurer — we are still paying for Rob Jolly's time as a former Treasurer — was appointed to EcoRecycle Victoria. Former minister David White — remember him; Victoria is still paying for Mr White's time — was appointed to Yarra Trams. The Prime Minister's buddy Robyn McLeod — I wonder whether she has a view about carbon tax — was appointed as the executive director of water at the Department of Sustainability and Environment. And Paula Benson, the wife of Senator Steven Conroy, was appointed to the Port of Melbourne Authority. Mr Tee took up the time of Parliament talking about Peter Clarke, a planning expert, and his appointment. Mr Tee, with his Mohawk and chains, should hang his head in shame.

This bill demonstrates a clear commitment of the Baillieu coalition government to facilitate large-scale urban change within inner urban areas. The authority will have an active role in strategic projects. It is a sensible bill, it is an appropriate bill and I commend this bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — I wish to make a few remarks on the Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Bill 2011. Just a few short days ago we had the Auditor-General's report entitled *Revitalising Central Dandenong*, which looks into projects undertaken by VicUrban, which is the subject of the predecessor legislation being amended here today. The amendments in the bill deal with the restructure of the new board, particularly the setting out of the eligibility criteria for the appointment to the board of directors.

Basically what this government has done is enable the Minister for Planning to stamp his authority on the processes and structures for making decisions and not micromanage each decision, as we saw, say, with the previous Minister for Planning, Justin Madden, and the various agents and minions he had working on his behalf. It is about making sure that we get the right people in the right positions making good decisions for Victorians.

This bill implements some of the government's key strategic priorities, including putting planning and regulatory reforms in place to assist in the management of population growth and infrastructure planning and developing planning strategies for metropolitan and regional areas experiencing significant growth and change. The bill delivers on the Baillieu government's election commitment to tackle the task of enabling better use of existing areas through urban renewal. It establishes the basis for the Urban Renewal Authority Victoria through amendments to the existing act and seeks to implement what is essentially a restructuring of VicUrban both in terms of its governance and its day-to-day activities.

The Auditor-General raised some issues and concerns and there are some questions that the Minister for Planning and the new board will need to contend with in terms of the level of proactivity they want the government authority to engage in when intervening in the market. I think the Minister for Planning has made the right decision in clarifying the criteria for appointment of directors. He has recently appointed an outstanding chairman of the board, one who has enormous experience in planning in both his professional and council capacity.

The city of Greater Dandenong has benefited from some of the activities of the former authority. I would imagine the minister will, together with the board, look at the parameters of activities of that nature to see where the board can value add to Victoria. Fishermans Bend is an ideal area. There are other areas where perhaps renewal is possible but, as I said, in a very different way and perhaps with the expenditure of less taxpayer funds in achieving that objective. There are people who support some of the things that the previous authority has done. Some of that work is evident in the city of Greater Dandenong. But there are also some shortcomings, and these are the challenges for the new authority to resolve. The sort of renewal that we saw in central Dandenong may have been difficult without such an authority, but there is a long way to go and a range of issues to be addressed.

The skills, experience and knowledge of those on the board will be crucial to its success, especially in the areas of funding and delivery of infrastructure; property and land development; urban planning; economics and financial management; public administration; corporate governance; housing delivery, supply and affordability; and law, especially in the area of commercial law. I think that is the most important change in this piece of legislation. We can only be the beneficiaries of this improvement.

There are many significant opportunities for urban renewal around Melbourne. Dandenong is one, Frankston is possibly another and Fishermans Bend is a third. I look forward to seeing progress, seeing urban growth accommodated in areas where it is most viable and seeing the new authority playing a less interventionist and more productive role in delivering outcomes for Victoria.

Hon. M. J. GUY (Minister for Planning) — I will not take up too much of the house's time because I know we want to go into a committee stage, which I am very happy to do. I want to make some remarks but not so much to the chamber. I want to make some remarks to people who I know might be listening tonight or indeed who may read this tomorrow in *Hansard.* They are members of the public who live on the Aurora estate in Epping North in the region I represent, Northern Metropolitan Region.

Over the last few weeks they have been fed what can only be described as a bunch of absolutely disgraceful, scaremongering lies — lies such as that their estate will not be completed and that community facilities will be ripped out from underneath them. Who has fed them this information? None other than their local member of Parliament, the member for Yan Yean in the other place, Danielle Green, ably assisted by Mr Tee, the shadow Minister for Planning. I simply say to those people listening tonight, your concerns raised with me as to whether this material is in fact a scare campaign from the Labor Party are 100 per cent right. What we have had from the Labor Party has been an absolute disgrace — —

Mr Tee — You are selling them out! Down the drain. Just gone. Gone!

Hon. M. J. GUY — Let me go further for the benefit of the vocal shadow minister. Contained in the pieces of paper I have here, in response to the shadow Minister for Planning who is yelling out that we are selling out the outer suburbs by moving the focus of the authority to the inner city, are almost 30 pieces of

correspondence. They are letters written by the former Minister for Planning, Mr Madden, to VicUrban, the organisation we are replacing here tonight, which authorise the authority to dispose of a quarter of a billion dollars of land assets in areas such as Aurora. Did Mr Madden not tell Mr Tee that? I guess Mr Madden did not. Did Mr Lenders tell Mr Tee that? Did Mr Lenders tell Mr Tee that the previous government had factored in a quarter of a billion dollars of land sales, including Aurora, in this coming term should the Labor Party be re-elected?

Here we have the Australian Labor Party running into this chamber saying, 'You are selling out people living in Aurora', when all along that is what the Labor Party intended to do. What is better than that, though, is the fact that the letters contain an absolute direction from the then Minister for Planning, Justin Madden, demanding that VicUrban change its business program to focus not on the outer suburbs but on inner suburban Melbourne. There was absolute direction from the minister. Concerns were raised by the spiv member for Melton in the other place, Don Nardella, who called people 'spivs' and 'carpetbaggers' — —

Mr Tee — On a point of order, Acting President, the reference to the member for Melton as a 'spiv' is inappropriate, and the minister should withdraw his reference.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I ask the minister to withdraw his comment.

Hon. M. J. GUY — I withdraw.

Other members in the other chamber, such as the members for Yan Yean and Essendon, insulted members in the last Parliament in outer suburbs, talking about obese housing and McMansions, and talking down outer suburbs. Now the Australian Labor Party has the gall to run a scare campaign to the people in Aurora, saying that their communities will be destroyed simply through the refocusing of an organisation, and here is the material on what it was going to do all along. Here are the letters written by Mr Tee's former government. I wonder how many conversations Mr Madden had with Mr Tee about his plans, his absolute directions to VicUrban to change the focus of that organisation. How many conversations did Mr Lenders have with the current shadow ministry about it committing in the previous government to a quarter of a billion dollars of land sales out of VicUrban, which included the sale of Aurora. Tonight we have the Labor Party members threatening and scaring, driving people in the outer suburbs to tears because they may have changes made in their community, when the Labor Party was going to do that all along; and not only that, it is in print. Shame on you! You have shown yourself to be a hypocrite of the highest order, a man not up to the job that he has.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! The minister, through the Chair!

Hon. M. J. GUY — You are quite right, Acting President. He has shown, through you Chair, that he is a hypocrite and not up to the job he has.

Mr Leane — On a point of order, Acting President, the President has ruled on calling individual members hypocrites and said it was unparliamentary. The minister should withdraw.

Mr Finn — On the point of order, Acting President, my very clear understanding is that if Mr Tee has taken offence at what the minister has said, since Mr Tee is in the house he is well within his rights, and presumably it is well within his ability, to rise to his feet and ask for a withdrawal. It is not Mr Leane's place to take offence on Mr Tee's behalf, despite what he might like to do. It is well within Mr Tee's rights to get up and ask for a withdrawal himself.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Again I ask the minister to withdraw his comment.

Hon. M. J. GUY — I withdraw.

I simply say in conclusion that the hypocrisy of the Australian Labor Party is absolute. It is absolutely astonishing and offensive, and it is no wonder that its primary vote is beyond the depths of 30 per cent in every state and nationally in this country when it treats people with such disrespect. It talks down the outer suburbs with venom and then its members walk into this Parliament months later to scare people in an appalling and abhorrent way, when all along the proof is otherwise: that the spivs opposite in the Labor Party, with their mates in the Socialist Left, were always intending to demolish outer urban developments in Melbourne.

I look forward to this committee debate. I very much look forward to running through every single piece of paper I have and reading every bit of them, whether we are here till 4.00 a.m. or 5.00 a.m. Mr Tee will be nothing but a flash in the pan, as is typical of members opposite who have had responsibility for the shadow portfolio before him, who ideologically hate outer suburbs. That has been proven by this evidence today.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr BARBER (Northern Metropolitan) — My question to the minister is: basically the same group of people who are working for VicUrban now are going to continue working for the new authority, and nobody is going to get the sack; is that right?

Hon. M. J. GUY (Minister for Planning) — Yes.

Mr BARBER (Northern Metropolitan) — All these people will now need new business cards and new letterheads, and signs will be going up on doors and so forth. Can the minister tell me how much has been allocated to the changeover of branding and suchlike that will go with this name change?

Hon. M. J. GUY (Minister for Planning) — That is an internal matter for the operation of VicUrban. I do not anticipate it to be a large amount of money.

Mr BARBER (Northern Metropolitan) — We are really going to move right along with this one.

Mr TEE (Eastern Metropolitan) — On this particular issue, I have a question which is picked up further on in terms of the transition provisions, but on this: can the minister give us a sense as to the number of staff who are involved?

Hon. M. J. GUY (Minister for Planning) — Just over 210.

The ACTING PRESIDENT (**Mr Finn**) — Order! Are there any other questions or comments?

Mr TEE (Eastern Metropolitan) — I might just reserve the right to come back to this issue when we deal with the provision in the bill dealing with the staff and the transitional arrangements.

Mr BARBER (Northern Metropolitan) — Further on in the bill there is a set of eligibility criteria for the appointment of directors, but for now can the minister tell me what merit-based process he and his department went through in order to determine that Cr Clarke was the best man for the job of chair?

Hon. M. J. GUY (Minister for Planning) — The same merit-based process that now forms the eligibility criteria in the bill.

Mr BARBER (Northern Metropolitan) — I understand the criteria in the bill, and I do not think there is much doubt that Cr Clarke meets those criteria. What I want to know is what process the minister went through in order to determine that in the possible universe of candidates Cr Clarke was the best man and the best fit for those criteria.

Hon. M. J. GUY (Minister for Planning) — Apart from this not being a part of the bill we are considering, I repeat my substantive answer from before, which is: the eligibility criteria and finding someone whom we believe best fitted it.

Mr BARBER (Northern Metropolitan) — It is part of the bill, because we are setting up a new authority with a new set of criteria. We are putting — —

Hon. M. J. Guy — On a point of order, Acting President, Mr Barber is asking me about the appointment of the chair of the urban renewal authority. The chair of the urban renewal authority has not been appointed. Cr Clarke has been appointed the chair of VicUrban, which is the authority that is currently in existence. The urban renewal authority board will be appointed if this bill passes the Parliament.

Mr Tee — On the point of order, Acting President, the minister has announced — —

The ACTING PRESIDENT (**Mr Finn**) — Order! There is no point of order. That was more a point of explanation, but one that the committee might well take into consideration.

Mr BARBER (Northern Metropolitan) — I think the minister's own press release said that Cr Clarke was also going to be the chair of this new entity when we create it.

Hon. M. J. GUY (Minister for Planning) — Mr Barber is asking me about the past.

Mr BARBER (Northern Metropolitan) — But in the past the minister made a decision which resulted in the announcement that Cr Clarke will be appointed to be the chair of this new entity any minute now, when we create it. What I would like to know is what process the minister went through. I presume there may have been an executive search or a short-list developed or whatever. I would like to know what process the minister went through to determine that Cr Clarke was

the best person to chair the board. The reason it is important is that the minister will now have to appoint other directors and they will also have to meet these criteria, and I would be keen to know if the minister will use the same process to appoint them as he used to appoint Cr Clarke.

Hon. M. J. GUY (Minister for Planning) — In terms of the appointment of Cr Clarke my substantive answer remains that in terms of the criteria that we used. The method of appointment was no different to the method of appointment of previous members of the board under VicUrban. In terms of future members, if and when the bill passes tonight, that will be the point at which the government will consider whether any of those will be direct appointments or whether they will be appointed through a public advertising process.

Mr BARBER (Northern Metropolitan) — So there was no public advertising process for the chair? I think the minister can confirm that. Was there any other process such as a short-listing or an executive search or so forth, or is the minister literally telling me it was just that it came to the minister that he was the guy and the minister made the offer? Which one of those two alternatives was it?

Hon. M. J. GUY (Minister for Planning) — The process, as it was in the past under the previous government, involves the minister making a recommendation to cabinet, which then makes a recommendation to the Governor in Council.

Mr BARBER (Northern Metropolitan) — Yes, that is how it is done, but did anybody make a recommendation to the minister through any process, or did the recommendation arise out of the minister's own brain?

Hon. M. J. GUY (Minister for Planning) — Apart from the crudeness with which we have arrived at this issue, my substantive answer regarding the appointment of Cr Clarke and how it was done remains what it was at the very start. I made the recommendation. There were a number of people who were considered, but I forwarded Cr Clarke's name.

Mr TEE (Eastern Metropolitan) — I barely heard the minister's answer. Did he say that a number of other people were considered but that Cr Clarke was the one who was successful?

Hon. M. J. GUY (Minister for Planning) — I think Mr Tee should go back and read *Hansard*. I said I considered a number of names, and that was the name I submitted.

Mr LEANE (Eastern Metropolitan) — I just want to revisit the minister's previous answer to Mr Barber around the cost of rebranding and the minister's response that he did not expect it to be a large amount. Could the minister further quantify what a large amount may be? Are we talking tens of thousands of dollars or hundreds of thousands of dollars? Would the minister be able to give us some sort of ballpark range about that particular quantum?

Hon. M. J. GUY (Minister for Planning) — We just heard a speech from Mr Scheffer gloating over the Labor Party's successful amalgamation of the Urban and Regional Land Corporation and the Docklands Authority. That would have been a very similar situation in which you had two authorities come together, although the structure and staffing of the authorities remained the same. Even under the previous regime of the Brumby government there were a number of entities such as new departments that were established. When the Kennett government left office, there were 8; when we took office in November last year, there were 11. All of those issues about rebranding and the movement of staff — whether that requires an update in terms of their position description or their business card, as Mr Barber has put it — have been managed before.

It is clearly not going to cost tens of millions of dollars. It is an exercise that VicUrban will manage, not me. VicUrban is an independent statutory authority which manages its own finances through a board and a chief executive officer. It will manage those rebranding issues itself. I cannot believe it will be a large amount of money when we have not given any brief to the authority to go on a large advertising campaign which would obviously be a consideration coming back to government if it were to be approved. It would not require a large rebranding exercise. I have made that clear.

Mr TEE (Eastern Metropolitan) — If the minister will not make the figure available tonight, will he make it available at some stage in the future?

Hon. M. J. GUY (Minister for Planning) — I do not know if Mr Tee has wax in his ears, but how many times do I have to tell him this? How many times does he have to be told what I just said? It is an independent statutory authority. Mr Tee himself has been ranting in his contribution to the second-reading debate about an independent statutory authority, and I have just repeated to him again that an independent statutory authority will make those decisions. That is why you have it. That is why the authority has the authority to run and manage

itself, and it will come back to government with a financial modelling position in terms of going forward — its operational costs. I find it bizarre that during the committee stage of a bill members of the Labor Party are asking — and this is for the record — 'Have you got a costing on how much the reissuing of business cards might cost for 200 people?'. Mr Tee could ask questions about plenty of things in this bill, but he has asked about the cost of business cards.

Mr LEANE (Eastern Metropolitan) — That's all they are going to change?

Hon. M. J. GUY (Minister for Planning) — What does Mr Leane think? Has he seen VicUrban advertising on the top of the Rialto? Has he seen it on Etihad Stadium? Has he seen it on the South-Eastern Freeway? I have not seen it anywhere there. Maybe someone else has seen it there, but I have not. Mr Leane's eyesight might be better than mine. I have not seen VicUrban advertising in any massive, prominent position that requires tens of thousands of dollars in a rebranding exercise, be it on TV or radio, in marketing or maybe even on trade union websites. I have not seen any of this before. If Mr Leane reckons that is what VicUrban needs to do, then maybe Mr Tee might advance that as a Labor Party amendment.

Mr BARBER (Northern Metropolitan) — Before we all start ranting, this bill really only does three things: it sets some criteria for appointing the board; it changes the structure so that the board has to ask the minister's permission before it gets involved in a development; and it changes the name of the organisation. We are being invited to vote on a clause that kicks in around about clause 6, 'Definitions', which simply changes the name. Clause 6 of the bill creates a definition of 'urban renewal', but it does not give the new authority a mandate to do urban renewal. When we are invited to vote on a clause that changes the name — and without that clause the bill would go ahead and operate anyway: the only thing that would be different would be that the organisation would still call itself VicUrban — it is not unreasonable to ask what the cost would be of designing a new logo, putting it up on the walls of all of the new authority's billboards and a complete new website. All of it might run into — —

Hon. M. J. GUY (Minister for Planning) — You guys are out of government. You are on the big things, are you? You got 10 per cent; that is why you got whipped.

Mr BARBER (Northern Metropolitan) — Like I said, it is your bill, Minister. It only does three things, and one of them is it changes the name. If changing the name is going to cost a few hundred thousand dollars, which has been known to happen these days, it would probably be a round of drinks down there just to farewell the old authority.

Hon. M. J. GUY (Minister for Planning) — There is a question, is there?

Mr BARBER (Northern Metropolitan) — It is not unreasonable to ask, but the minister has decided it is unreasonable to answer, so I think we are not going to profit any further from asking another time.

Mr TEE (Eastern Metropolitan) — I remind the minister, following his rant, that the proposition came from Mr Barber, but it is a serious question. The minister has indicated that he will not provide the information and that the authority is an independent authority. That was his response. My question is: will the minister then ask the authority to make that information public?

Hon. M. J. GUY (Minister for Planning) — Acting President, I got up here before and said the wax in Mr Tee's ears must be getting too thick if he could not hear the answer to the other question, and then I hear — —

Mr Tee — On a point of order, Acting President, I think the minister has overstepped the mark in terms of his phraseology, and I ask you to get him to focus on the bill and to not cast aspersions on me.

Mr O'Brien — On the point of order, Acting President, if the accusation from the minister is that the speaker, Mr Tee, has miscategorised his answers, he is perfectly entitled to remind him of what he actually said. The more it gets miscategorised the more it will go on; therefore the point taken by the minister was perfectly valid and there is no criticism there.

The ACTING PRESIDENT (**Mr Finn**) — Order! What are the words that have been used that Mr Tee finds objectionable?

Mr Tee — The expression that caused me concern was in relation to my ears being full of wax.

The ACTING PRESIDENT (**Mr Finn**) — Order! Does Mr Tee seek a withdrawal of that?

Mr Tee — Yes, I do.

The ACTING PRESIDENT (**Mr Finn**) — Order! The minister will withdraw.

Hon. M. J. GUY (Minister for Planning) — I withdraw.

As I was saying earlier, Mr Tee was obviously not listening to the answer. It is not about me saying I refuse to tell Mr Tee how much VicUrban might spend on a rebranding exercise. This bill is not about a rebranding exercise.

Mr TEE (Eastern Metropolitan) — Yes, it is. That is exactly what it is.

Mr BARBER (Northern Metropolitan) — Why change the name?

Hon. M. J. GUY (Minister for Planning) — Are you right? Are we to continue? It will be a long night. I am happy to stay till 4.00 a.m.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Finn**) — Order! It would be very helpful if the minister would speak through the Chair and confine his comments to the bill.

Hon. M. J. GUY (Minister for Planning) — Earlier in tonight's debate we talked about directing a statutory authority. Opposition members are asking me to direct a statutory authority. That members of the Labor Party are claiming I should be directing a statutory authority beggars belief when they said in the second-reading substantive debate that directing a statutory authority was appalling; yet Mr Madden wrote to VicUrban on 30 July 2010 to direct the statutory authority under a heading which quite clearly included the words 'redefined role'. In one part of this debate members of the Labor Party said directing a statutory authority is evil, and now they are asking me to direct a statutory authority on another level. They cannot have it both ways.

Mr Tee interjected.

Hon. M. J. GUY — If Mr Tee is desperate to know the answer about costings to reprint business cards, we will get him the answer. If that is the big issue the Australian Labor Party would like to focus on in the committee stage of this bill at 10 to 9 at night, then I am very happy to get him the information about the cost of the reprint of business cards. Good on him for asking!

Mr BARBER (Northern Metropolitan) — The name is being changed from Victorian Urban Development Authority to Urban Renewal Authority Victoria. I do not want to go into a Monty Python routine about this — the People's Front of Judea — but at the moment it trades as VicUrban. Does the minister have any knowledge as to whether it is possible for the authority to still trade as VicUrban even when it becomes Urban Renewal Authority Victoria and therefore avoid this whole discussion about new stickers to go on the side of its cars and all the other accoutrements that go with a name change?

Hon. M. J. GUY (Minister for Planning) — It is a frivolous question which I think has been answered plenty of times before.

Mr TEE (Eastern Metropolitan) — I welcome the minister's concession that he would provide the costing of the business cards. Will he also provide the other associated costings — I remind the minister that this follows up on Mr Barber's question — in terms of websites and promotional material, because this is a large undertaking and an important consideration?

Hon. M. J. GUY (Minister for Planning) — For Brian 'Big Issues' Tee I am happy to do so.

Clause agreed to.

Clause 2

Mr TEE (Eastern Metropolitan) — This goes to the issue the minister raised in his reply — that is, there is a degree of concern about what happens with the assets that VicUrban holds, and one of those issues comes up in regard to the commencement where the default position is 1 July 2012. Can the minister give us an indication of whether or not that would be the time at which the operation comes into effect or would it be a time before then? Is there any sense of when the bill will be enacted?

Hon. M. J. GUY (Minister for Planning) — Mr Tee has raised two points: the commencement of the operation of the bill and the continuation of contracts. On the first point, the commencement of the operation will be fairly soon. There is no defined date as yet; we will wait and see what happens in the Parliament tonight. The second point is what Mr Tee has raised in the substantive debate and again now around the continuation of contracts. Given there is such interest tonight from the Australian Greens, and indeed the Australian Labor Party, about the VicUrban website, I am betting that none of them has been to that website to see a very clear indication that all contracts that have been entered into by VicUrban will be fulfilled. All will be fulfilled. All the contracts in place for the community services and community infrastructure that have been committed to for places like Aurora will be fulfilled.

As I said in my summary of the second-reading debate, this stands in stark contrast to the previous government, which sought to sell VicUrban's asset in Aurora. Indeed the previous Minister for Planning clearly indicated to the VicUrban board that it should remove VicUrban from outer urban estates like Aurora in Epping, like the Officer development and others. He directed VicUrban to focus on inner urban estates and to dispose of land in outer areas of Melbourne. That was part of the attempt by the former Treasurer John Lenders to rip $250 million from the balance sheet of VicUrban and put it back into general revenue. VicUrban was there to provide funds from the sale of assets like Aurora and Officer — I am speaking to the clause — to fill a $250 million black hole. It is an outstanding revelation given that Labor is now claiming it is standing up for areas that it tried to sell.

Mr TEE (Eastern Metropolitan) — I realise we are on the commencement clause. I have a number of questions that go to the assets provisions. I seek guidance from you, Acting President: should I deal with them in the commencement clause or wait until we get to the relevant clause in the bill?

The ACTING PRESIDENT (**Mr Finn**) — Order! I think it would be helpful if we waited until we got to the appropriate clause.

Clause agreed to; clauses 3 to 5 agreed to.

Clause 6

Mr TEE (Eastern Metropolitan) — Clause 6 is the definitions clause, and paragraph (b) provides the definition of urban renewal. It is a broad definition — it refers to the redevelopment of large-scale urban neighbourhoods — and I wonder if the minister could give us an indication as to the extent of that. I take it that it is not inner urban Melbourne, that it can extend to Footscray or Morwell, for example. Can the minister give us a sense as to how far that definition extends?

Hon. M. J. GUY (Minister for Planning) — Urban renewal is a definition that can apply anywhere around Victoria.

Mr TEE (Eastern Metropolitan) — Could it apply to the eastern suburbs of Melbourne? The minister says it could apply anywhere in Victoria. Does that include regional or rural towns?

Hon. M. J. GUY (Minister for Planning) — All those places are in Victoria.

Mr TEE (Eastern Metropolitan) — It raises the question: what has been the change in focus if everything is in? On that basis it could be greenfield developments. What is the change in definition from the VicUrban definition?

Hon. M. J. GUY (Minister for Planning) — Mr Tee's point is a very good one. He should therefore ask himself why he and Danielle Green, the member for Yan Yean in the other place, have been saying to people in Aurora that the government is going to pull out of outer urban development. When I read the substantive speeches in the other chamber I saw that the opposition's focus was its claim that the government will take VicUrban out of the outer urban market entirely overnight and sell all its assets. Mr Tee raised a very good point: what is the change in definition if that is not the case? Mr Tee is quite right: that is not the case. He has just confirmed to the chamber exactly what I have said all along — that is, urban renewal will be in existing urban areas, obviously, which may be the subject of urban change.

The Urban Renewal Authority Victoria will come in with a mandate, which will be the board's to direct. The areas could be in outer urban Melbourne, Melbourne's middle suburbs, as we have talked about, Melbourne's southern suburbs, in areas such as the Maribyrnong defence land or regional cities like Geelong and areas. Mr Tee referred to the mandate of the authority. The reason for putting that in was to give a definition that provides some clarity — it simply tidies up what was in the legislation previously — and that provides the government with a range of options.

Mr TEE (Eastern Metropolitan) — I am beginning to think that Mr Barber's understanding of the bill might be right. The second-reading speech provides that the authority will have a reduced presence within greenfield locations. I am trying to understand how that is consistent with the answer the minister has just given that it can be anywhere.

Hon. M. J. GUY (Minister for Planning) — It is very clear: reduced does not mean none. It is as simple as that.

Mr TEE (Eastern Metropolitan) — The second-reading speech also talks about how the initial focus would be on specific projects identified by the government. In relation to that I wonder whether the government has a number of sites in mind, what they are and whether there will be a capacity for community engagement in terms of the identification of sites. Will there be consultation prior to the list being finalised?

What process is envisaged for the identification of these specific projects?

Hon. M. J. GUY (Minister for Planning) — The government is going through an audit of land within the urban growth boundary for metropolitan Melbourne. That audit will identify a number of sites, and any large sites that are deemed urban renewal opportunities may be designated for the operation of the authority.

Clause agreed to; clauses 7 and 8 agreed to.

Clause 9

Mr TEE (Eastern Metropolitan) — I am trying to understand the changes in the functions of the new authority. Currently the functions are reasonably broad in the sense that they include the capacity of the authority to carry out development. Under the amendment to section 7(1)(b) of the principal act to be made by clause 9 of the bill that will now become only 'if requested to do so by the minister'. In terms of the urban renewal authority, clause 7(1)(a) of the principal act provides the authority with the power to purchase, consolidate or take on the transfer of or otherwise acquire land, but subsection (1)(b) as amended by this bill seems to be suggesting that if you purchase land under subsection (1)(a), you cannot do anything with that land unless requested by the minister. I ask Mr Guy if that is his understanding of how those two subsections will now operate.

Hon. M. J. GUY (Minister for Planning) — No, it is not.

Mr TEE (Eastern Metropolitan) — I ask Mr Guy to give us a sense of how he thinks those two sections will operate.

Hon. M. J. GUY (Minister for Planning) — I say to Mr Tee that there was a bill briefing and he was there, so no doubt he has been through these points, but for the benefit of the house the key point is that this is a self-funding authority, and as a self-funding authority with the land assets it currently owns — as is the case with VicUrban, and as was the case with the Urban and Regional Land Corporation — it will need a works program. It will obviously choose to develop some of the land it owns, and where there are specific urban renewal sites that have been determined, whether it is metropolitan land or land in regional Victoria, it will come back to the government with a works program which will then be approved or otherwise. That will be a conversation between the board and the government — the Treasurer and the Minister for Planning — and there will then be a commencement program for the authority.

Mr TEE (Eastern Metropolitan) — It seems slightly contrary to the wording of the bill in the sense that there is no point putting forward a works plan unless it contains matters that have been requested by the minister. Unless there is a request from the minister, there is no capacity for the independent authority to enter into any development, partnership, arrangement or agreement for the development of land. All roads seem to lead to the minister's office.

Hon. M. J. GUY (Minister for Planning) — I reject the assertion.

Mr TEE (Eastern Metropolitan) — I have a few more questions on this clause, which I think is clause 7, rather than clause 9.

Hon. M. J. Guy — No, we are on clause 9.

The ACTING PRESIDENT (**Mr Finn**) — Order! We are on clause 9. That is right.

Mr Barber — We are on clause 7 of the principal act.

Hon. M. J. Guy — It is section 7 of the principal act and clause 9 of the bill before the house.

The ACTING PRESIDENT (**Mr Finn**) — Order! I want to make it clear that we are on clause 9 of the bill.

Mr TEE — It does go to the relationship with section 58, which is the work plan provision, which has also been amended by this bill. It effectively requires that every year the Growth Areas Authority (GAA) provides a four-year work plan. I ask Mr Guy if he will be providing to the authority lists of requests as set out in clause 9 for it to incorporate in its work plan? I am not sure what the point of doing a work plan is if the only actions the authority can take are at the minister's request.

Hon. M. J. GUY (Minister for Planning) — I am not sure what Mr Tee is asking. He is asking about a works plan and about the GAA's relationship with the minister. Clearly the minister, the government and the board of VicUrban, or indeed the board of the Urban Renewal Authority Victoria, will have a relationship and a discussion. In the case of the former Minister for Planning, Mr Madden, it was a direct direction of what the authority should be doing in terms of priority projects. We have mentioned some of those priority

projects in the public arena, and beyond that there is a works program that is drawn up by the authority, whether it is looking at land assets it currently has or sites it could redevelop. That is no different to the way it has been done in the past in terms of informing the government of the works program it had in its coming agenda.

Mr TEE (Eastern Metropolitan) — Under this bill the authority has no capacity to do any of that. It has no capacity to enter into an agreement or an arrangement. That cannot be initiated by the authority; it needs to be at the minister's request. That is the change that is set out in clause 9.

Hon. M. J. GUY (Minister for Planning) — Mr Tee has not asked a question.

Mr TEE (Eastern Metropolitan) — My question is: where in the legislation is there a capacity for the new urban renewal authority to initiate any arrangements or agreements for the development of land?

Hon. M. J. GUY (Minister for Planning) — For 35 minutes the opposition parties have been claiming that this is simply a rebadging exercise. Now we come to the crux of the matter — that is, that the government is creating an urban renewal authority that is a self-funding entity that does not remove itself from outer urban growth markets and that has a focus on regional Victoria and a focus on site-specific areas that indeed follow a pattern, as I said, of clearly defined urban renewal in obvious sites as a result of the government's metropolitan land audit in one key point. The urban renewal authority is not behaving as a private developer owned by the government, as was the case in some instances with VicUrban. It is an authority of government that has a close relationship with government to ensure that urban renewal can take place in specified sites around Victoria. The function of this bill is to create a good working relationship between the government and the authority.

No doubt Mr Tee will say to me that I am simply directing the authority as to what it should be doing. That is not the case. You cannot have a successful authority of this nature if you do not have, first of all, government having a good understanding of what the authority is doing, and secondly, a conversation between the two, particularly with regard to government, as to where that urban renewal will be taking place. This bill will create a new authority out of the structure of VicUrban, and it will create an authority that has a very clear brief, a very clear mandate, and a works program that will obviously be formed by its board and indeed with the consent of government to proceed in a number of areas. It is not terribly different to VicUrban.

It was very clear from Mr Madden's attitude in the past what he believed the works program of VicUrban should have been — in fact he directed it. This is an authority that has the ability to conduct those urban renewal projects but one which will do so with a close working relationship with government so that all policy outcomes, such as the social aspects — it might be education or health facilities — are integrated into those developments. What it means is if we are conducting a large-scale urban renewal site, it is not being done in isolation from other areas. The bill will obviously establish an authority which will then be able to bring urban renewal projects on stream but also government services that can be factored in at the time of those developments.

Mr TEE (Eastern Metropolitan) — I think where we started was that Mr Guy indicated that there had not been a change to the capacity of the authority. This is the rub, really, and perhaps where Mr Barber and I see this bill differently. That is why I am seeking Mr Guy's clarification. Currently VicUrban can enter into arrangements under its own initiative. It can enter into agreements for the development of land. That is a power it has.

Hon. M. J. Guy — Above a certain amount of money.

Mr TEE — Under this bill the urban renewal authority can only enter into an arrangement or an agreement for the development of land at the minister's request. Mr Guy indicated that was not the case. My question is where is the power for the urban renewal authority to enter into arrangements or agreements for the development of land independently of a request from the minister?

Hon. M. J. GUY (Minister for Planning) — I think this is the fourth time I have answered the same question. I am not sure how I can answer it any differently to satisfy Mr Tee. I have said fairly clearly: this authority will have a work program that will be worked between government and the authority to ensure that all aspects and a whole-of-government approach are factored into urban renewal. If Mr Tee does not like it, and if Mr Tee does not think a whole-of-government approach should be factored into urban renewal, then he should say that.

Mr TEE (Eastern Metropolitan) — I think it is great; I just wish this bill would provide for it.

However, this bill starts and finishes with the words 'if requested by the minister'. If there is no independent power, I am happy for the minister to concede that, but I am giving the minister the opportunity to demonstrate that there is an independent source of power, provided for in this bill, for this authority to enter into an agreement or an arrangement for the development of land.

The ACTING PRESIDENT (**Mr Finn**) — Order! The minister.

Mr Tee — I've given you four chances. If you can't — —

Hon. M. J. GUY (Minister for Planning) — This is a fifth chance, and I am not going to answer it a fifth time. I have made it very clear.

Mr TEE (Eastern Metropolitan) — That is the answer I wanted. This question is in relation to the 'requested by the minister' aspect, which I think we will need to acknowledge is an important change. The question also goes to the issue of the communities out at Aurora, Meridian, Lynbrook, Riverwalk, and the sudden change in the legislation meaning that the urban renewal authority can enter into arrangements or agreements if requested by the minister. My question is: what guarantee will the minister give those communities that the urban renewal authority will be the authority that will continue the developments they have entered into? These are communities that do not necessarily have contracts; community members have contracts for the building of a house, but with VicUrban they have an understanding that goes to communities, to schools, to shops and to parklands. What the minister has provided in this bill is the capacity of the urban renewal authority, if requested by the minister, to enter into an arrangement with another developer involving their homes, their dreams and their communities.

Hon. M. J. GUY (Minister for Planning) — Says the Australian Labor Party, which said that these people lived in obese housing. Let me again say to the people the ALP insulted six months ago and who it now purports to defend tonight: all the contracts and all the structured planning and development plans that have been submitted will be honoured. They will be honoured, and they will be honoured in a timely manner, in a manner that has been set out in the development plans and, more to the point, in a manner in which the previous government did not seek to honour them. The previous government sought simply to sell those parcels of land without joint-venturing them and without guaranteeing any of the development plans that existed in any of the areas that Mr Tee mentioned. The current government will guarantee that those development plans will be honoured.

There is a key difference between what I have said tonight and the mischievous — there is a four-letter word starting with 'l', but I will use another term — commentary that has been made by Mr Tee and the member for Yan Yean in particular, which is utterly untrue. Those members have run around outer urban suburbs of Melbourne telling people that shops will not be built; parks will not be established, even though the parks the members were talking about already exist; and that railway lines will not be built, and again these were railway lines that were never budgeted for by the previous government. They have been saying none of those facilities will be built.

I say simply: the development plans that have been put forward are plans we are still working towards, and they will be honoured. The previous government sought simply to sell those planned developments and use them as a quick cash cow.

Mr TEE (Eastern Metropolitan) — I will give the minister a second chance. The question was: for those communities that are currently hanging on to their dream of a dream community, be it in Aurora, be it in Meridian, be it in Lynbrook or be it in Riverwalk, what guarantee does the minister give those communities that the new urban renewal authority will complete their communities?

Hon. M. J. GUY (Minister for Planning) — There is the guarantee on the website saying those development plans will be completed, the guarantee in my previously issued press release, the guarantee in the second-reading speech, the guarantee of the Premier, the guarantee that has existed in all government commentary to date, the guarantee of the incoming chairman of the urban renewal authority and indeed the guarantee of the chairman of VicUrban, made today, that the contracts and the plans put forward by VicUrban will be carried out. In the outer growth areas that will be the case.

I do not know how many times I need to restate this. Is there any other way I can state this? I do it despite those opposite wanting to sell the relevant land off and scrap those development plans. I am going to complete them. Is there any way I can say that more clearly so that there is not a third question? How would Mr Tee like me to state this even more clearly for him? Those opposite wanted to sell these developments for cash, and I intend to complete them.

Ms Mikakos interjected.

Hon. M. J. GUY — On a point of order, I think Ms Mikakos should withdraw the gratuitous comment involving obscene words.

The ACTING PRESIDENT (**Mr Finn**) — Order! I did not quite hear what she said. Was it an obscene acronym perhaps?

Hon. M. J. GUY — There was one indeed.

The ACTING PRESIDENT (**Mr Finn**) — Order! The minister has taken offence at Ms Mikakos's comment; I ask her to withdraw.

Ms Mikakos — On the point of order, Acting President, the usual practice would be that the minister would disclose what it was he took offence to.

The ACTING PRESIDENT (**Mr Finn**) — Order! I think the minister heard very well what the member said, and I think I did too. I ask Ms Mikakos to withdraw.

Ms MIKAKOS (Northern Metropolitan) — I withdraw, Chair.

In relation to this line of questioning, Aurora has been a flagship development for VicUrban for many years, and I have been very proud that that flagship development has been occurring in my electorate of Northern Metropolitan Region, which is also the minister's electorate. I would hope that as the new Minister for Planning the minister would be a champion for the completion of this development, and I would hope that residents who have bought into that estate will benefit from the completion of the development over time. I do not think it is appropriate that the minister is seeking to be flippant about concerns that the local member, the member for Yan Yean in the Assembly, Danielle Green, has raised in relation to the operation of this bill. I too was very alarmed when I looked at the second-reading speech and read that:

> The authority will have a reduced presence within greenfield locations, compared with its predecessor VicUrban.

This issue has already been explored very capably by Mr Tee, but those residents deserve a detailed explanation in relation to that shift in emphasis. I think Ms Green has been doing a stellar job in raising the concerns of those residents around these issues.

I want to pursue a range of issues around Aurora specifically because I would like the minister to have the opportunity this evening to give certain assurances to residents in relation to that development. In particular, the structure plan for the Aurora development includes a rail reservation and public transport corridor. I would like the minister to address whether that corridor will be preserved and whether that community will ever have train or bus services delivered to it as a result of that reservation.

Hon. M. J. GUY (Minister for Planning) — I cannot let this chance go. Here we have a member who has been here for the best part of a decade. She sees a rail reservation put through the middle of an estate in her own electorate and she is now getting up and demanding answers as to when the current government is going to fund a project that she advocated for for 10 years and got not a cent towards. A failed member, who for 10 years does not get a cent towards something, runs out after losing an election and says, 'Now you need to fund the projects that I failed to get funding for for the last decade'.

Ms Mikakos — You scrapped the busway.

Hon. M. J. GUY — I simply again refer to commentary made at the time by the previous Minister for Planning in the *Australian Financial Review* and in letters he sent to the board of VicUrban where he directed it to dispose of land assets that it had in its possession. I simply say that the fears being pumped up by the member for Yan Yean in the other place are obscene. Fears are being pumped into people who are living in a terrific outer urban estate, trying to get on with their lives, by their local members of Parliament, both upper and lower house — in fact Mr Tee is effectively a local member of Parliament, given he lives in my electorate, not in his own — who are running around town and running into this electorate trying to scare people. I will say it again: the plans that were put forward will be honoured. Those people have nothing to be concerned about in relation to the completion of that development. Indeed I am a big supporter of outer urban development and have been for some time. My commentary on that is on the record, as opposed to others who referred to that and other developments as 'obese housing' and 'McMansions' and talked them down.

I simply say again that the government has made commitments. The urban renewal authority will complete the projects and the contracts that have been put on the table and the development plans within them in the outer urban areas. That is one in particular that, as Ms Mikakos says, I will have a keen interest in. If we can get better outcomes for local communities, we will explore them — better outcomes as opposed to a

number of the blocks in the northern part of the Aurora estate which are some way off coming on stream.

Mr BARBER (Northern Metropolitan) — I am even more outraged on this point than the minister is, if that is possible. Back in 2006 the VicUrban website in relation to the Aurora estate actually stated that all houses on the estate — and these are virtually the words that were on the website — would be within 400 metres of public transport and 800 metres from the railway station. That is what it said on the website in early 2006. The then Labor government released *Meeting our Transport Challenges*, and the projects listed in the appendix indicated that the South Morang extension was going to happen decades down the track and the North Epping extension had been taken completely off the list of future projects, so well outside 2025 in that instance. Within a few days of *Meeting our Transport Challenges* being released, VicUrban took the words off the website. If anyone has any doubt about this, they can check the question that I asked in estimates hearings of Minister Theophanous, who was then the minister responsible for VicUrban. He basically laughed it off. He said, 'It is pretty close to a freeway so they can be in the city reasonably fast on the new Craigieburn bypass'.

It is reasonable to ask a new government when it thinks it might get around to building a North Epping railway spur, but to put it in the terms that Ms Mikakos just did is I think an absolute outrage. The former government took the carpet out from underneath those who had already committed to living in North Epping. From 2006 up to 2010 it never promised to reinstate that particular rail project, albeit leaving a reservation in place, because over that time the structure plan for the estate did not change, and it still has not changed as far I am aware.

Ms MIKAKOS (Northern Metropolitan) — I take that to be a comment in support of the minister. As I said, there is a range of issues from those affected residents in relation to the structure plan that deserves a response. There is also one of the very necessary arterial roads, the north–south link shown in the structure plan, which is in fact Edgars Road, for which 700 metres of the extension from Cooper Street to O'Herns Road remains unfunded. What assurances can the minister give Epping North residents that this remaining part of that crucial road will be funded?

Hon. M. J. GUY (Minister for Planning) — In relation to the development of Aurora and the road the member is talking about, one is separate from the other. As someone who is the former parliamentary secretary for planning, who presided over letters being sent to VicUrban effectively for the sale of this development, who now feigns concern about the residents living in that development, I just wonder when Ms Mikakos last went out there. I suggest she has not been out there. The road she is talking about is one with arterial access to it, which would be considered outside of a development plan for that site.

Ms MIKAKOS (Northern Metropolitan) — I take that to be a no from the minister. The other issue that I think is of great significance to affected residents is that relating to schools. The Aurora structure plan indicates that five schools are to be built there. What assurances can the minister give the affected community that those schools will proceed?

Hon. M. J. GUY (Minister for Planning) — The same guarantees that Labor gave them before the election.

Mr TEE (Eastern Metropolitan) — I suppose the way the concern is raised is that if we look at the second-reading speech we see it talks about the authority having a reduced presence within greenfield locations. I think the minister has previously said that the authority will be self-sustaining. The second-reading speech also talks about a focus on the strategic redevelopment of large-scale urban neighbourhoods and it refers to Fishermans Bend. What we have is an authority that needs to be involved in Fishermans Bend, which is a very contaminated site. It has to get that, a site which the minister said would be the building block for affordable housing, with speed, up to market.

The government has a very expensive site that is contaminated. On the one hand it wants to have it as the building block for affordable housing. On the other hand the government is saying it will have less of a presence in greenfield sites. Somehow or other, through some magic pudding, the authority will find the money to develop the Fishermans Bend site. Concern has been raised that the greenfield sites, Aurora sites and sites like those will be used to fund the development at Fishermans Bend. Can the minister confirm that?

Hon. M. J. GUY (Minister for Planning) — Mr Tee made some comments about the high cost of cleaning up contamination at Fishermans Bend. I am wondering whether Mr Tee could advise the committee of the source of that information so that I can give him a proper explanation in relation to the cost.

Mr TEE (Eastern Metropolitan) — As I understand it, the minister's department has received a report on

the costs, and I would appreciate it if the minister made that report available to me.

Hon. M. J. GUY (Minister for Planning) — I have two points. Firstly, I do not have any detailed material such as Mr Tee is referring to; and secondly, I take it that means the question Mr Tee just asked me is defunct, given that he has effectively made an assertion in terms of clean-up costs as opposed to an actuality.

Mr TEE (Eastern Metropolitan) — The point is that the minister has got the report on the clean-up costs associated with Fishermans Bend; I do not.

Hon. M. J. Guy — No, I don't. I just said I didn't.

Mr TEE — I think it is public knowledge that the Fishermans Bend site is very polluted after having experienced 100 years of heavy industry. I had not realised that that was contested. My question really is: how is the urban renewal authority going to turn that into a building block of affordable housing unless it sells off some of its assets?

Hon. M. J. GUY (Minister for Planning) — Mr Tee may be confusing the areas in Fishermans Bend that the government has set aside for urban renewal. South of the freeway, north of Williamstown Road, near Montague Street there are no heavy industrial areas. Mr Tee may be confused in what he is actually talking about. Indeed there is already existing residential in parts of that area. There is light industrial, existing residential and some low-rise, low-density business zones. There is a part in the area we are considering, a smaller part, which is a heavy industrial area — I will certainly grant Mr Tee that — but the vast majority of the site is not what he has just referred to. There are no secret government reports which we are sitting on, something which he has again referred to, despite my saying I did not have something on my desk of that kind. He has again referred to something which I said I did not have. I simply answer his question by saying that if he wants me to give him an indication of cost, I can give him indications or provide him with information but I cannot do it based on an assertion.

Mr TEE (Eastern Metropolitan) — Perhaps we will agree to disagree about whether or not Fishermans Bend is contaminated. My question really is: how is the urban renewal authority going to fund turning that site into a building block of housing affordability?

The ACTING PRESIDENT (**Mr Finn**) — Order! I do not know whether this line of questioning is entirely relevant to the bill. I think we are getting into the detail of how the authority is going to operate once it comes into being. I am just wondering about the relevance of Mr Tee's line of questioning.

Mr TEE — The relevance is the minister's second-reading speech, which talks about a focus on Fishermans Bend and urban renewal, about the authority not getting any government money and about a reduced presence in greenfield sites. My question is: is the government wanting to sell greenfield sites in order to fund investment in Fishermans Bend? I think that is the question I asked.

The ACTING PRESIDENT (**Mr Finn**) — Order! If the minister is happy to answer that, I will allow it.

Hon. M. J. GUY (Minister for Planning) — This is it, Acting President. The Australian Labor Party just cannot divorce itself from this big government, we know best, Soviet-style, taxpayer-funded model of urban renewal. It just cannot do so, no matter what it does, no matter what it tries, and that is clear from Mr Tee's question when he uses the words 'in order to fund'. It suggests the government will have to go in every time there is urban renewal in the state of Victoria. Mr Tee is asserting that this requires the government to find hundreds of millions of dollars to compulsorily acquire every parcel of private land, to conduct clean-ups on those sites, do rezonings and then itself build the buildings and sell them off, in the same way that urban renewal was conducted in the Brezhnev era. This is not how it has been conducted in Sydney or in Brisbane, or how it was conducted in some areas around Southbank under the Cain government. Urban renewal can take many forms. In areas around Montague Street, which we have mentioned in relation to existing residential, on the other side of City Road there are live applications — some of which were approved by the former Minister for Planning, Mr Madden — which are very close to that boundary right now.

Urban renewal does not mean the government buys land, the taxpayer funds it and we put in government services and buildings. It does not mean the Labor Party model of urban renewal. I would ask Mr Tee to open his mind when it comes to urban renewal. It does not all have to be paid for by the taxpayer. Private industry, if there is a demand, can be part of the solution. It was part of the solution for the Cain government in Southbank, it has certainly been part of the solution around Barangaroo in Sydney, and certainly in Brisbane under the Bligh and Beattie governments. It has been part of the solution in waterfront areas around Hobart under Labor governments. But suddenly there is this view that urban

renewal in Victoria can only occur if the taxpayer buys the land and the government does all the work to establish a rezoning and then builds the buildings itself. I simply say that is not the model we are pursuing for this area.

Mr TEE (Eastern Metropolitan) — Perhaps, Acting President, we can try to provide some comfort to those communities out there by my asking further questions. The requirement for the authority to enter into any arrangement is a request from the minister. Will the minister make those requests public? Will there be criteria or guidelines that he follows before he makes those requests? What comfort can he give in terms of accountability and transparency?

Hon. M. J. GUY (Minister for Planning) — Certainly more than was given under Labor when it was in government just seven months ago in relation to the works program for VicUrban. Let me just say again that our program of projects will obviously be public. Indeed it is hardly secret that this government is engaging in urban renewal. For someone to assert that somehow this government has an agenda of urban renewal that is secretive, given all our public comments to date, is laughable. I say that because of all the comments made to date in question time, in public forums and in media releases that this government has made about urban renewal.

We actually named and specified areas for urban renewal in policy at the last election. Labor did not even have a policy in the lead-up to that election. We have been up-front and open and we have said we will create an authority to focus specifically on those sites. It is ridiculous that there are suggestions the government will have to sell developments like Aurora, when the only people who are on the record about having to sell those sites are members of the previous Labor government, a government which demanded that $250 million be forwarded back to Treasury from VicUrban land sales, including the sale of places like Aurora, which was a policy that Mr Tee and Ms Mikakos, as the then Parliamentary Secretary for Planning, presided over. As Mr Tee can imagine, that really gets under our skin.

Here we are doing everything we can to clean up the mess of the previous regime, to put in place some guarantees to people in estates like Aurora, to look for private sector solutions in partnership with the government for places like the area of Fishermans Bend, which is technically Port Melbourne, and to have conversations with the local government area and community groups to bring everyone on board so we can retain a model of urban renewal that does not draw hundreds upon hundreds of millions of dollars from the taxpayer purse, and the best we can get from the members of the Australian Labor Party is for them to turn around and say, 'How much is the taxpayer going to pay for it?'. Again, they should diversify their thinking when it comes to urban renewal.

Mr TEE (Eastern Metropolitan) — I take it we will not know what the minister's requests are until people see the building on the ground. The other issue in clause 9 is the removal of VicUrban's function to provide a competitive market for land, and I am wondering on what basis the minister believes that the private sector will now adequately do this. My question is: what is the minister's thinking in relation to the removal of that function?

Hon. M. J. GUY (Minister for Planning) — I am getting asked a question in committee as to what my thinking is in relation to this bill. I would appreciate it if Mr Tee could rephrase it into a proper question.

Mr TEE (Eastern Metropolitan) — The minister needs an opportunity to think. Currently VicUrban has a function to develop land in Victoria for residential and other urban purposes and to provide a competitive market for land in Victoria. His bill removes that function, so VicUrban is no longer required to provide a competitive market for land in Victoria. My question is: why did the minister remove that function?

Hon. M. J. GUY (Minister for Planning) — The question is whether or not that function was being fulfilled, and I guess the Labor Party needs to ask itself whether or not over the time it was in government selling house and land packages in Niddrie for $1 million was providing a competitive market in Victoria. We believe that $1 million for a house and land package in Niddrie was not providing a competitive market.

Mr TEE (Eastern Metropolitan) — Just to be clear, you have removed the requirement to provide a competitive market for land because you think that it is no longer required because the market is providing a competitive market for land on its own?

Hon. M. J. GUY (Minister for Planning) — The more people who are in the greenfield development market the greater competition there will be. When we came to government there were 80 projects in the growth areas of Melbourne; as a result of this government bringing on land and bringing on developments quicker through the precinct structure plan process being brought forward there are now 108.

I mention this as a point of information, not as a point to gloat over or take credit for. I mention this as a fact: land prices in growth areas have been stabilising in the last two months, so the more people we bring into those markets the greater the competition will be amongst developers.

This government has a clear agenda aimed at bringing a larger number of people into those markets to bring that level of competition, which will only have benefit at the retail end. Simply going in with a government developer where there are a few dozen developers in the outer urban greenfield market is not alone going to guarantee price competitiveness or indeed a good retail outcome, because they will then price their product around the market that exists. If you have greater private competition in those markets, you will be able to offer a price stabilisation force that does not exist if there are only a few dozen developers in the market. I repeat that in the short seven-month period that we have been in office 28 extra developers have entered the greenfield market.

Clause agreed to.

Clause 10

Mr TEE (Eastern Metropolitan) — This is clause 10, which provides that you can provide direction in relation to specific urban renewal projects, and again my question is: will there be a process, will people be able to make applications, will the minister follow guidelines and will he make public any decisions that are made under this clause?

Hon. M. J. GUY (Minister for Planning) — I go back to what I said before. Will I make it public? Where has Mr Tee been since the election in terms of Fishermans Bend, the Maribyrnong defence site and the Richmond station? Where has the Labor Party been in terms of making sites public? I simply say again that we have been very public as a government, and there is a power in there, as Mr Tee says quite correctly, that provides for specific direction to be given to the authority. That relates to the Fishermans Bend site for one; it might apply to the Maribyrnong site for two, although to VicUrban's credit it has been working for some time on the possibility of acquiring that land; and Richmond station might be another where we will direct the authority to investigate whether there is a viable option to go in and conduct some urban renewal, which would give a good transport outcome and give a good residential or mixed use outcome. The direction is given to the authority to go in there and look at the options.

This clause is indeed quite a good one, and it provides the government with the power to give the authority direction to go and solve some of the problems in those sites.

Mr TEE (Eastern Metropolitan) — The minister has given examples of issues that he has made public. There is a power there to direct the urban renewal authority in relation to specific urban renewal projects. My question is: will the minister make those directions public and indeed will he consult with the public before he makes a decision in relation to those directions, or will the community simply see the effect of the minister's directions when the buildings go up?

Hon. M. J. GUY (Minister for Planning) — We are establishing an authority to conduct urban renewal. I am not sure how on earth it would work or how anything would be done within 30 years under Mr Tee's method of governance. We are establishing an authority, and that authority will go through processes of consultation. Be it with the community, be it with the council, be it with industry, the authority will go through all the necessary steps of consultation to ensure that requests for the government to examine particular areas are followed through. We have stated that for some time, and I restate that again.

Mr TEE (Eastern Metropolitan) — So that is a no.

Hon. M. J. GUY (Minister for Planning) — I am counting down. This is the eighth time I have had to restate the answer for Mr Tee's benefit. I say to Mr Tee that I am not going to have a ministerial office duplicate the work of an authority of 210 people. He may choose to do that if he is ever a Minister for Planning, but I am not going to usurp the work of an authority I am about to establish.

Mr TEE (Eastern Metropolitan) — This is not about the work of the authority, this is about the direction that the minister provides to the authority. Will the minister make that direction public?

Hon. M. J. GUY (Minister for Planning) — I have already stated that I have.

Mr TEE (Eastern Metropolitan) — The authority is not yet in place. The legislation has not gone through. Once the legislation has gone through, if the minister exercises his power under this provision, will he make that direction public?

Hon. M. J. GUY (Minister for Planning) — Will I make it public? I have the *Victorian Liberal-Nationals Coalition Plan for Planning* — I will find the relevant

page to save time. I will tear it out and give it to Mr Tee because it is a clear indication of what the government views as the role of urban renewal and where we want to go.

Mr TEE (Eastern Metropolitan) — Yes or no?

Hon. M. J. GUY (Minister for Planning) — What I am — —

Mr Tee — That was a no.

Hon. M. J. GUY — Mr Tee has already been scaring people in Aurora by saying they are not going to get a railway line that his party never funded and never promised. If he wants to tell more untruths, he should go away and do that. We are establishing an authority that will conduct the relevant consultation and work to get on with programs that will provide great urban renewal for Victoria. I am not going to go through the consultation phases that an authority, which is an independent statutory authority, will be conducting. The intentions of the government for this new authority are well stated. I am desperately trying to find for Mr Tee the pages in our policy — our intentions are well stated, clear and public, and anyone who would suggest otherwise would believe that the world is flat.

Clause agreed to; clauses 11 to 14 agreed to.

Clause 15

Mr TEE (Eastern Metropolitan) — This is the clause in relation to staff, and I will not revisit the costing — that hoary chestnut. There is a reference to the transitional staff of the old authority in proposed section 83(2)(b) to be inserted by clause 9 of the bill. It states:

> the person is not entitled to receive any payment or other benefit by reason only of having ceased to have been an employee of the old authority.

I am wondering whether under the federal award provisions that govern the employment of the 200 staff there is a capacity for them to claim a redundancy payment as a result of the transmission of business.

Hon. M. J. GUY (Minister for Planning) — Could the member restate that question, please?

Mr TEE (Eastern Metropolitan) — The 200-odd staff that the minister has identified are covered by a federal award. Most federal awards provide that where there is a transmission of business the staff are entitled to a redundancy payment. I am wondering whether that is the case in relation to these staff.

Hon. M. J. GUY (Minister for Planning) — If they are covered under a federal award which states that, my inclination is to answer that that would be the case.

Mr TEE (Eastern Metropolitan) — I was not asserting that that was the case; I was asking whether the minister knew if that was the case.

Honourable members interjecting.

Hon. M. J. GUY (Minister for Planning) — Do you want an answer or not?

Ms Mikakos — We were waiting for your answer.

Mr Tee — We are just talking amongst ourselves while you get ready.

Hon. M. J. GUY — I have just given it.

Ms Mikakos — Sensitive, aren't you? It is an inclination.

Hon. M. J. GUY — I will make it easy for you.

The ACTING PRESIDENT (**Mr Finn**) — Would the minister like to reiterate his answer for the house?

Hon. M. J. GUY — I just stated to Mr Tee that that is a specific relation in terms of the human resources status of the staff employed at VicUrban. I say to Ms Mikakos that Mr Tee put it within the realms that they were employed under a federal award and then stated what is provided in the federal award. Thus I assumed what Mr Tee put to me is correct. That is not a question I can answer. I am not aware of the specific contracts that govern the people employed at VicUrban so I cannot give Mr Tee an answer immediately, because obviously I have nothing to do with it. That is a question that I can take on notice to get an answer for Mr Tee.

Mr TEE (Eastern Metropolitan) — I thank the minister for his answer.

Clause agreed to; clauses 16 to 23 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ABORIGINAL HERITAGE AMENDMENT BILL 2011

Statement of compatibility

Hon. W. A. LOVELL (Minister for Housing) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Aboriginal Heritage Amendment Bill 2011.

In my opinion, the Aboriginal Heritage Amendment Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the Aboriginal Heritage Act 2006 (AH act) by inserting provisions to retrospectively authorise approvals of cultural heritage management plans given in good faith by employees, officers or directors of registered Aboriginal parties for the purposes of the AH act.

This amendment will ensure that statutory authorisations made in reliance on these decisions are not rendered invalid. This will preserve the position of project proponents who have relied on these decisions in progressing projects and protect the state of Victoria from potential legal liability.

Human rights issues

1. Human rights protected by the charter act that are relevant to the bill

The bill is compatible with section 19 of the charter act in that it upholds the rights of indigenous people to practise their culture through decision making in relation to the management and protection of Aboriginal cultural heritage.

2. Consideration of reasonable limitations — section 7(2)

The bill does not limit any rights.

Conclusion

The Aboriginal Heritage Amendment Bill 2011 is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Wendy Lovell, MLC
Minister for Housing

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. W. A. LOVELL (Minister for Housing).

Hon. W. A. LOVELL (Minister for Housing) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill will amend the Aboriginal Heritage Act 2006 by inserting provisions to retrospectively deem that approvals of cultural heritage management plans given in good faith by employees, officers or directors of registered Aboriginal parties are taken to have been given by the registered Aboriginal party for the purposes of the act.

The legislative and administrative regime established by the act was introduced in 2006 by the former government and came into effect in May 2007.

This amendment will ensure that statutory authorisations made in reliance on these decisions are not rendered invalid. This will preserve the position of project proponents who have relied on these decisions in progressing projects, thereby removing the unnecessary uncertainty created by legal questions recently raised by the Victorian Civil and Administrative Tribunal. There are a number of private and public projects that are potentially affected.

Objectives of the Aboriginal Heritage Act 2006

One of the key objectives of the Aboriginal Heritage Act 2006 is to accord appropriate status to Aboriginal Victorians with traditional or familial links with Aboriginal cultural heritage in protecting that heritage.

Another objective is the protection or management of Aboriginal cultural heritage through the preparation and approval of cultural heritage management plans for projects that may impact on Aboriginal cultural heritage.

Relevant traditional owner organisations may be approved as registered Aboriginal parties — or RAPs — under part 10 of the act. One of the functions of a RAP is to evaluate and approve or refuse to approve cultural heritage management plans that relate to the area for which the party is registered. Nine RAPs have been appointed to date for areas that in total amount to 56 per cent of the state of Victoria.

The act does not provide authority for the department or the minister to monitor the performance of RAPs.

Each RAP independently operates under their own constitution, and they each have their own approval processes for authorising cultural heritage management plans.

Importantly, when the previous government established the RAPs as non-government organisations, they were given the unusual role of exercising statutory authority.

Both under the previous government and this government, cultural heritage management plans have been registered under the belief that those individuals approving the plans were authorised to do so. The effect of the VCAT decision is to raise questions about the authorisation process.

VCAT decision

On 26 May 2011 the Victorian Civil and Administrative Tribunal found there was no approved cultural heritage management plan in respect of the activity that was the subject of the proceeding before the tribunal. This was on the basis that the employee of the relevant RAP who approved the plan in good faith did not have formal delegated authority from the board to approve the cultural heritage management plan as required under the organisation's constitution. This

employee was employed by the RAP to undertake this work on its behalf and believed she was authorised to do so.

VCAT's finding has implications for 43 plans approved by employees of this RAP and, by extension, may possibly impact on the decisions of at least two other RAPs affecting a total of 67 plans altogether.

Impact on planning approvals

The potential invalidity of these cultural heritage management plan approvals has significant implications for other planning approvals and statutory authorisations.

When required under the act, for example, due to the likelihood of Aboriginal cultural heritage in a place, section 52 of the act prohibits any other decision-makers from granting a statutory authorisation unless a cultural heritage management plan has been approved.

The Victorian Government Solicitor's Office (VGSO) has advised that all statutory authorisations granted on the basis of an invalid approval of a cultural heritage management plan will also be invalid. This means that all statutory authorisations, including permits, issued in relation to the 67 impacted plans may be invalid. I am advised that some 15 of these are currently in progress with another 18 due to commence in the near future.

It is in the interests of the state of Victoria that the uncertainty in relation to the legality of these projects is resolved as a matter of urgency. This is the case in relation to both private and public works projects that would need to be halted while the issue of the validity of approvals was resolved.

VGSO has advised that retrospective legislative validation of the affected plans is the only mechanism that will provide this certainty.

While the proposed legislation will have retrospective effect, the result is simply to maintain the position that proponents are currently in and does not remove or affect rights.

The proposed amendment will have the effect of deeming that the person who has purported to make the decision to approve the plan had the authority to do so. It will not affect any rights a party may have in relation to other defects that may have occurred in the decision-making process. It is not intended that the proposed amendment will impact on any pending litigation.

The proposed amendment is designed to ensure that project proponents are able to confidently proceed on the basis of approvals that have been given in good faith.

I thank the opposition and the Greens for their support in allowing this bill to be dealt with as a matter of urgency, and I invite their input into the review of the act and the RAP inquiry.

I commend the bill to the house.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on this bill, which will amend the Aboriginal Heritage Act 2006 by providing a new provision which retrospectively validates the cultural heritage management plans that have been approved and made in good faith by registered Aboriginal parties.

We will be supporting this bill because it is important that these affected projects proceed with certainty. There are some 15 projects which are affected by this change. Three of those are private projects and 12 are public works projects, which include water infrastructure.

The need for this amendment was identified by a Victorian Civil and Administrative Tribunal (VCAT) decision which found that there had been no approved cultural heritage plan in place. Essentially what had happened was an individual had been acting without the formal delegation required under the organisation's constitution. So even though the person was employed to make these decisions and made these decisions in good faith, a requirement in the constitution of the organisation had not been followed, and VCAT picked this up.

A number of people have relied upon and acted on the basis of those decisions. What this bill does is retrospectively validate those decisions. We have been supportive of the bill and have worked to expedite it quickly so that we can deal with it — —

Business interrupted pursuant to standing orders.

Hon. D. M. DAVIS (Minister for Health) — I move:

That the sitting be extended.

House divided on motion:

Ayes, 20

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr (*Teller*)
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Petrovich, Mrs
Elsbury, Mr (*Teller*)	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr

Noes, 18

Barber, Mr	Mikakos, Ms
Broad, Ms	Pakula, Mr
Darveniza, Ms (*Teller*)	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr (*Teller*)
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms

Pairs

Kronberg, Mrs	Viney, Mr

Motion agreed to.

The PRESIDENT — Order! It is incumbent on me to advise members of the house that the Speaker and I have received a letter from the Community and Public Sector Union expressing concern about the impact of a number of late-night sittings on staff of the Parliament, particularly the Hansard staff who are often required to be here for quite some time after the Parliament finishes. After members leave, which can be at significantly late hours, many of them are still required to be here to complete the production of *Hansard* and turn it around for us for the next day.

The union has also drawn attention to a number of award provisions in respect of the circumstances under which late nights can be, if you like, tolerated and, from an occupational health and safety point of view, issues in the award that deal with the health of staff, such as turnaround times and so forth.

The Speaker and I will be writing back to the union. However, the union has made the point to us that it understands, and certainly the staff understand, that at times there is perhaps a need for us to continue the sitting for certain legislation, but it is hopeful that this is not an ongoing pattern of behaviour by the house.

On this occasion I am mindful that the end of the financial year means that certain pieces of legislation need to be passed by this house so that the Governor is able to give them royal assent by 30 June. I am aware, and no doubt the staff is aware, of that issue, as the union will be aware, but it is incumbent on me to draw that communication to the attention of members.

The house will break at 11.30 p.m. for 30 minutes.

As it is Mr Ondarchie's birthday, we wish him a happy birthday. Surely he is delighted to be spending it with us!

ABORIGINAL HERITAGE AMENDMENT BILL 2011

Second reading

Debate resumed.

Mr TEE (Eastern Metropolitan) — I was nearing the completion of my remarks before business was interrupted. The Victorian Government Solicitor's Office has advised that this is the appropriate course of action to take to validate the decisions that have been made in good faith and that have been acted upon in good faith, and I think it is incumbent on us to do so by supporting this bill and to do so expeditiously. We have cooperated fully in achieving that outcome. I urge the house to support the bill.

Mr BARBER (Northern Metropolitan) — As a result of the finding in a particular Victorian Civil and Administrative Tribunal consideration, the government came to us last sitting week with information that it believed necessitated retrospective legislation to validate a number of decisions, and it has kept us informed ever since then as to the progress of this legislation. It has been able to show us the legislation before it was tabled, which would not normally occur.

The Greens have not had any representations from registered Aboriginal parties likely to be affected one way or the other by this bill. However, that is understandable as they have also been dealing with the administrative implications of the court's decision and, to our understanding, have been assisting the government to get its arms around the scope of the problem and resolve it.

In voting for this bill We are relying entirely on the information the government has given us. However, the government has given us a considerable amount of information, some of which we have been able to read for ourselves and understand and check against our knowledge of the issue. It is important for all participants in the Aboriginal cultural heritage protection system that we have certainty over a number of decisions that have been made since the creation of the legislation.

If we look back to the time when we first voted on Aboriginal heritage legislation in 2008, members will find on record some issues and questions raised by the Greens as to the sustainability of not-for-profit associations being able to take on, without necessarily having large streams of funding, the responsibilities of the act. When local councils take on parallel or analogous responsibilities they can reach out to taxpayers whenever they want to ask for more money to deliver outcomes. Planning permits are not issued under a full cost recovery model in the planning system, so it is important that we give maximum support to the registered Aboriginal parties as they take on this new role and work on it, as they have done now for a couple of years.

The government has already committed to reviewing the operation of the principal act. I hope that review is conducted in such a way that there is a generous assessment of the importance of cultural heritage and the important responsibilities the Parliament is placing on registered Aboriginal parties and that we appropriately resource them so that they are always

able to discharge their duties properly not only in an administrative sense but also in the very important sense of maintaining Aboriginal cultural heritage. That heritage has been built up over hundreds of thousands of years and we need to protect it for a long time in the future because it is something that all of us in Victoria, indigenous and non-indigenous, value very highly.

On those bases, with the information that we have been able to put together and with the understandable urgency of correcting this issue recently raised by the courts, the Greens have assisted with expediting the bill through Parliament, and we will vote for the bill.

Mrs COOTE (Southern Metropolitan) — I rise to speak on the Aboriginal Heritage Amendment Bill 2011 and describe some of the issues that are pertinent to the debate. However, before I do so I would like to commend both Mr Tee and Mr Barber on their contributions and for helping us to expedite the passage of this bill through the chamber. Collaborative work has been done with the minister and all parties, and it shows just what respect all parties have for Aboriginal culture. We in this chamber are doing our utmost to make sure that this bill has a speedy passage through this place.

That said, there are some things I would like to get on the record, and if members will forgive me, I will do so as quickly as I can. I hope to address some of the detailed matters that have been raised both within and outside the chamber regarding the technical effect of this bill and in addition some other consequential actions that will follow necessarily when this bill is passed.

The bill will retrospectively validate cultural heritage management plan approvals made in good faith by registered Aboriginal parties (RAPs) for the purposes of the Aboriginal Heritage Act 2006. This amendment will ensure that statutory authorisations that relied on these approvals are valid. This will allow a number of projects to continue or proceed with certainty. The need for this amendment was identified following a decision of the Victorian Civil and Administrative Tribunal made on 26 May 2011. As Mr Barber and Mr Tee have said, in this decision VCAT found there was no approved cultural heritage management plan in respect of a project because the employee of the relevant RAP who had approved the plan had not received a formal delegation as required under the organisation's constitution. When a plan is required under the Aboriginal Heritage Act 2006 — for example, due to the likelihood of there being Aboriginal cultural heritage in a place — section 52 of the act prohibits any other decision-makers from granting a statutory authorisation unless a cultural heritage management plan has been approved.

The Victoria Government Solicitor's Office (VGSO) has advised that all statutory authorisations granted on the basis of an invalid approval of a cultural heritage management plan will also be invalid. As Mr Tee said, a number of projects will be affected. This means that all statutory authorisations, including permits, issued in relation to a number of plans may be invalid. The department has advised that some 15 affected projects are currently in progress, with another 18 due to commence in the near future.

One of the projects affected is part of the Northern Victoria Irrigation Renewal Project and involves flood mitigation works being undertaken at Kow Swamp. I understand that the Minister for Aboriginal Affairs has ordered a cultural heritage audit and issued a stop order in relation to this project, as works had impacted on Aboriginal human remains. I am advised that the effect of the proposed amendments is that the original approval of the cultural heritage management plan by the Yorta Yorta Nation Aboriginal Corporation for Kow Swamp will be validated with the effect that the minister's order will also be validated. This will allow the audit to be finalised so that recommendations for the management of these remains can be developed, thereby allowing the project to proceed.

I also understand that the matter the subject of VCAT's decision relates to a proposed quarry at Skeleton Hill near Chiltern. The approval in this matter will not be validated by the proposed amendment as it is the subject of ongoing litigation. The minister had also ordered an audit and issued a stop order in relation to that project due to concerns that the cultural heritage values of Skeleton Hill had not been properly understood. I am advised that the Yorta Yorta Nation Aboriginal Corporation has recently made a new decision to approve the cultural heritage management plan for the part of the development that is in its RAP area. I am also advised that the Minister for Aboriginal Affairs will consider an order for a cultural heritage audit and the issue of a stop order in relation to this project in the same manner as the minister did with other cultural heritage management plans at Skeleton Hill. A new decision is needed because the original decision by the minister was based on the invalid approval. I note in this regard that the area of concern is not within Yorta Yorta country.

Members will understand that although it is a small bill, it is quite complex technically. On the extent of the validation, the VGSO has advised that retrospective validation of the original approvals is needed to create

certainty for project proponents and the state of Victoria. While the effect of the proposed amendment will be retrospective, the result would be to maintain the position proponents are currently in — it will remove any rights. Effectively the legislation will confirm decisions that have been made in good faith but without the proper delegations in place. The bill has been drafted so as to address only the specific issues of the technical invalidity of approvals of plans made on behalf of RAPs by persons who have made the decisions in good faith. It does this by deeming through proposed sections 197(1) and (2) that the person who has in good faith purported to make a decision or take any action in relation to the approval of a cultural heritage management plan — through reference to section 63(1) — is taken to have had the authority to do so, with the effect that the decision or action is taken to have been made or taken by the RAP. It does not apply to any other decision or action taken by a RAP and will not apply if the persons who purported to make the decisions did not do so in good faith. It will not able to be used to change previous decisions.

I am advised that the affected RAPs are keen for the approvals to be validated and the chair of the Aboriginal Heritage Council, Denise Lovett, supports the approach. It is important to note that this issue arose out of an approval made by an employee of a RAP who had been employed by the RAP to make these decisions. Under usual Corporations Law principles, decisions of employees or officers would be valid.

There were broader implications, and if members will forgive me, I will list them point by point, because I believe it is important to get them on the record. While it is unfortunate that this issue in governance by a few traditional owner groups has created uncertainty, it emphasises the importance of continued support for these groups to strengthen their governance capacity to fulfil their functions. Although RAPs are entitled to claim fees for most activity associated with the Aboriginal Heritage Act, the income earnt by RAPs is tied to the level of development in their area. I understand that the Melbourne RAPs have a good income from this activity, while RAPs in regional areas do very little work, making it difficult for them to maintain the base level capacity needed to fulfil their functions.

Although Aboriginal Affairs Victoria provides top-up funding to the RAPs, no doubt this will be one of the issues considered by Parliament through the parliamentary inquiry that is due to report in September 2012. Additionally the Aboriginal Heritage Act requires a review of the act to report by April 2012. This review will be an additional opportunity to consider these and other related matters. At present the Aboriginal Heritage Act 2006 does not provide authority for the department or the minister to monitor the performance of the RAPs. Most of the other points have been covered.

In conclusion, and significantly, this amendment bill is deliberately narrow in scope. It addresses only the technical issues of the authority-to-approve questions raised by the Victorian Civil and Administrative Tribunal decision. Once again I thank members of the chamber for expediting this bill. It shows a collaborative approach to cultural heritage and the importance of cultural heritage. I put on record once again my thanks to Labor and the Greens for their support. In addition, the Minister for Aboriginal Affairs, Jeanette Powell, and her staff are to be commended for their work on this bill. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. W. A. LOVELL (Minister for Housing) — By leave, I move:

That the bill be now read a third time.

I thank everyone for their contributions to the debate on the bill.

Motion agreed to.

Read third time.

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2011

Second reading

Debate resumed from 16 June; motion of Hon. M. J. GUY (Minister for Planning).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a contribution to the second-reading debate on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2011. The original concept of the growth areas infrastructure contribution (GAIC) was of course in response to the need to provide infrastructure for the growing communities on Melbourne's urban fringe. It was a somewhat controversial proposal at the

time, but the model we put in place, subject to a change that I will come to, is now accepted by both major political parties — I am yet to hear the view of Mr Barber.

That charge essentially recognised that there is a massive uplift in the value of land that is moved into the urban growth boundary. There was an opportunity to ensure that some of the uplift, which could be somewhere between 400 per cent and 1000 per cent, went towards infrastructure for the new communities in those areas. That infrastructure includes schools, libraries, neighbourhood houses, recreation centres, open space, trails, bike paths and so on. So the contribution came to be.

It is pleasing to see that the changes to our model have been limited to the timing of the payment of the contribution. The process the original legislation went through in Parliament resulted in a compromise which meant that some 70 per cent of the GAIC could be deferred essentially until the subdivision or compliance stage. The bill changes that and provides that 100 per cent of the GAIC can be deferred until that stage.

We have some reservations about that, which we have stated previously. We are concerned that the contribution being paid at the end point means it will be passed on to families struggling to buy what is often their first home — their home-and-land package — within the urban growth boundary. We are also concerned that having the contribution payable at such a late stage means there is a risk that the required infrastructure will not be ready before people move into their homes. Those are the reservations we have expressed and continue to have.

In addition to providing for deferral of the payment of the GAIC, the bill fixes some technical anomalies in relation to what land is exempt from the GAIC process. These amendments better reflect the intention of the original legislation rather than change the substance of the way in which the contribution is calculated. We certainly do not have a problem with those changes.

Another aspect of the bill is the introduction of work-in-kind (WIK) agreements, which allow developers to offset their GAIC liabilities against the provision of infrastructure. These agreements cause us some concerns regarding accountability and the way in which WIK agreements will be formulated. We are concerned that the taxpayer will not get value for money. The WIK agreements will be secret. They will not be disclosed and they will not be made public. There will be some generic information provided, but there will be no way of calculating on the basis of the public information what an agreement was in relation to the provision of a particular piece of infrastructure. If the WIK agreement contains a requirement that a school, a piece of land or a bike path be provided, there will be no way for the public to ascertain the value of that determination. That is concerning because the value of this infrastructure will be determined by the minister and the developer alone.

A WIK agreement will be made between the minister and the developer and, as I said, this will be an agreement that is not made public. In some circumstances the agreement will be attached to the title of the land and there is a theoretical possibility that if you knew who the owner of the land was, you would be able to access that and therefore be able to see the WIK agreement, but the reality is that most families will not know what the minister and the developer have agreed to in the WIK agreement.

WIK agreements will not be tested in the market, so if the minister and the developer agree to provide a school or bike path, that will not be put out to the market. There will be no tender process. This will simply be a gentlemen's agreement, a nudge-and-a-wink agreement or a back-of-the-envelope calculation between the developer and the minister, who will sit down and say, 'These are the specifications, this is the width, this is the school, this is what it should look like and this is what we think it should be worth. We will then put that in our WIK agreement. We will not let the public know, but we will ensure that the growth areas infrastructure contribution is no longer required from the developer'. We are concerned about whether the taxpayer will get value for money because there will be no independent verification of the value that has been agreed to by the minister and the developer.

We are concerned that developers could seek to offset some of those features that we see advertised on our televisions when they are trying to promote and sell their developments. We see parks, lakes and bike paths, and all those things are important infrastructure and all that infrastructure is currently provided by developers as they try to beautify and sell their products — their developments or blocks of land. When you buy a block of land, you are not buying just a block of land for a house; you are buying into a community, a vision and a dream. The packaging that goes with that is an important part of the selling and the attraction process. We are very concerned that the secrecy of the agreements will mean that developers will try to put as many of those elements as possible into the WIK agreements and that therefore the contribution that ought to go into infrastructure will be used to offset the

beautification aspect, which they would have done in any event.

We are also concerned with the fact that there is no requirement to consult with the community, the local council or the Municipal Association of Victoria. In fact there is no requirement for the Minister for Planning to consult with anyone except for any other ministers he or she thinks are relevant. However, where an item is valued at more than $2 million the minister will have to consult with the Treasurer. This has a number of consequences. If you do not consult with the community, the council or any precinct structural plans that are in place, these WIK agreements may contain infrastructure that may not be needed or may not be a priority. You might end up with a park which is sensational but it might be that a maternal and child health centre is a greater priority. It might be that a school is a greater priority. Before you decide what infrastructure is the priority for a community it is important to understand the nature of that community by looking at the demographics and the age of the community that is moving in. Unfortunately the WIK agreements will not have any requirement for the minister to talk to anyone other than the developer and another minister where the minister thinks that is relevant, and even that is a very limited right. We are concerned that the infrastructure that results will not be the infrastructure that is a priority for those communities.

There is also a concern that has been raised with me by some councils that some of this state-funded infrastructure — parks, bike paths, open spaces, creeks, health facilities such as maternal and child health centres, and neighbourhood houses or libraries — will not be run or maintained by the state but might be handed over to the local council. Local councils will be in the invidious position where they were not party to the WIK agreement, they did not have a seat at the table and they will not know what was in the agreement. They will not see what was in the agreement until the infrastructure is getting built, but they might end up staffing it, maintaining it and, in the case of parks, mowing it. Councils are concerned that they will not have a seat at the table.

I have prepared a number of amendments that I will circulate at this stage, and I foreshadow that I will be moving these amendments in the committee stage.

Opposition amendments circulated by Mr TEE (Eastern Metropolitan) pursuant to standing orders.

Mr TEE — There are three categories of amendments. The amendments in the first category ensure that although the relevant local council will not necessarily have a seat at the table and will not have to agree with a WIK agreement it will be consulted. It will have an opportunity to express a view. This is a very reasonable position and is certainly a position that most of the councils I have spoken to support. Given that these councils will have a view about the infrastructure and the priority needs of the community, and in addition might have to live with, maintain and staff this infrastructure, it is not too much to ask that the minister consult with them before signing off on WIK agreements.

The amendments in the second category go to the issue of public information. In the same way that we believe councils ought to know what is in a WIK agreement, we believe that the local community should know what is in a WIK agreement, not the generic big figure that the Growth Areas Authority is required to provide under this bill, but an itemised account. Let us have a look. The community should know what has been agreed between the minister and the developer. Is it a school? Is it a bike path? What is it going to look like? What is the description? What value have the minister and the developer placed on the infrastructure? There is no process for independently verifying it and there is no way to find out what has been agreed, and that is why it is not too much to ask that the community be given an opportunity to see what it is that the developer has agreed to.

This is really about shining a light on the minister's dark office and the deals made there. It is about making sure there is accountability. It is about ensuring that people can see what is going on rather than having all this being done behind closed doors in some sort of private arrangement or deal. It allows the public to judge and assess the merits of what the minister and the developer have done. It certainly does not remedy the WIK agreements, it does not make the process more transparent and it does not guarantee that the community will get value for money. That is because there is no independent process and there is no independent valuation. On that basis it is my view that the Auditor-General ought to review WIK agreements to ensure that the public is getting value for money. If the Auditor-General cannot provide any oversight of these WIK agreements, no-one else can. I will be writing to the Auditor-General to ask him his views in relation to these provisions and to ask him to oversight how they are being implemented, to make sure they are effective and to try to shed some light onto them.

As I have indicated, even given those two categories of amendments the WIK agreements would by no means be remedied. The WIK agreements process by no

means provides the standard of good governance to which the community is entitled. However, we on this side would be able to accept the WIK agreements subject to our amendments. We are giving the minister the opportunity to prove us wrong. If our amendments are unsuccessful, we will oppose the WIK agreements provisions and indeed the bill.

We have listened to the debate in the Assembly, we have listened to the arguments and we have raised our concerns, and there is now an opportunity for the minister to address those concerns in the committee stage. I look forward to him doing so. We will proceed with our amendments when we get to the committee stage, which represents an opportunity to open up what would otherwise be a closed-off secretive process.

Mr BARBER (Northern Metropolitan) — When the idea of a growth areas infrastructure contribution was first floated by the previous government the Greens said we certainly supported such a contribution in principle. We had a number of concerns with the way the government had put together its legislation and also with the particular model it used. Firstly, we believed there were some issues of equity in terms of how the payment of the GAIC (growth areas infrastructure contribution) itself was to be triggered. At the time our view was that if the GAIC was to be triggered, it should be closer to the point of development, because not only was that when someone was most likely to be able to crystallise their profits and pay the charge but the charge was hypothecated directly to infrastructure associated with such developments. While the money might be collected decades in advance, the government simply had to be trusted to put the money aside and then provide the infrastructure when the development finally came to pass.

The experience of course is that governments do not do that very well. Melbourne now has lots of suburbs that might have been growth suburbs 10 or 20 years ago but that certainly are not so now and that in many cases have infrastructure and services that are a lot poorer than might be expected. At the same time we see new suburbs being created regularly, and we are very doubtful as to whether those suburbs will get their basic complement of services and infrastructure. For that reason we are extraordinarily dubious about the policies of urban sprawl that have been pursued so vigorously by the Liberal and Labor governments, one after the other.

If the previous government could have been taken at its word, this contribution would probably only ever have provided about 15 per cent of the money needed to create proper services and infrastructure for brand-new suburbs. We think the charges should be higher to cover the full cost of developing a new suburb or at least a much higher proportion than that which the previous government and this government have proposed. At the same time, though, our view has been that the charge should be levied closer to the point of development. The previous government did not agree with that and did not want to negotiate. It tried very hard to ram the bill through, and eventually it got want it wanted, but it did not get what it wanted from the people of Victoria — it did not get another term of government.

The new government is proposing to pick up one part of what the Greens wanted — that is, to move the timing of the payment closer to the point of development. However, the new government is in no way considering the implications of continued urban sprawl. If government members did consider those implications, they would understand that urban sprawl is the most expensive housing model anybody has ever come up with, that the faster they implement it the faster they will become broke and that they and their successors will find that these suburbs are not provided with the basic complement of infrastructure and services that all people in Victoria should expect. I am talking about just basic things — libraries, railway lines and so forth.

Those things cannot be provided by the moneys raised under GAIC, they were not being provided by the previous government and they are not provided for in the first budget of the new government, either. They are simply not there, yet this government continues to release more and more land, ironically under the aim of affordability. The government is chasing a rainbow that it will never catch up to. In fact the state will get broker the faster it sprawls, and that will make it very expensive to provide good, affordable and livable housing for residents, new and old.

However, this bill introduces a new concept that we have not heard about previously — that is, that developers may be able to offset a certain amount of their GAIC charges through work-in-kind agreements. A considerable section of the bill is devoted to putting boundaries around this concept. Mr Tee has foreshadowed a number of amendments that he will move in the committee stage, and certainly the principles behind a couple of those are quite acceptable to us. However, we will need to ask for a few points of clarification from the minister about the functioning of the work-in-kind agreements section.

Although this is a new proposition, I do not think it is impossible to understand what the government intends.

At the moment we have a situation where there are development contribution plans and levies. What happens there is that up front the developer agrees to pay a certain amount to the local council and in return the local council agrees to spend that money on a specified set of works, which is called a development contribution plan. It would be of concern to us if the GAIC was being used as a way of reducing local government funding or the ability of local government to impose those developer contribution levies, but I do not believe that it is so far. That was a concern about this idea that we raised with the previous government as well.

At the moment money can be taken from a developer at a certain site and it can be spent on a certain package of works that is to be delivered by the local council and tied to that local community or at least to that region. What the government appears to be proposing here is something of a mirror image. A certain amount of money that was to be paid to the government is instead reserved for a package of works which the government will sign up to through its work-in-kind agreement that the developer will have to implement. It obviously raises some questions, but it raises the same questions in relation to local government as it does to the developer. It is really a question of whether you have more confidence in one than in the other.

I should also note that in my experience there is a whole range of novel and ad hoc arrangements that governments enter into with developers by way of in-kind works. It happens at the local council level — as part of the planning issues associated with the redevelopment of a site the developer might be asked to plan to reinstate some street trees or a footpath or put a bike rack in front of the establishment and so forth.

However, the issue with Docklands is much more mixed. When the transfer of responsibilities from the Docklands Authority to Melbourne City Council was under way early in the last term of Parliament Melbourne City Council interrogated the authority about some of the arrangements it had entered into, some of the contributions that might have been promised and whether those works were ever implemented, and if so, how that was documented. Certainly the feedback I had from Melbourne City Council was that in a lot of cases it was very poorly documented. A developer might have agreed to set aside a certain proportion of their parcel to build a pocket park. However, that was simply by agreement between the authority and the developer and there was no register, there was no monitoring, there was nothing available to Melbourne City Council to determine what past promises might have been made and whether those promises have been delivered. This section of the bill proposed by the minister at least puts a framework around that. Mr Tee is very pessimistic about human nature these days. He was much more positive when it was his government's proposition. He never saw any particular problems then, but now he suggests that this thing will all end in tears and we will never find out anything. I say that is not true; I say that at least we have statutory provisions here that lay out a number of things.

First of all, the minister may enter into agreements and they will become statutory agreements. Secondly, the matters to be included in the agreements are specified and the agreements must contain a list of matters, A to H. We also see a number of restrictions on land dealings. We see that a copy of the work-in-kind agreement must be given to both the commissioner of taxation and the Growth Areas Authority. Okay, perhaps it is not being made public, but certainly it is lodged, and amendments to those agreements must also be done through a statutory process. Likewise the work-in-kind agreements are recorded on the register of titles. The performance of the agreements in part or in full must be notified so that the Growth Areas Authority itself can then report on the totality of the completion of these agreements. Mr Tee has some amendments that he thinks can improve and enhance that. Good on him. I will vote for those amendments. It is fine with me if we can put a bit more information around it.

Government does enter into agreements with a lot of private parties over a lot of matters. It is rarely the case that that automatically becomes a matter of public record. For example, the previous government entered into secretive grant agreements with clean coal companies and I am still chasing those agreements through the courts. So it is hardly as if every interaction between a government and a private operator has the level of transparency that Mr Tee seems to suggest should be the norm. I think we will have to interrogate the operations of some of these provisions during the committee stage of the bill, but in general terms we are supporting the amendments where they are inclined to improve the workings of the bill in a modest way. Overall we are supporting the bill.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to speak in support of this very important bill, the Planning and Environment Amendment (Growth Areas Infrastructure Contributions) Bill 2011. It is a bill supported by many on this side of the house, some of whom will be unable to make contributions given the need for this bill, which is time critical, to be passed in this concluding week of

this sitting period of Parliament. I take on the important honour of making the contribution on behalf of all my colleagues in the coalition who have long advocated for this important reform to the growth areas infrastructure contribution, which will deliver on the coalition's election commitment to enable the growth areas infrastructure contribution liability to be 100 per cent deferred until the land is developed for urban purposes. That is the primary purpose of the bill.

A second and important purpose of the bill is to implement a new legislative provision to enable full or part payment of the growth areas infrastructure contribution (GAIC) to be made through work-in-kind, or WIK, agreements, which is a very sensible reform. Obviously detailed questions will be put to the minister in the committee stage, but I will say in short that the suggestion that these agreements are secret is spurious as they will be registered on title. They will be publicly available and that means that anyone, as is the case with section 173 agreements, can become aware of them by a simple search of the register. It is even more spurious to suggest that there will be a whole barrage of secret agreements. Obviously there is an important need for work-in-kind provisions to be made an option, and just as section 173 agreements provide for many matters, so will the work-in-kind agreements.

Thirdly, the bill makes minor technical changes that will improve the operation of the GAIC legislation. Presently the GAIC is triggered by a dutiable transaction — that is, at the point of sale or by the issuance of a statement of compliance for a plan of subdivision, which is when a developer has completed all the necessary works to enable him to register his plan of subdivision and sell his subdivided lots to purchasers, or when a developer applies for a building permit for a development worth over $1 million effectively. The GAIC is applied on a per-hectare basis and is calculated by multiplying the total area by the relevant rate. The GAIC rates in the legislation for the 2011–12 financial year are $82 550 per hectare for growth area land brought into the urban growth boundary (UGB) in 2005–06 and zoned in relation to GAIC, and $98 000 per hectare for growth area land brought into the UGB area after 2006 and zoned as urban growth zone.

The government's commitment was to defer 100 per cent of the GAIC until the statement of compliance stage. This was a significant improvement and is something that has been of great relief to land-holders who have been concerned about the GAIC bill. I will refer briefly to an example from the *Wyndham Weekly* of 8 June, in which Mr Michael Hocking, chairman of the landowners' lobby group Taxed Out, was reported as saying:

> … the announcement was good news, especially for landowners and homebuyers.
>
> This is clearly the fairest and most efficient method of collecting development charges and brings Victoria in line with the rest of Australia …
>
> These amendments reinstate property rights the former government took from families and the elderly living on the outskirts of Melbourne.

I also refer to comments by the executive director of the Housing Industry Association, Gil King, reported in the *Greater Dandenong Weekly* of 13 June:

> … this was the first step in correcting the excessive burden the previous government placed on developers and homebuyers.
>
> While the tax on homebuyers will remain, at least the government has listened to industry concerns and ensured a better payment system …

The important part of this, which answers the first of Mr Tee's concerns — namely, that the infrastructure as a result of this bill may not be as ready as it was suggested it would be under the previous legislative regime — is that it is the position of the coalition that allowing the deferral of the GAIC payment does not remove the liability to pay the GAIC, which will remain on title and will be something the minister is able to enforce prior to the issue of a statement of compliance. Under ordinary accrual accounting methods in fact the opposite effect will occur. Because there is this certainty, the government will be able to rely on the liability, which will take the pressure off people who are interested in buying this land but who are concerned about an up-front infrastructure charge. They will be able to defer that, which in the government's view will accelerate the bringing into play of this important development land, therefore the removing of a disincentive to development. That is my response in relation to the first concern.

I dealt briefly with the second concern in relation to the WIK agreements, and I am happy for the minister to deal with it further in committee. I will just say that under section 201SLH(1) of the bill the minister may apply to the registrar of titles to record a WIK agreement on any land relevant to the agreement, and the registrar of titles cannot arbitrarily refuse to record a WIK agreement on title. It can only be refused for sound, drafting reasons, and that will happen only in rare cases. This is not a secret regime, as was suggested. When they are attached to title, the agreements will be searchable through that title via the registrar of titles. Under section 201SLE all WIK agreements are

required to be forwarded to the Growth Areas Authority, which will maintain a live register of such agreements.

The second proposal put forward in the proposed amendments, which will be considered in the committee stage but which will likely be opposed because very short notice of these amendments was given, is that there needs to be further consultation in relation to the views of councils or communities on individual agreements. That view is also spurious because the councils have already had significant involvement in the preparation of the precinct structure plans, which will set the parameters for infrastructure to be delivered under the WIKs.

I will briefly and fairly decisively conclude by turning to Mr Barber's suggestions. I could go on but I wish to give other members a chance. Mr Barber has come to this debate suggesting that the government is not concerned about urban sprawl and that it has been doing nothing in relation to this issue of urban sprawl.

Mr Barber — The Urban Sprawl Party!

Mr O'BRIEN — Mr Barber is playing on our home turf here. We are the parties of regional development, of regional cities and of population planning for all of Victoria to deal with these issues. I refer him to page 18 of the coalition's detailed policy, which was not matched by the Labor Party or the Greens. Mr Barber can be Johnny-come-lately on this one, but he is playing on our home turf. This is what our policy says:

> A Liberal-Nationals coalition does not want to see Victoria become a city state solely focused on Melbourne.
>
> Population corridors and extension of existing infrastructure in regional cities will be considered in a statewide approach …
>
> With the Labor government heavily focused on growing Melbourne …

I also ask Mr Barber if he was here for the 12 hours of the committee stage of the Regional Growth Fund Bill 2011, an important bill which delivers a significant budget allocation — $1 billion — that was not delivered under any previous government. With those words, I commend this bill to the house, because it delivers on an important coalition promise, and I will allow my colleagues to pick up the debate.

Mr ELSBURY (Western Metropolitan) — I rise to speak in favour of this bill, which seeks to amend the GAIC (growth areas infrastructure contribution) from being payable by those selling their developable land at the time it is purchased to when developers seek approval for land to be developed.

This reform intends to protect landowners who are not developers from being forced to pay the GAIC, when the potential development of the land may be realised many years into the future and those selling the land will not benefit from the infrastructure provided. I speak on this issue because the former government's GAIC legislation, the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010, caused great concern for people across Western Metropolitan Region, many of whom are elderly or preparing themselves for retirement and are owners of properties in Melbourne's growth corridors that are capable of being developed.

The changes to the legislation being debated today will allow landowners to sell their properties without the burden of the GAIC hanging over their heads. Considering that the land inside this or any future urban growth boundary is not going to be developed instantaneously allows for people who are considering a large acreage lifestyle on the urban fringe the ability to purchase land without the added cost of the GAIC on land they do not intend to develop.

I also support the in-kind payments allowed by this bill. The former Labor government set up the GAIC purportedly to provide infrastructure for growing areas like Point Cook, Craigieburn, Caroline Springs and Tarneit, but these areas were completely ignored and neglected by the Labor government. Money raised by the former government through the sale of land went into the coffers and disappeared in bureaucratic sleights of hand, rather than being used to develop infrastructure.

I share the community's concern that under the former government's arrangements GAIC money would not necessarily have been used for the communities from which these funds were derived. Under the bill, the coalition will allow developers to apply GAIC contributions by doing such things as assisting in the construction of schools, the provision of parks or working with the government to build local roads. This reduces red tape and ensures that the government, in partnership with developers, can provide local infrastructure to local developments.

In conclusion, can I say that these amendments to the GAIC legislation release landowners from the burden of the GAIC and redirect the timing of its payment appropriately — that is, when the land is being prepared for development, while seeking to improve

infrastructure in the region where funds are raised. I support this bill.

Ms MIKAKOS (Northern Metropolitan) — The Labor opposition has a number of serious concerns about how this bill will operate. I want to put on record my concerns about the bill and indicate my support for the foreshadowed amendments outlined by Mr Tee, because he has raised a number of serious concerns about the bill and is seeking to point a way forward for the government in terms of issues that need to be addressed.

The previous government believed people moving to new growth areas should have the necessary infrastructure and services in place. New communities need to get on their feet. The funds that will be collected through the GAIC were intended to establish essential services for the community, such as public transport, arterial roads, hospitals, schools, parks and other vital infrastructure that these communities will need in the future. It was for this reason that the previous Labor government introduced the GAIC, a one-off flat rate charge levied on a per hectare basis on land in a growth area within the urban growth boundary that is zoned for urban development. We did this because we knew that land-holders in those circumstances could expect the value of their land to increase substantially. We have seen that borne out in practice, so it is only fair that those who would profit quite substantially from subdividing and developing land make a contribution to critical infrastructure for those communities.

The previous government enabled deferral of liability in particular circumstances, but what we are seeing in this bill is an amending of the legislation to allow for 100 per cent deferral of the GAIC liability until the land is developed. This will have a devastating impact on new communities in growth areas, which will now be deprived of funding for necessary infrastructure.

I remember that when we had the GAIC debate in the previous Parliament we had members of both the Liberal Party and The Nationals in both houses saying that they accepted the concept of development contributions but they wanted developers to pay at the time that the houses were constructed. The fundamental error with this approach is that at that point it is far too late in the process. Families will already have started to move into those areas without having the infrastructure they need.

Hon. W. A. Lovell interjected.

Ms MIKAKOS — We know from Minister Lovell that they certainly will not be getting any kindergartens and they will not be getting any Take a Break programs in those kindergartens.

Ratepayers across the relevant municipalities will be slugged as a consequence to pay for the necessary infrastructure. I am certain that this decision to defer 100 per cent of the liability will be a decision of this government that communities in growth areas and the community at large will rue for many years to come. They will look back on this legislation and realise the disaster that it has been — and it will be an absolute disaster for those communities.

The other issue I want to touch on briefly in this bill that I think is particularly abhorrent is the whole area of the work-in-kind (WIK) agreements. I particularly want to point out to the government that this aspect of the bill was not in fact part of the coalition government's policy position going to the state election last year, and I look forward to Minister Guy bringing out his election document again — I am sure he will during the committee stage — and pointing to that part of the election policy.

These work-in-kind agreements will allow developers to offset their GAIC obligation by providing infrastructure, such as open space, schools and health and recreational facilities, or by providing land to the state in lieu of cash payment. This type of infrastructure spending has been used for years, and it has featured heavily in marketing by developers as a way of attracting buyers to those new estates. It is work that they would probably do anyway at their own cost, but now developers will get a discount courtesy of Victorian taxpayers.

The problem with this model is that entering into such an agreement with a developer will come only at the discretion of the Minister for Planning and only on those terms acceptable to the minister. Where the value of the work-in-kind agreement exceeds $2 million, the only other oversight required will be the approval of the Treasurer. The initial negotiations up to the value of $2 million will be between the developer and the planning minister, and if it exceeds that amount, the Treasurer will need to sign off on that agreement.

What we see here is a government that claimed it was elected on the platform of openness and transparency but in fact is providing none in its legislation. These work-in-kind agreements will only be disclosed to the Growth Areas Authority and the commissioner of taxation and will only appear on private land titles. They will not be made public.

Hon. M. J. Guy interjected.

Ms MIKAKOS — The minister will have an opportunity to pursue that when we get to the committee stage.

There will not be a requirement for consultation with the relevant local council as to what should be in a work-in-kind agreement. That is a fundamental error, I say to the minister. The lack of consultation with affected local councils is absolutely amazing.

Hon. M. J. Guy interjected.

Ms MIKAKOS — It is absolutely amazing that the minister would seek to entrench a system that cut out local councils from that process. There will also be no independent process to determine the value of the infrastructure that will be provided. This will be determined behind closed doors by the Minister for Planning and the developer. The Growth Areas Authority annual report will, for each growth area, total the value of all work partly performed as determined by the Growth Areas Authority and list the projects contributed to or completed. There will be no way to determine the value the minister will determine against each item of infrastructure. The only people who will know anything about these work-in-kind agreements will be the minister himself and the developer. What concerns the opposition is that this opens up the system to potential abuse. We on this side urge the government to allow the community and local governments in the growth areas the opportunity to have real input into the ultimate development of the necessary infrastructure and services in those local areas.

The other areas I want to touch on relate to breaches of two election commitments made by the coalition government. The first was to remove the requirement for non-government schools to pay the growth areas infrastructure contribution; and the second was to examine the removal of GAIC from land zoned commercial or industrial, hence removing what is more commonly known as 'a tax on employment land'. The minister can come to this house and claim all he wants; he can claim he is delivering on his election commitments, but with the same breath he is breaking election commitments. Rather than rushing this legislation through the Parliament in the middle of the night — —

Mr Tee — In the dead of the night.

Ms MIKAKOS — In the dead of the night, as we will no doubt see in the coming hours, the Labor opposition believes the minister should seek to rectify the glaring problems and deficiencies that exist in this bill: the issue of the lack of consultation with local councils, the issue of the lack of openness and transparency when it comes to work-in-kind agreements, as well as all his broken promises.

Mr RAMSAY (Western Victoria) — I rise to support the Planning and Environment Amendment (Growth Areas Infrastructure Contributions) Bill 2011. I appreciate my party colleagues have provided expert testimony in their contributions to the debate on why this is a good bill to replace bad policy from a bad Labor government. My contribution will be short and swift, contrary to the endless waffle that those on the opposite side impose on us from time to time. I would like to congratulate the minister, Matthew Guy, for righting a wrong and, as opposition spokesman, for fighting the good fight against an insidious Labor tax.

The purpose of this bill is to amend the Planning and Environment Act 1987 to allow a 100 per cent deferral of payment of the growth areas infrastructure contribution charge until the land is developed for urban purposes and to enable the GAIC (growth areas infrastructure contribution) obligation to be discharged by the provision of land or the construction of state infrastructure in lieu of cash payment. Consequently the bill makes amendments to the Land Acquisition and Compensation Act 1986 and the Sale of Land Act 1962.

The former government's position on the GAIC unfairly penalised families, small land-holders and those who had no desire to develop their land for profit. In fact in a former life as president of the Victorian Farmers Federation I was at a meeting with the then Minister for Planning, Justin Madden, and a number of his bureaucrats where I tried to explain that many farmers in the urban growth boundary area would have a financial impost of many tens of thousands of dollars as a result of the proposed charge, which would not be able to be recouped without subdivision and sale. It met with a blank and vacant stare — a demeanour that seems to have entrapped the former minister until his retirement. Thankfully coalition members in the upper house were able to defeat the previous bill, and it died a death in the Dispute Resolution Committee thereafter, where all bad policy should be sin-binned.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Elasmar) — Order! The member to continue.

Mr RAMSAY — I am down to 1 minute. I appreciate that the Government Whip has most kindly allowed me to continue. The most important thing to

note with this bill is the transfer of tax or charge away from the land-holder to the developer, enabling the growth areas infrastructure contribution to be deferred until land is ready to be developed, which is an appropriate and much fairer tax. The work-in-kind agreements, which can be entered into at the discretion of the state government, provide greater flexibility for payment of the contribution. These agreements enable the government to facilitate the delivery of strategically important state infrastructure through the contribution of works engaged earlier than normal and by linking the provision of the infrastructure at the time the land is being subdivided and ahead of the new housing estates becoming populated.

This is an election commitment which was strongly supported by Victorian communities, and the Baillieu government will deliver on it. It will fairly place a development charge on the developers, provide flexibility for payments and remove the cost burden from working families, who in the well-worn words of Labor will be able to 'live, work and play' on their land without a big new tax — like the big new Gillard federal government carbon tax, which taxes the right to live, work and play. It is something the previous government just did not get or understand. Sadly this bill is necessary because of the previous Labor government's irrational and poor policy and planning and the incompetent misuse of power that would have financially drowned all those who owned land in the urban growth boundary. I commend the bill to the house.

Hon. M. J. GUY (Minister for Planning) — Firstly I would like to sum up by saying that I endorse everything that Mr Ramsay has just said and the manner in which he has just said it. As I start to lose my voice, it being later in the night, I am glad Mr Ramsay could speak up with the gusto that this bill and the support for this bill so rightly deserve. In summing up I can say that there are a number of us on this side — Mr Ramsay in particular from his position at the Victorian Farmers Federation before coming to Parliament — who know the impact the previous government's GAIC (growth areas infrastructure contribution) bill has had on so many Victorian families. The uncertainty, distress and stress it has caused so many families was, as Mr Elsbury just said, a complete disgrace.

This bill seeks to right a wrong by delivering on a commitment made by the now Premier and me. Those opposite want to talk about community consultation, but the now Premier and I stood up in a hall at Beveridge with nearly 600 people who were outraged at being told by the Australian Labor Party, with its Soviet-style, big-government-knows-best model of taxation, that holding large land-holdings was evil and that they needed to pay a tax because Labor had wasted money over the last decade. Those people were disgusted and outraged, and we gave a commitment that night, which is being honoured tonight, to put that charge back onto the people who are developing land. We on this side of the house are standing up for the rights of land-holders.

We have held that commitment for a long period of time, and before we go into the committee stage tonight I say with pleasure that this side of the house is proud to honour that election pledge. We are proud to stand by the many hundreds of families which were referred to as spivs or carpetbaggers by the member for Melton in the Assembly. They were abused by the member for Yan Yean in the Assembly. They were abused by the former member for Seymour in the Assembly, Mr Hardman. They were treated with total disrespect by the previous Minister for Planning.

More Labor lies have emerged in relation to the GAIC bill. Members of the opposition are out there saying that this bill is somehow about uncertainty. This house knows about uncertainty when it comes to the GAIC. In Labor's time the GAIC changed six times in eight weeks. That is uncertainty. Here are all the fact sheets put out by the Growth Areas Authority showing the changes in the bill from one side to another side, changes to the lot sizes, changes to the amounts and changes to the time of payment.

What is really frustrating is that members of the Labor Party walk into this chamber and say, 'We have an issue with GAIC being paid at the statement of compliance stage', when it was those members who put in place a process whereby 70 per cent of it is to be paid at the statement of compliance stage. A tax that will realise $2 billion over 20 years with only 30 per cent of it as an up-front tax component is now going to mean the end of the world in relation to infrastructure in outer urban areas. Labor Party members must believe the world is flat, because their arguments make no sense.

The coalition has said that people who develop land should pay all of the GAIC at the time of the statement of compliance. A bizarre argument has been put forward by the former Parliamentary Secretary for Planning, Ms Mikakos, who comes into this chamber and says, 'Families will have moved in by the time this GAIC is paid'. I say again that the GAIC is paid at the time of the statement of compliance. If the former Parliamentary Secretary for Planning knew her stuff, she would know that statements of compliance come before a house is built and that therefore the time the

coalition demands that money be paid comes before a house is built. Therefore you cannot have moved into a house without a statement of compliance having been issued and you cannot have moved into a house without that money having being paid.

What we are seeking to do is cut down the holding costs from Labor's 30 per cent up-front charge that would drive away investment into Victoria to a 100 per cent payment at the statement of compliance stage that does not touch the liability, it simply realises that money at a point in the development process that will have a downward pressure on holding costs and a beneficial interest on affordability. Labor's attitude to this bill shows what members on the other side of the house think of affordability — nothing. It does not feature in their argument and at no time tonight have Labor members mentioned the words 'housing affordability', and that is because they have their heads in the sand on that issue.

Because of the infrastructure shortfall we have inherited in growth areas we have to put new processes in place to realise that infrastructure now. I am talking about state infrastructure, not local infrastructure — a railway station, a rail extension, a road duplication or a road upgrade to four lanes or to six lanes. It is state infrastructure, not local infrastructure. The government is simply putting in place a mechanism to realise those payments now, and it beggars belief for Mr Finn, Mr Elsbury and me to see Labor mayors from the western suburbs of Melbourne questioning a process that will put state infrastructure in place earlier in their municipalities via the passage of this bill. Labor mayors would rather have a political fight than realise state infrastructure at this time. I would like to know what their ratepayers would rather have: their political fights with their mates or the realisation of state infrastructure.

The work-in-kind scheme which will enable that infrastructure to be provided was described by Ms Mikakos as abhorrent, and yet as the former Parliamentary Secretary for Planning she presided over a regime where precinct structure plans had work-in-kind agreements in development contribution plans. She presided over a regime that had work-in-kind agreements in the precinct structure plans that the former Minister for Planning, Minister Madden, and the government she was a part of signed off on. Now she says, 'I believe they are abhorrent'. Where was her voice over the last 10 years saying that this scheme was abhorrent? She was silent, she was vacant and she was missing in action, and that is why she, with her colleagues, is in opposition.

This bill is an absolute pleasure to be associated with. It realises a commitment to ensure that Victorian families do not bear the cost of Labor's class warfare and that those who choose to develop land pay for the infrastructure.

Sitting suspended 11.29 p.m. until 12.02 a.m.

Motion agreed to.

Read second time.

Committed.

Committee

The ACTING PRESIDENT (**Mr Finn**) — Order! We have a number of amendments, as I understand it, and this could be quite complicated, as I also understand it.

Mr Leane — Don't be scared.

The ACTING PRESIDENT (**Mr Finn**) — Order! I can assure Mr Leane I am not scared. Would Mr Tee care to indicate where this is going to take us, because I would be fascinated to find out myself.

Mr TEE (Eastern Metropolitan) — Essentially I have three substantive amendments. Two of those are to clauses halfway through the bill. If I am successful on those two amendments I propose not to move the remainder of my amendments, which deal with the first part of the bill. In the discussion I had with the clerks it was suggested that we move through the bill clause by clause so that if members have questions they can ask them and that we defer consideration of the clauses the subject of my amendments until we get to my amendment 6 and then we will deal with that amendment, which will test amendment 7. We will then continue and deal with amendment 14.

The ACTING PRESIDENT (**Mr Finn**) — Order! Which clause are we looking at for Mr Tee's first substantive amendment?

Mr TEE (Eastern Metropolitan) — Clause 9. However, I think it might assist if we work our way through the bill so that if other members have questions we can deal with them in order and defer consideration of my amendments until we get to the amendments to clause 9.

Clause 1 postponed; clauses 2 and 3 agreed to; clause 4 postponed; clauses 5 to 8 agreed to.

Clause 9

Mr TEE (Eastern Metropolitan) — I have a question for the minister in relation to clause 9, which provides for work-in-kind agreements. Clause 9 inserts new section 201SLB(1), which talks about work-in-kind (WIK) agreements and says they are for 'land or works or a combination of land and works to meet the whole or part of' a person's liability. I want to get a sense as to the flexibility with which the minister sees this clause working. Could the minister envisage a situation where under these arrangements a developer would provide land to a company or would provide a recreation centre and then there would be an agreement with the developer and the provider of the recreation centre? I want to get a sense of the flexibility the minister envisages in terms of the scope of these agreements.

Hon. M. J. GUY (Minister for Planning) — Chair, as we begin the committee stage I want to make a fairly clear point to the opposition so that I do not, as I encountered in the previous committee, get asked the same question about a dozen times. Work-in-kind agreements apply to state infrastructure that would not be contained in a normal, local development contributions plan. A recreation centre, which is a hypothetical put forward by Mr Tee, is something that would come through in a local developer contributions plan, which, as Mr Tee may know, is a work-in-kind agreement at a local level, which was supported by the previous government for the last 10 years and enshrined in the precinct structure plan process.

It is also a process through work in kind that is supported by the Wyndham and Melton councils, which are engaged in precinct structure plan work right now and indeed will benefit from work-in-kind arrangements that are put in place to realise local infrastructure at the time of the precinct structure plan process.

Work-in-kind agreements are a way of realising state infrastructure. It is about a state infrastructure provision that can be obtained through a work-in-kind agreement. It is similar to a local developer contributions plan, which would in this case facilitate a recreation centre or a bike path or it might be a playground — what is currently in the precinct structure plan process.

What is also of curiosity to me is that the Labor Party has already indicated that it is going to oppose this bill, but it wants to ask questions in this committee stage on a bill it has already flagged that it opposes.

Mr TEE (Eastern Metropolitan) — I clarify for the minister's benefit for the third time — —

Hon. M. J. Guy — I only asked once.

Mr TEE — I have said it three times. This is the third time I have told the minister about our position — that is, if the minister supports our amendments about providing access to the information and if he supports our amendments providing for discussions with councils, we will support WIK agreements.

My question really went to the degree of flexibility that the minister envisages in these WIK agreements. Is it looking at an agreement between a developer and a provider of a recreation facility? Did the minister envisage that situation? When the developer provides the land perhaps the building and the recreation facility is part of that agreement and there is a third party that is going to provide that service.

Hon. M. J. GUY (Minister for Planning) — I am looking for the location in *Hansard* in which Mr Tee's colleagues in the lower house outlined that Labor opposes the bill.

That aside, what I just said to Mr Tee is what he has talked about as a recreation facility is a local piece of infrastructure. It is not a piece of state infrastructure and thus would not be considered, and the circumstance, being hypothetical, is not one that would be considered under the work-in-kind agreement.

Mr TEE (Eastern Metropolitan) — The reference to a recreation facility is a reference from section 201VB of the Planning and Environment Act 1987, which is referred to in new section 201SLB(3), which is to be inserted by clause 9 of the bill. Proposed section 201SLB (3) says that a WIK agreement can include anything in section 201VB of the Planning and Environment Act 1987. Section 201VB provides that that could include a recreation facility, which is why it is not hypothetical, because it is provided for in the minister's legislation.

Hon. M. J. GUY (Minister for Planning) — The definition of a recreation facility can be a public open space, for example, but what Mr Tee is talking about is the operational cost of a recreation facility like a pool or a gym in a growth area, and that is not being considered under work in kind.

Mr TEE (Eastern Metropolitan) — I take it that is an undertaking that the minister is providing to the house. It is not the provision in the legislation. I am wondering if the minister is providing the same assertion in relation to a health facility, an education

facility, libraries, neighbourhood houses, open space, trails and creek protection. What is the distinction the minister is drawing between that and the state-provided infrastructure which is then picked up and maintained by local councils, which I think is the nub of the issue that the minister is trying to address?

Hon. M. J. GUY (Minister for Planning) — I have already said that it would be a piece of state infrastructure that would not be contained in the local development contribution plan as part of the precinct structure plan.

Mr TEE (Eastern Metropolitan) — I am curious as to which provision of the legislation provides for that. The legislation appears to be quite clear. It could be a maternal and child health centre. It could be a council-run library. It could be a YMCA. It could be any one of the facilities that might be state-funded infrastructure, run, maintained, cleaned and staffed by local councils. It may be of assistance if the minister could point out the distinction he is making, which certainly is not apparent from the provisions of the legislation.

Hon. M. J. GUY (Minister for Planning) — Because the GAIC is a capital cost. It is not a recurrent cost; it is a one-off cost and that comes to the provision of the infrastructure — that is, the construction of the facility that would not be considered in a local development contribution plan as signed off in the precinct structure plan.

Mr TEE (Eastern Metropolitan) — I thank the minister. The GAIC provides the infrastructure, but the question is: who runs it; is it the local council?

Hon. M. J. GUY (Minister for Planning) — This has to be an agreement, as no doubt Mr Tee will talk about later in this process, that is agreed to by the state government. We are not talking about a developer coming along with a plan, agreeing with it and then fronting up to the council and saying, 'Here, you run this'. That is not the proposal whatsoever. It is about the provision of that piece of infrastructure. I envisage work in kind will focus on hard infrastructure such as transport delivery, a railway station or a new road, as opposed to what Mr Tee is talking about, which is a maternal and child health service. That is not the primary intention of the work-in-kind agreement.

Mr BARBER (Northern Metropolitan) — I think that answer is accurate, with one exception. It is true that where the payment is to be made under section 201VB of the principal act — that is, out of the Building New Communities Fund — it can only be for capital works. If the payment for the work in kind was of a type that might be funded under section 201VA of the principal act — that is, the Growth Areas Public Transport Fund — it can be for either capital associated with the public transport fund or, under subsection (b), for any recurrent costs relating to the provision of a new public transport service in a growth area for a maximum of five years after the commencement of that service. The minister is right generally in that it is always for capital works. The one exception to that is that it can be for operating costs for the first five years of a public transport service. I just want to make sure we are clear on that point, rather than tossing this around for too long.

Mr TEE (Eastern Metropolitan) — The concern that has been raised with me by councils is that, notwithstanding the minister's intention, the clear wording of the legislation provides that the GAIC can be used to provide capital works for state-funded infrastructure such as parks, which are then maintained by councils. Is there anything in the bill that the minister can point to that will give councils some comfort that they will not be stuck with maintaining the works, not delivering them, because I understand that the minister is saying the government will provide the building or the park. If all we have is the minister's undertaking, that is probably better than nothing, but is there any hard reference here to councils not being left carrying the cost of the maintenance of the infrastructure and the staffing?

Hon. M. J. GUY (Minister for Planning) — What Mr Tee is saying is correct. My undertaking is that councils will not be stuck with pieces of infrastructure that the state builds in growth areas. It is as strong as the previous government's undertaking that would have been the same in terms of the provision of infrastructure such as local services or a local piece of infrastructure — it might even be a park — that was provided for in the precinct structure plan process. What I mean by that is that nothing has changed between the current government and the previous government in terms of the delivery of those pieces of state infrastructure in growth areas. The only thing we are talking about today in terms of change is the method of realising the construction or the attainment of that piece of infrastructure — that is, through a work-in-kind agreement.

Any piece of state infrastructure that is being built in a growth area will obviously involve, through its nature and construction, consultation with the local government authority in that area. That is not a new or different process. It is no different from the process around any piece of state infrastructure that is being

realised, and the provision of work in kind and work which may eventuate through a work-in-kind agreement should be no different from the realisation of a piece of state infrastructure whether or not it is funded through the normal budget and expenditure review committee (BERC) process. What we are talking about with work in kind is a mechanism — which I might add was considered by the previous government and indeed the previous Premier when he was Treasurer — to realise that piece of infrastructure via a work-in-kind agreement at a period or in a time frame that would be sooner than would normally be attained if it was put forward under a normal BERC process.

Nothing has changed in terms of the priority stages or notification. Nothing has changed in any of those processes. What is changing through this bill is simply giving the state government an option to attain a work-in-kind agreement with a developer who has a GAIC liability.

Mr ONDARCHIE (Northern Metropolitan) — How much of the GAIC liability can be satisfied by a WIK agreement?

Hon. M. J. GUY (Minister for Planning) — The work-in-kind agreement is obviously an agreement that will be between the state government and the developer. It is basically the liability that is there for the developer that will then be presented to the state government in terms of the liability that exists and what the developer may be able to provide for it. It is not realising a piece of infrastructure that is not on any government priority lists. It is not realising any piece of infrastructure that is beyond the realms of the normal state infrastructure priority list into the future. It is simply providing the option to the government to realise that infrastructure at a time that would be sooner than normally available to the government.

Mr TEE (Eastern Metropolitan) — The minister has indicated that it may be infrastructure provided by the state and run by the councils, and then he has indicated that the other arrangements stay in place, but there are no other arrangements in relation to these WIK agreements; they are new. In that regard, proposed new section 201SLB(7) on page 7 of the bill, which talks about consultation, is very clear. It says that consultation is to occur with any minister the Minister for Planning thinks is relevant and with the Treasurer where the value of the agreement is more than $2 million. There is no requirement to consult with councils. The concern that has been raised with me is that you might have this agreement — it might be a great agreement or it might not be — but councils, who run the show, are not necessarily at the table. My question concerns the omission of councils from the bill in terms of consultation. The minister has indicated that that consultation will occur, but why is it not in the bill?

Hon. M. J. GUY (Minister for Planning) — I will say it again. This hypocrisy coming from the Labor Party in opposition, as opposed to the Labor Party in government, is quite astounding. Did the Labor Party consult any councils in advance when it went off to announce electrification to Sunbury? No, it did not. Did it consult the councils, or indeed the residents, when it sought compulsory acquisition to build the regional rail link? No, it did not. Did it seek to put any kind of consultation process in place with a local government authority when it put in place the grassland reserves to the west of Melbourne before they actually featured in government documentation? No, it did not. What is astounding to me is to see the Labor Party suddenly saying I need to put in legislation the requirement to consult with the local government authority on realising a piece of state infrastructure such as a railway station when for the last 11 years — and indeed the 10.5 years before that in the Cain and Kirner periods — the Labor Party did none of it.

Mr TEE (Eastern Metropolitan) — Again, the concern that has been raised relates to councils that are negotiating precinct structure plans which pick up public transport. You have a council that is talking about the future development of a community, but without reference to the council or the structure plan or what the developer and council are working through the minister is proposing in an independent manner to put through these WIK agreements. Again the question is: why not have the link with councils in the legislation in the sense that they have a clear view, having worked with the developer, as to what should be in those communities?

Hon. M. J. GUY (Minister for Planning) — Let us get this on the record: the GAIC accounts for $2 billion over 20 years; it is $2 billion of growth areas infrastructure contribution in 20 years. Let us say that work-in-kind agreements over the 20-year period account for 10 per cent of that infrastructure provision being realised. That is $200 million over 20 years. The reality is that that is a drop in the ocean for infrastructure provision in a state the size of Victoria, regardless of who is in government over that period of time. What the Labor Party is saying is that I should legislate — let us say 100 per cent of the GAIC is work in kind — $2 billion over 20 years. The Labor Party is saying I should legislate for compulsory consultation with local government for work-in-kind agreements for $2 billion over 20 years, when conceivably over that

time there would be close to $50 billion spent on state infrastructure in that time.

It is fine to legislate for $2 billion, which is the proposition being put to me and which I reject, and it is fine to legislate for compulsory consultation for growth area councils for $2 billion in growth areas, yet the other hypothetical $50 billion or higher amount has no requirement for consultation under the current precinct structure plan process which the Labor Party put in place.

Mr TEE (Eastern Metropolitan) — I just want to be clear on this. Whether or not these communities get infrastructure, whether or not they get the right infrastructure and whether or not it is put in the right place and arrives at the right time is very important to those communities, although it might be a drop in the ocean for the minister. I want to move my amendment dealing with the growth area councils, but I think Mr Barber has a question on this issue.

Mr BARBER (Northern Metropolitan) — It is not a question. It is a statement of where the Greens see these particular provisions and also Mr Tee's proposed amendment.

The ACTING PRESIDENT (**Mr Finn**) — Order! If Mr Barber is going to speak on the proposed amendment, it probably would be a good idea if we heard what that amendment is. Perhaps Mr Tee can move his amendment now and then Mr Barber can speak on it.

Mr TEE (Eastern Metropolitan) — I move:

6. Clause 9, page 7, after line 30 insert—

> "(b) consult with the relevant growth area council (within the meaning of Part 3AAB) for the growth area in which land or works or both are to be provided under the agreement; and".

I understand that amendment 6 will be a test for amendment 7. Essentially what the amendment does is require the minister to consult with the relevant growth area council in relation to a WIK agreement. He does not have to get the agreement of the council; all he is required to do is to let it know. The reasons for that are obvious. Councils are better placed, I suspect, to have a clear sense as to what infrastructure is important and what infrastructure is a priority, and unless that view is at the table there is a risk the infrastructure provided will not be a priority. It might be that it is not a requirement for that particular community at that particular time, so it is all about getting the right infrastructure.

The second issue is that if, as the minister has conceded, the infrastructure is provided by the state but the council has to run and maintain it, then it would seem appropriate that the minister consult with the council about its ability to maintain it, about any funding shortfalls it might have and also about what works best, because it is the council, not the state government, that ends up holding, maintaining and staffing that infrastructure. I do not think it is onerous, as the minister has indicated, for the government to consult the local council when developing an agreement which determines the infrastructure that will affect a local community.

Mr BARBER (Northern Metropolitan) — I cannot see how the amendment does a lot of harm, but I would like to explain why I think the Labor Party is chasing the wrong rabbit. First of all, there is nothing novel about a work-in-kind agreement in this kind of development context. Section 46P(2) of the Planning and Environment Act 1987 is part of the section that governs local government development contribution plans and states:

> (2) The relevant collecting agency —

which can be a council or anybody else who has created a development contribution plan —

> may accept the provision of land, works, services or facilities by the applicant in part or full satisfaction of the amount of levy payable.

That provision has seemingly been in the act since 1995. The only rules around what can be in a development contribution plan and all the rest of it are the rules set out under the ministerial guideline for a DCP. In fact this little (development contribution plan) section — section 46P(2) — is the only clue to how a council might go about making that sort of decision as to whether or not to accept works in kind. What we have in front of us is a bill that creates pages and pages of requirements, guidelines and rules in statute as to how the state government should go about agreeing to, designing, monitoring and reporting on similar works in kind. Labor needs to understand that under the act the way it has always worked is that councils have always been able to do what the state government is now proposing to give itself an option to do, and that includes Cr Mammarella out there in Melton and all the rest of them. They all get to do it if they want to, except there is no legislation around how they do it. The bill we are looking at says there will be some legislation that will provide some assurances, confidence and at least some sort of trail — some limits on how the minister signs up to an agreement.

The next issue is about consulting local councils. The GAIC bill that the government brought in is now part of the Planning and Environment Act 1987, and any works funded through GAIC — that is, delivered through the Growth Areas Public Transport Fund and the Building New Communities Fund — can be implemented on the ground without consultation. That is the bill that Labor rammed through both houses on several occasions and through the Dispute Resolution Committee. It says, 'We are collecting this GAIC money. We are going to spend it in local communities on this list of things: public transport, community infrastructure, health facilities, education facilities, regional libraries, and even neighbourhood houses'. There is no requirement to consult the local council as to where the previous government might have placed its neighbourhood house.

Now Mr Tee is coming in and saying that only in relation to works that are done under a work-in-kind agreement must the minister consult the council, but under his bill — the one that he stood 2 feet from my left and argued furiously for last year and rolled over the top of all of us — the now opposition was not going to consult anybody about any of this infrastructure. Now the only consultation that councils will get will be on the proportion of GAIC-funded works that are funded through a work-in-kind agreement. It is probably better than nothing, but it is hardly a complete solution and not something that opposition members were offering up just a short six months or so ago.

For that reason I am not entirely sure what it is that Labor is grasping for here, apart from a good way of doing things between state and local governments that Labor never advocated when it had the chance and now is only offering a slight solution to. For that reason I am prepared to support the amendment, which offers a solution to some extent but is hardly perfect, and I do not share with Labor the view that this entire section is some sort of vast conspiracy. It seems to work in the same way as a local government development contribution plan, except the state government has more requirements.

Mr Tee started to suggest that there might be some back-and-forth approach between a local government development contribution plan and the thing known as GAIC, which is a big state-wide contribution plan for growth areas. If that is the case and there is some sort of blurring of the boundary between the two types of plans, that is a function of the way the previous government ran DCPs and wrote the GAIC amendments to the Planning and Environment Act 1987. The Planning and Environment Act 1987 does not specify what the money from DCPs can be spent on. The ministerial guidelines says what local councils can do with the moneys in relation to the DCPs. The planning act lists the things that are state infrastructure, although some cover local areas. It is fairly clear what GAIC money cannot be spent on; it is not as clear what development contribution plans that are developed by local councils — which are in any case approved by the selfsame Minister for Planning — could reach out to cover. If there is a particular objection there, it is not something we can correct in this bill; it is an issue that is very long running and exists because Mr Tee's former government developed two forms of development contribution plans and has put them side by side in the Planning and Environment Act 1987.

Hon. M. J. GUY (Minister for Planning) — I will simply say again — in some ways it is a similar comment to that of Mr Barber — that if the opposition now has an issue with work-in-kind agreements and reporting mechanisms within them, it had 11 years to fix them. I say clearly that not only are work-in-kind agreements which will be or may be engaged in no different or very similar to local development contribution plans but the state infrastructure within them would also be part of DCPs which are now signed off in terms of precinct structure plans. Councils are obviously part of the signatories to the precinct structure plan process — —

Mr Tee interjected.

Hon. M. J. GUY — I do not know how many times Mr Tee needs to hear this, but his former government put in place the process that we are talking about today — that is, there is no consultation with councils. Suddenly Mr Tee wants consultation with councils mandated when the vast majority of infrastructure did not involve consultation and where mandatory consultation with councils was not provided. The former government had 11 years to do this; it beggars belief.

I would respect the fact Mr Tee might have that point of view if he came into the chamber and made a mea culpa statement, admitting that his former government, which was in power for 11 years, had a kind of fascist regime which he now accuses me of having — he does this with his mates in Werribee and Melton. But at the end of the day the opposition when in government had a regime in place. The fundamental basis of the precinct structure plan process which we are operating on is a regime that the former government put in place. Now the Labor Party has run into this chamber and said how awful it is.

What I find objectionable is that I was provided with a copy of this amendment by the opposition about 24 hours ago. The opposition flagged this amendment in the lower house debate some two weeks ago. If the Labor Party opposition had been really serious about this amendment when it was flagged by a number of Labor Party members in the Legislative Assembly that proposed amendments were going to be moved and that the opposition wanted these amendments to be passed, I would have received maybe a telephone call or some form of communication from the opposition seeking government support regarding the moving of these amendments — I mean this sincerely: I am very happy to talk with any member of any party in this chamber about proposed amendments to planning bills under my name introduced in this chamber — but I received none of that.

I received no calls, letters or emails from either the mayor of the Melton Shire Council or the mayor of Wyndham City Council, who are both Labor Party members, who have expressed concern about work-in-kind agreements. Bizarrely, exactly the same language was used by Mr Nardella, the member for Melton in the other place, and the very eloquent Mr Eren, the member for Lara in the other place — I say that with my tongue in my cheek — during their contributions to debate on this bill.

I find it astounding that we had all this time between the debate in the Legislative Assembly and tonight, and we are about to vote on an amendment when I suspect the opposition could have come to the government to seek support or clarity — but such an approach was never forthcoming. As such, the amendment shows itself to be more of a stunt than one of real substance.

Mr TEE (Eastern Metropolitan) — Just briefly, the amendments were forwarded yesterday — or rather Monday, which is now the day before yesterday — which is considerable notice given that there are three substantive amendments on just one page. The final version was received by me on Tuesday morning, so the version the minister received was the near-to-final version — he got an early version of the amendments. It was not as if we were keeping them up our sleeves to spring on the minister.

Committee divided on amendment:

Ayes, 17

Barber, Mr	Pakula, Mr (*Teller*)
Broad, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr (*Teller*)
Lenders, Mr	Tierney, Ms
Mikakos, Ms	

Noes, 19

Coote, Mrs	Koch, Mr (*Teller*)
Crozier, Ms	Lovell, Ms *(Teller)*
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Petrovich, Mrs
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

Pairs

Darveniza, Ms	Atkinson, Mr
Viney, Mr	Kronberg, Ms

Amendment negatived.

Mr TEE (Eastern Metropolitan) — I have a question in relation to proposed section 201SLC(1)(e), which talks about the agreed value, and proposed section 201SLC(1)(f), which talks about the method or methods for calculating the value of works to be carried out under the agreement if they are only partly carried out. Essentially proposed section 201SLC provides for matters that are to be included in a work-in-kind agreement, and it says it is either the agreed method or a method for calculating the value if the work is only partly carried out.

The concern I have is that the value or method agreed will be determined by the minister and the developer and there is no independent verification of that value, so there is no market testing of the school, building or proposal. Is that the case, or have I missed something?

Hon. M. J. GUY (Minister for Planning) — The Department of Treasury and Finance will be involved in the costing of a piece of infrastructure, not me.

Mr TEE (Eastern Metropolitan) — I thank the minister. I note that the Department of Treasury and Finance is required to be consulted where the value is greater than $2 million. However, there is no such requirement for anything that is less than $2 million.

Hon. M. J. GUY (Minister for Planning) — There is not much in the way of state infrastructure you can get nowadays, Mr Tee, for less than $2 million, let me tell you that. A railway station does not come for less than $2 million; a road duplication, even for 1 kilometre, you might not get for less than $2 million. I say again that the Department of Treasury and Finance and the Department of Planning and Community Development will be involved in every

piece of GAIC infrastructure that is signed off on by myself and the Treasurer.

Mr TEE (Eastern Metropolitan) — It is envisaged that the Treasurer, who has to approve anything over $2 million, will rely on the department's advice, but is it proposed that there will be tendering and market testing independent of government for projects valued over $2 million?

Hon. M. J. GUY (Minister for Planning) — We will follow the normal procedures that the Department of Treasury and Finance would go by to ascertain the construction cost of a piece of state infrastructure such as the Sunbury electrification, whereby the Department of Transport and the Department of Treasury and Finance would put a business case together. That would be the same for work-in-kind agreements.

Mr TEE (Eastern Metropolitan) — In that example the infrastructure was tested by the market and tenders were required. There is no such process provided for in the WIK agreements.

Hon. M. J. GUY (Minister for Planning) — There is no reason why that cannot be done, should the Department of Treasury and Finance decide to do that, and I think Mr Tee would know from experience that the Department of Treasury and Finance would not put together a costing that would be at a deficit to itself or the taxpayer.

Mr TEE (Eastern Metropolitan) — I still refer to clause 9, but a couple of pages further on in the bill — that is, proposed section 201SLF, which talks about amendments to work-in-kind agreements, and proposed section 201SLG, which talks about the ending of a work-in-kind agreement. Again there are no criteria and there is no guidance for the sorts of matters that will be picked up there. Is it envisaged that that would be a hardship provision? What set of circumstances would warrant either an amendment to or a termination of the work-in-kind agreement?

Hon. M. J. GUY (Minister for Planning) — As is the case with any state government contract delivery, if there is non-compliance or if a developer goes bust during the course of the agreement, the state is the first party that is to be satisfied in regard to moneys that are outstanding. It is the same as any normal government tender arrangement; the only difference is the realisation of the method of payment as opposed to the contract.

Mr BARBER (Northern Metropolitan) — I have a couple of quick questions going back to section 201SLB. Is there anything in this section that would prevent someone with a number of growth areas infrastructure contribution (GAIC) liabilities — that is, a big developer — from bunching those up and making them subject to the one work-in-kind agreement under 201SLB(1)?

Hon. M. J. GUY (Minister for Planning) — There is nothing in the bill which would prevent it, but a work-in-kind agreement does not mean the developer presents a contract to the government and says, 'Here, sign this'. Obviously the government, through this bill, is in control of the work-in-kind process, and it would be a decision ordered by Treasury, approved by the Treasurer and myself, which would need to be of significant value. Having said that, if one liability was in a different growth area from another, for example, that would not be satisfactory. They would need to be within the same growth area.

Mr BARBER (Northern Metropolitan) — That was my next question, because GAIC moneys collected anywhere can be spent in growth areas anywhere, and subsection (3) says that the land or works to be provided under a work-in-kind agreement must be situated in a growth area and be of a type that may be funded via the two funds under the principal act. Is there anything in the bill that would prevent a developer who has a GAIC liability in one growth corridor but operates in a number of them from entering into an agreement with the government to do works in kind in a different growth corridor from where they incurred the GAIC liability?

Hon. M. J. GUY (Minister for Planning) — One of the things that my side of politics negotiated with the previous government when the re-presented GAIC bill, which was a defeated bill — we have been through this in the Legislative Assembly in the last couple of weeks — managed to re-emerge in this chamber, was a listing of where GAIC moneys would be spent and a quarantining of those funds to the particular growth areas that they were from. Obviously that would apply to works in kind under this bill as well.

Mr BARBER (Northern Metropolitan) — Is it a political commitment? It is not in the principal act that we are amending, or am I wrong about that?

Hon. M. J. GUY (Minister for Planning) — There is material in the principal act. Also, at the time commitments were made by the previous government for the reporting mechanism of GAIC, which would be done through the Growth Areas Authority. That would outline where those moneys would be spent and those moneys would be spent in the growth areas from which they were taken. The previous government put that

point into discussions around the principal act. I think the minister put it into the second-reading speech, and it was a principle we supported.

Mr TEE (Eastern Metropolitan) — I want to go to the discussion we had around the amendments and the termination. I think the minister indicated that it would follow the usual government process and that it would apply in circumstances where the agreement is not complied with, but moving through the bill there are a number of steps that occur where there is non-compliance. That is why I ask: why do there need to be provisions dealing with the ending of a work-in-kind agreement in circumstances where there is non-compliance when further on the bill deals with the consequences of non-compliance? It seems there must be an extra reason for having those provisions.

Hon. M. J. GUY (Minister for Planning) — There is no hidden secret agenda or anything. There is no need for paranoia about it. The government is just providing the greatest certainty it can through a legislative framework for the ending of any of those agreements and ensuring, should any of those agreements end in a circumstance where the company is no longer viable, that the state would be the first recipient of any moneys that were wound up from that company.

Mr TEE (Eastern Metropolitan) — Proposed section 201SLH talks about where the work-in-kind agreements are to be placed. The registrar is to effectively attach an agreement to:

> (a) land that is to be transferred …
>
> (b) land on which works are to be carried out … (other than Crown land);
>
> (c) the whole or part of the land in respect of which the growth areas infrastructure contribution relating to the agreement is imposed.

I wonder what paragraph (c) means. Does it mean the whole of the subdivision? How is it different to paragraphs (a) and (b)?

Hon. M. J. GUY (Minister for Planning) — Is the member seeking clarity on proposed section 201SLH(1)(c)?

Mr Tee — Yes.

Hon. M. J. GUY — In not all circumstances may the works in kind be for the entirety of the parcel. I will use a hypothetical example. If a developer has a very large parcel of 300 hectares and at a particular point in time brings on a portion of that development — maybe 100 hectares or so — it can be portioned, and paragraph (c) relates to the whole or part of the land. It will be part of the development, maybe 100 hectares, that will come on at that time. That is what that allows.

Mr TEE (Eastern Metropolitan) — This is an important process then. Mr O'Brien talked about this being one of the few ways in which the public might be able to find out what is in a work-in-kind agreement. It is attached to the land that is relevant — that is, either being transferred or where there will be a building on it. Proposed section 201SLH(3) requires the registrar of titles to essentially attach it to or make a recording on each folio relating to the land affected. I note the use of the word 'may' — the registrar of titles 'may make a recording on each folio', but equally they may not. Again I wonder why this is an optional issue. It suggests that it may be that it is not recorded. Is it the case that on occasions it may not be recorded on a folio? Is there discretion for the registrar? If so, why?

Hon. M. J. GUY (Minister for Planning) — The registrar asked for that, and I will read for Mr Tee the words I was given just to provide clarity on that:

> The use of the term 'may' in 201SLH(3) is at the request of the registrar of titles. It provides necessary legal flexibility to ensure that the description of the land referred to in a WIK agreement aligns appropriately with the land title particulars before registration of a WIK agreement, but as a matter of practice a WIK agreement will always be recorded on the title.

Mr TEE (Eastern Metropolitan) — I thank the minister; that is helpful.

The next provision I want to ask a couple of questions about is the new section 201SLI, which deals with the restrictions on dealings with land. It describes a person dealing with land in a way that is inconsistent with a WIK agreement without the consent of the minister. In terms of accountability, is there any penalty for failing to comply with this new section? The concern that has been raised is that if you are subject to this agreement and you are not acting in accordance with it, it is not in your interest to reveal that to anyone. Is there a penalty for a breach of new section 201SLI(1)?

Hon. M. J. GUY (Minister for Planning) — I have just gained clarity on that, confirming what I believed to be the case. Such behaviour would not only obviously be a tax default but would also involve breaching a legal agreement. That is why, as has been explained, there are the provisions earlier in the bill to which Mr Tee correctly alluded when questioning why clauses relating to termination had been inserted additional to relevant provisions later in the bill. The answer is that they give the government greater strength

should a default and/or termination take place involving a WIK agreement.

Mr TEE (Eastern Metropolitan) — The next new subsection deals with what occurs when a developer runs into trouble, and this is the issue we touched on before. Basically new subsection (2) provides that the mortgagee can foreclose, so essentially the bank can come in and sell the whole or part of the land. My question is: what flows from that? The developer owns the land or has a WIK agreement with the government that says, 'Let's put in a school' and three-quarters of the way through completion the mortgagee comes in and takes away the land and the school; is that the way it is set out? Will the rights of the mortgagee — the bank — effectively take away the WIK agreement?

Hon. M. J. GUY (Minister for Planning) — First of all, the WIK agreement is not a staged payment process. It is a process involving a contractual agreement entered into up-front. More to the point, if a developer was in default and the bank had taken ownership of that land, given that the WIK agreement would be registered on title any disposal of that land asset by the bank or any receiver in charge of that asset would on disposal have to satisfy the outstanding liability to the state that would exist as part of that WIK agreement.

Mr TEE (Eastern Metropolitan) — To be absolutely clear, the liabilities under the WIK agreement might involve the transfer of land by way of the bank coming in and selling the land. I suppose I do not understand how that works in the sense that if the land is going to be transferred pursuant to a WIK agreement and the bank comes in and stops that occurring, is the new owner required to transfer the land? That is essentially what the minister is saying — that the liability and the obligations under the WIK agreement continue even if the parcel of land is sold.

Hon. M. J. GUY (Minister for Planning) — I understand exactly what Mr Tee is asking. My advice is that the answer is yes. My understanding is that the first point that needs to be considered is that it would be a strange circumstance — because it centres around the issue of timing — for a company to hypothetically go into receivership, or to go belly up in this instance that we are talking about, in the middle of a work-in-kind agreement with the government when the infrastructure has not been delivered. For example, if there is a GAIC liability attached to the land which is being deferred as a work-in-kind agreement and then the company goes into receivership, the work-in-kind payment has already been determined out of the one-off GAIC liability for that land. That money has been realised through the work-in-kind agreement, which is attached to the title of the land. The person who purchases that land and would normally have a GAIC bill will have a work-in-kind agreement, which is attached, rather than a GAIC bill. As part of the purchase they have now taken on the liability of a work-in-kind agreement rather than a GAIC liability.

Mr TEE (Eastern Metropolitan) — Proposed section 201SLK talks about a person notifying the GAA (Growth Areas Authority) of the performance of an agreement. This is an important new section because it triggers a number of steps. The GAA then verifies that the works have been done, and what flows from there is that the registrar is notified and the WIK agreement gets removed from the title, if that is what is appropriate, or the commissioner of taxation is notified. It occurs to me, and it has been raised with me, that the deficiency with this new section is that it relies upon the person who is completing their WIK agreement to advise the GAA. The concern is that if you are not going to complete your WIK agreement or you have not completed your WIK agreement, you are not going to advise the GAA; in which case, what is the trigger? The developer is certainly not going to fess up because they cannot or will not provide the infrastructure, and the GAA does not know there is a problem because it has not been notified.

Hon. M. J. GUY (Minister for Planning) — This is like any government contract. We are not talking about a contract put in place by the government which you simply walk away from, twiddle your thumbs and think, 'Oh, well, the private sector will come to the party. We will just hope that they do the work'. This is a material piece of state infrastructure that would be factored into what would either be a precinct structure plan or the growth areas framework plan. The state will obviously be monitoring the implementation of that piece of infrastructure, as would occur not just through the Department of Treasury and Finance, which would have a contract on behalf of the state, but through the Growth Areas Authority, which would be monitoring it as well. The monitoring of the delivery of that contract would be the same as for any government contract that exists today, whether it be the same as a public-private partnership or whether it is the same as — I was trying to think of an example for you, but obviously a piece of private infrastructure being delivered for the state. This is no different to any of those agreements in terms of the monitoring arrangements that would be in place for the government to ensure that it is being delivered.

Mr TEE (Eastern Metropolitan) — It is probably quite different on the basis that for most of those contracts there are performance measures which, if they

are met, result in payments being made. It is the reverse here, which is that if you fess up that you have done the wrong thing, you are going to get a GAIC liability and you are going to get some adverse taxation outcomes or penalties, by reference to some taxation. There is absolutely no incentive for the developer to demonstrate that they have met their performance measures. The way this is phrased, there is no capacity for the proactive enforcement that the minister has indicated should occur. I suppose that is the concern I have with this.

Hon. M. J. GUY (Minister for Planning) — There is certainly incentive on behalf of the government to ensure that work-in-kind agreements are kept and they are kept in accordance with the contracts that will have been agreed.

Mr TEE (Eastern Metropolitan) — Incentives, but no measure. Just moving through to new section 201SLL, which is to be inserted by clause 9. This essentially is where the Growth Areas Authority determines whether or not the WIK agreement has been complied with. If the WIK agreement has been partly performed, then the GAA decides the value of the work that has been done. Can I just confirm that that value is determined by reference to the agreement that the minister has made with the developer? Can I also confirm that the GAA does not go out and independently verify the value? What the GAA does is say, 'What the minister and developer agree ought to be the basis of us deciding what the value is'.

Hon. M. J. GUY (Minister for Planning) — That value would ultimately be determined by Treasury with dispute resolution mechanisms in place.

Mr TEE (Eastern Metropolitan) — Can I clarify that, because the value is determined by reference to new section 201SLG(1). That section provides that the minister and the developer will work out the formula; there is no reference to Treasury. It might be that the minister and the developer say if it is half-finished, the government gets a half-payment. There is no requirement that I can see for there to be anything other than a formula that the minister and the developer have agreed to.

Hon. M. J. GUY (Minister for Planning) — Later in this bill, as Mr Tee would know, there are provisions relating to the signing of those agreements. Indeed I am very sure that the Treasurer will not sign off on any agreements for which he is not satisfied of the value.

Mr TEE (Eastern Metropolitan) — Again we have covered that. The reality is there is no market testing verification; the government is relying upon the bureaucrats in Treasury. I think that is the end of clause 9.

Hon. M. J. GUY (Minister for Planning) — By way of comment, I want to put on the record that the Labor Party is stating that the government does not have any independent verification of the cost. This is an important point. The opposition is saying that the government is not having any independent verification of those costs, that it is relying on the bureaucrats in Treasury. I will point out for the record in *Hansard* that seven months ago during the state election when asked to cost election promises it was the then government, now opposition, that was saying Treasury was independent and it was not bureaucrats who did the costings, that the people were fully independent and thus their figures should be relied upon. Now the opposition seeks to put down the people in Treasury who do those costings.

Mr TEE (Eastern Metropolitan) — Very briefly, it is one thing to cost election commitments. The previous government never said it would have Treasury cost the value of a railway station, the value of a school or the value of a park, which cost it would then use to sign up with a developer. We have always relied upon a market-based approach where we test the market and where we have an open, competitive tendering process for whatever building project it is. That is what is missing in this agreement. It has nothing to do with election commitments.

Ms BROAD (Northern Victoria) — As a member who has been following the debate on this clause, and since we are putting things on the record, before this clause is put I wish to place on the record that in the course of the debate on this clause I took deep offence to Mr Guy's reference to the former government as a fascist government. I believe there are a great many people who would take deep offence at such a characterisation, regardless of their political affiliation. I think it is deeply objectionable, and I would certainly urge the minister to reconsider that kind of characterisation as being objectively untrue as well as deeply offensive.

Hon. M. J. GUY (Minister for Planning) — First of all, I would say that I do not think Ms Broad correctly heard what I said in relation to that term. However, speaking as someone whose family was put into workers camps by the fascist regime in Germany in the 1940s, if Ms Broad takes offence at that term, I certainly withdraw it.

Clause agreed to; clauses 10 to 13 agreed to; clause 14 postponed; clauses 15 to 17 agreed to; clauses 18 to 20 postponed; clauses 21 and 22 agreed to; clause 23 postponed; clause 24 agreed to.

Clause 25

Mr TEE (Eastern Metropolitan) — I move:

14. Clause 25, after line 10 insert—

"(d) the following information relating to each work-in-kind agreement that was in force or that has been performed or partly performed in the preceding year—

(i) the matters referred to in section 201SLC(1)(a) to (e);

(ii) if the Growth Areas Authority has determined under section 201SLL(1) that the agreement or a stage of the agreement has been performed or partly performed in that year, a description of the land or works provided under the agreement, the date on which the land or works was provided and, if the agreement was partly performed, the value of the land or works determined by the Authority under that section; and".

The amendment goes to remedy a deficit in what is made public in relation to the content of a WIK agreement. Currently all that is revealed is the total value of all work-in-kind agreements. What is not revealed is the individual value of the particular infrastructure that has been agreed to by the minister and the developer. The minister has already indicated that these values are not verified independently of government, so we are relying upon the developer and the minister to agree on the value. It is not market tested. Moreover, there is no way for the public to be able to easily ascertain the value that has been agreed to by the minister.

I think as an accountability and transparency mechanism we ought to be able to see what the minister and the developer have agreed to as the value of the school, but in addition we need to see the value and description of the school as agreed to by the minister. I think that if done on an annual basis, this would give the community the capacity to see what has been agreed to, when it will be delivered and the value that has been assigned to it by the minister and the developer.

I am not requesting information that the GAA has to go and find; this is not information that anybody has to go and look for or get anyone to verify. All that is being required in my amendment is that the GAA make public information that it already has in its possession. The GAA need only itemise and set out information for the public in the same detail that has been provided to it by the minister and the developer. The GAA does not have to reveal necessarily the name of the developer or any other bits of the agreement that are in place. This information would simply enable the community to know, looking ahead, what it is they are going to get, what it will look like, the description, when they are likely to get it and what the minister and the developer have agreed to in terms of value. I therefore encourage the committee to support that amendment.

Hon. M. J. GUY (Minister for Planning) — This is one of the issues that I would have been very happy to resolve with the opposition some weeks ago if, when the amendments were first flagged in the lower house, we had received some communication from the opposition. The GAA is happy to keep a live and ongoing register of WIK agreements on its website, but as I have said, the government will not be voting for the amendment, simply because it would delay the passage of the bill. However, I would say that we are happy to keep that register on the website and to have that level of information made public. We have no issue with that, and it is one of those points that could have been resolved some time ago.

Mr BARBER (Northern Metropolitan) — I think it is a good amendment. Obviously moneys collected through GAICs are easy to account for because they have a dollar value, which is the amount collected, although when it comes to the performance or part performance of agreements that is a bit more subjective. However, as Mr Tee points out, information has already been collected under the provisions of earlier sections of the bill. The minister has made a commitment to put this information in a register on the GAA website. This will be a good thing if it happens, but most other aspects of this proposal, as well as its reporting, are already covered by the bill. This is simply ensuring that, in relation to the proportion of the GAIC money that comes in the form of work-in-kind agreements — the minister said it might be 10 per cent or it might be a larger amount — those moneys, or those assets if you like, are presented in a sensible way through the GAA's annual report, and I think that is appropriate. We will support the amendment.

Mr TEE (Eastern Metropolitan) — As I understand the government's position, in essence it supports the release of this material. We cannot vouch for the next minister, but the current minister says he will make that information available. Yet notwithstanding his in-principle support, he will not support the amendment, which strikes me as being very churlish.

Hon. M. J. GUY (Minister for Planning) — It is not churlish; it is in fact lazy on Mr Tee's part that he did not come and see the government some two weeks ago and have a discussion if he had real concerns. The point is that the government has made it very clear it wants to get this bill passed by the end of the financial year so that it can give some certainty to councils, to communities, to investors and to developers in relation to the statement of compliance model of the GAIC. It is imperative that we have this bill passed by Parliament this week, if possible. As I said, I do not have any in-principle disagreement with a live and ongoing register of WIK agreements on the GAA website being put in place. That does not need to be done through an amendment. I have stated very clearly the government's intention and no doubt Mr Tee, as the opposition spokesperson, would pick me up if that was not fulfilled — and so he should. We have made a commitment to do that; we will be happy to do that. If Mr Tee had spoken to the government two weeks ago about having that included in the legislation, we could have done that.

Mr TEE (Eastern Metropolitan) — On the one hand the minister is saying the opposition flagged the amendments two weeks ago, and on the other he is saying that the government did not know about them. The issue was a live issue two weeks ago. The minister could have rung me today or he could have rung me yesterday. It is not a complicated matter. He could have got advice very quickly. If the minister had any intention of supporting it, he could have picked up the phone.

Hon. M. J. GUY (Minister for Planning) — I am not going to prolong the matter, but I will say that there was no detailed description of amendments two weeks ago. The only thing that was there was, 'If we do not receive satisfactory assurances in relation to aspects of the bill, we will seek to move amendments'. That was from the member's colleagues; there was nothing beyond that.

Committee divided on amendment:

Ayes, 17

Barber, Mr	Pakula, Mr
Broad, Ms (*Teller*)	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms (*Teller*)	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms	

Noes, 19

Coote, Mrs	Koch, Mr
Crozier, Ms	Lovell, Ms (*Teller*)
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr (*Teller*)	Petrovich, Mrs
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

Pairs

Darveniza, Ms	Atkinson, Mr
Viney, Mr	Kronberg, Mrs

Amendment negatived.

Clause agreed to; clauses 26 and 27 agreed to; clauses 28 and 29 postponed; clause 30 agreed to.

Postponed clause 1

Mr TEE (Eastern Metropolitan) — I propose to now move my amendment 1 to clause 1, which will be a test for the remainder of the amendments I have not yet moved. I move:

1. Clause 1, lines 6 to 9, omit all words and expressions on these lines.

In doing so, I indicate that the position of opposition members has been very clear — that is, that we have always had concerns about the WIK agreements and their secrecy. What we have said all the way through is that if we could see tangible improvements relating to councils being consulted on the content of these agreements and information being put out so that the public could have a capacity to judge for themselves whether they were getting value for money, then we would, with some reluctance, live with the WIK agreements. We think the danger is too great because of the secrecy and what the minister has admitted about the lack of independent verification around the costings. We cannot support the agreements, and if we are successful these amendments will strike those from the bill.

Mr BARBER (Northern Metropolitan) — The Greens have supported the Labor Party's amendments so far but we do not support those to this particular clause. The member's argument is inconsistent in that he thinks the provisions would be okay with some small amendments — and they are small amendments — but overall he opposes them. Whenever local councils register development contribution plans across the board, they have the right to set up work-in-kind agreements as part of those plans. The only guidelines relating to any aspect of that would be ministerial directions issued by the Minister for Planning. That is the way it has been for a long time.

We do not yet know whether the works in kind under local government development contribution plans will be more or less than those that might arise under GAIC-related plans. Mr Tee can argue that there is potential for concerns to exist but as a matter of law the situation is no different to that in the local government area — and that is certainly a situation that the previous government tolerated. The new Minister for Planning might like to issue new and tougher, or possibly even more freewheeling, guidelines for councils in relation to their development contribution plans, but there will still be a large amount of material that is required to be produced through this legislation that is sufficient for anyone who wants to find out about the performance of developers as measured against their commitments.

Hon. M. J. GUY (Minister for Planning) — There is some comment from the opposition again around supposed secrecy in relation to work-in-kind agreements. We have been through this in this committee stage time and again, over and over. Work-in-kind agreements will, as a matter of practice, always be recorded on the title.

Mr Tee — But not in law though.

Hon. M. J. GUY — As a matter of practice they will be recorded on the title. It is not difficult to do a title search to find that agreement.

Mr Tee — But you do not know who owns it.

Hon. M. J. GUY — You do not. The member does not understand a title search if he thinks you have to know the person who owns the land, because that is not the case.

Mr Tee — I did a few.

Hon. M. J. GUY — If that is the case, the member needs to go back and do a few more to freshen himself up, because that is not the case. You do not need to know the person's name. The work-in-kind agreements are recorded on the title in a transparent manner as a matter of practice. This whole argument around secrecy is simply an argument concocted by an opposition obsessed with paranoia.

Committee divided on amendment:

Ayes, 14

Broad, Ms	Pakula, Mr
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Jennings, Mr	Somyurek, Mr
Leane, Mr (*Teller*)	Tarlamis, Mr
Lenders, Mr	Tee, Mr
Mikakos, Ms	Tierney, Ms (*Teller*)

Noes, 22

Barber, Mr (*Teller*)	Hartland, Ms
Coote, Mrs	Koch, Mr
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Pennicuik, Ms
Elsbury, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr
Hall, Mr (*Teller*)	Rich-Phillips, Mr

Pairs

Darveniza, Ms	Atkinson, Mr
Viney, Mr	Kronberg, Mrs

Amendment negatived.

Clause agreed to; postponed clauses 4, 14, 18 to 20, 23, 28 and 29 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The PRESIDENT — Order! The question is:

That the bill be now read a third time and do pass.

House divided on question:

Ayes, 22

Barber, Mr	Hartland, Ms
Coote, Mrs	Koch, Mr
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr (*Teller*)	Pennicuik, Ms (*Teller*)
Elsbury, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr
Hall, Mr	Rich-Phillips, Mr

Noes, 14

Broad, Ms	Pakula, Mr
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Jennings, Mr	Somyurek, Mr (*Teller*)
Leane, Mr	Tarlamis, Mr
Lenders, Mr	Tee, Mr
Mikakos, Ms (*Teller*)	Tierney, Ms

Pairs

Atkinson, Mr	Viney, Mr
Kronberg, Mrs	Darveniza, Ms

Question agreed to.

Read third time.

ADJOURNMENT

Hon. D. M. DAVIS (Minister for Health) — I move:

That the house do now adjourn.

Mice: control

Mr LENDERS (Southern Metropolitan) — The matter I raise is for the attention of the Minister for Agriculture and Food Security, Peter Walsh. On Tuesday, 14 June, I said on the adjournment that the only people around were people at the fish market, and today I say that probably the only creatures around at this hour of the day are mice! The issue I wish to raise for the attention of the minister is the mouse plague in northern Victoria. Last week I attended the Victorian Farmers Federation president's drinks in Ballarat, and there were more Labor members than coalition members present. While I was there I spoke to VFF grains group president Andrew Weidemann. To say Mr Weidemann was ropeable about the current state government's inaction on the mouse plague is an understatement. The mouse plague is a major issue. Mr Weidemann noted that in parts of the Mallee mouse numbers are at 3000 to 4000 per hectare and that as a result growers were spending up to $40 a hectare to control mice.

Last year when Victoria was facing a devastating locust plague and the Brumby Labor government provided a $21 million package, what did the then opposition and the shadow minister for agriculture say? They said it was not enough money, the response was not fast enough and the government had let down farmers and regional Victoria. In relation to the mouse plague, which has been well documented, Andrew Weidemann was quoted in an online article in 'weeklytimes now' of 9 June as saying the mouse plague and its associated health risks were 'a real problem'. What has the Baillieu-Ryan government done in response? The answer is nothing. Not one dollar has been provided to help farmers fight this devastating plague. There is no money for a mouse-baiting subsidy, when, as it happens, there is $20 million in unclaimed and unspent locust insecticide rebate funds.

The action I seek from the Minister for Agriculture and Food Security is to treat the mouse plague with the same seriousness as the Brumby government treated the locust plague, to go to the Treasurer — —

Mr Drum interjected.

Mr LENDERS — Mr Drum may well laugh, but there are farmers in his electorate in the north of the state who are bewildered that a minister for agriculture from The Nationals party gives zero dollars to deal with a mouse plague that is costing farmers thousands of dollars and threatening the health of the state as rodents go through silos and spread all the disease issues associated with them. Whereas under the previous Labor government the then minister, Mr Helper, the member for Ripon in the Assembly, went to the then Treasurer, who shall remain nameless, seeking a Treasurer's advance to deal with locusts, Mr Walsh cannot get a penny from Treasurer Kim Wells. So the action I seek is that the minister do his job and protect farmers in northern Victoria from the mouse plague.

Grand Strzelecki Track: native vegetation

Mr P. DAVIS (Eastern Victoria) — I am pleased to have the opportunity to raise a matter for the attention of the Minister for Environment and Climate Change concerning native vegetation offsets, in particular those in relation to requirements for the Grand Strzelecki Track. I raise this matter on behalf of the Grand Strzelecki Track organisation, which is:

> … a community organisation established in 2010 to manage, promote and maintain an 85-kilometre backpacking network for bushfire recovery and the future sustainability of small communities in the eastern Strzelecki Ranges.

The project, which received funding from the previous state government and the Bendigo Bank, was to be fully constructed and opened by March 2011. However, at the current time construction has still not commenced due to problems with what would broadly be described as bureaucratic processes which are inhibiting the necessary permits.

> The most time-consuming, onerous and potentially costly hurdle is the native vegetation permit requirement and the conditions this imposes under the Victorian native vegetation framework …

That framework has been in place for some time. Indeed it was put in place under the watch of the previous government, and this government presumably is going to make some moves to improve it. After almost a year of effort we appear to be little closer to a resolution. The committee is being asked to identify and purchase offsets which are far in excess of any negative environmental impact created by the track at a potential cost of over $100 000, which was not allowed for in the funding provision and therefore stands to jeopardise the project.

The rules applied under the native vegetation framework are excessively inflexible, and there is no concession for projects such as this which were not considered when the rules were written. Common sense

tells us that construction of this foot track by methods that essentially rely on hand tools will have negligible impact on the quality and quantity of the native vegetation through which it passes. The track will be 1.2 metres wide and pass through areas infested with blackberries. The efforts to improve the environment along the track will create net gain, but even so the committee is being asked to pay $100 000 on top of the cost of providing the track to provide offsets. I therefore ask the Minister for Environment and Climate Change to take measures to ensure that these absurd native vegetation rules do not impede the development of this walking track.

Loaves and Fishes: funding

Ms TIERNEY (Western Victoria) — My adjournment matter is directed to the Minister for Community Services, Mary Wooldridge. It is in relation to an organisation in Portland called Loaves and Fishes, which is a food bank that provides emergency food relief for those in need in the Portland area. The volunteers, staff and committee of management of Loaves and Fishes do an outstanding job for their community by helping those who are most vulnerable and in need of compassion and a helping hand.

In the week leading up to the November 2010 election, the member for South-West Coast in the Assembly, Denis Napthine, committed $50 000 for Loaves and Fishes if the coalition won government. It is now seven months later, and Loaves and Fishes has not seen any of the promised money. In his own press release issued on 22 November 2010, Dr Napthine said:

> In the past 12 months Loaves and Fishes has helped 1986 clients, compared to 1260 the previous year and 907 the year before. This is a 120 per cent increase in demand over the past three years.
>
> …
>
> … now it's time to look at expanding the facilities at Loaves and Fishes and to plan ahead for the next five years …

However, according to the *Portland Observer* of 10 June, when calls are made to the office of the member for South-West Coast, the response is that:

> … the commitment will be honoured 'within the current cycle', but no details as to a definite date or what 'within the current cycle' means.

Loaves and Fishes is an emergency food relief organisation, and Dr Napthine himself has stated that demand on this organisation has increased significantly and that now is the time to expand the facilities. If 'now', on 22 November 2010, was the time to expand the facilities, why has the Baillieu government not come good with its promise of $50 000 for this organisation? The action I seek from the Minister for Community Services is that she pay the $50 000 election promise to Loaves and Fishes as soon as possible and before the end of this financial year.

Motorised scooters: safety

Mrs COOTE (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for Public Transport, Terry Mulder. I, like many members of this chamber and the Assembly as well as the federal government, have received a comprehensive set of emails from a man called Cameron Guy relating to motor scooters used by people who are aged or perhaps have a disability. We see these motorised scooters around the streets on a regular basis.

Mr Guy has detailed some major problems in relation to these scooters, and I would suggest that some are quite valid problems. There is one theme running through this issue. I have been raising the subject of motorised scooters in this place during the life of various Parliaments. There are major concerns about these scooters because we have yet to identify what the road rules are and what the footpath rules are. We need to recognise that as people age they are not as agile as they once were, and there is some need for education.

The action I seek is that the minister consider drawing up guidelines for the people who sell these motorised scooters as well as for the aged and those who have a disability so that they have a clear idea of the capacity of the scooters. In many instances the scooters travel very quickly. They need to know the rules for footpaths and to understand who has right of way. I think it would be very useful if they could be given some clear guidelines by the minister. It is something the community can learn some more about as well so we can give due deference where it is needed to people who need to get around using a motorised scooter. It is extremely pleasing to see so many people being independent and getting out and about, but it is also important that we have proper guidelines so that everybody can be safe and secure on our footpaths and on our roads.

Family violence: Bsafe program

Ms BROAD (Northern Victoria) — I raise an adjournment matter for the attention of the Premier. The action I seek from the Premier is that as a matter of urgency he find a way of continuing the Bsafe program in north-eastern Victoria and further that he consider extending the program across rural and regional

Victoria, because Victorian women and children deserve to be safe in their own homes.

The Bsafe personal alarm system allows women and children escaping family violence to activate an alarm and, through a priority process, to alert police. Bsafe enables women and children to feel safe and, with support, to stay in their own homes and communities, which is what women so desperately want. Bsafe has been piloted at a cost of $250 000 in Victoria's Hume region. in my electorate, over the last three years. The pilot is an outstanding partnership between Victoria Police and Women's Health Goulburn North East, and the funding has been provided by the federal government. Bsafe has been evaluated and has demonstrated its effectiveness in reducing family violence and increasing the accountability of violent men. Some 72 women and 143 children have participated in the pilot project. In 2010 the program won an Australian Crime and Violence Prevention Award. In addition, Bsafe has proven to be a most cost-effective form of crime prevention when compared with the cost of supporting family members who are forced to leave home. Accordingly Bsafe is strongly supported by Victoria Police and family violence and sexual assault services.

I have raised this matter for the attention of the Premier because preventing family violence demands an integrated response from many parts of government. Women's Health Goulburn North East has already met with the Minister for Crime Prevention, who is also the Minister for Corrections, Mr McIntosh, and with the Minister for Women's Affairs, Ms Wooldridge, to present the case for continuing funding for the Bsafe program. According to The Nationals member for Murray Valley in the other place, Mr McCurdy, who has spoken up in support of Bsafe, the ministers have asked the Bsafe representatives to conduct further consultation with local government and the local community before making a further submission for ongoing funding.

Meanwhile, funding for the program is about to end, and a request from a Victoria Police officer at Wodonga for a Bsafe personal alarm for a woman who is a victim of physical violence and who has an intervention order has had to be refused. This is not good enough, and I call on the Premier to intervene and to ensure that this proven and tested, effective and affordable program to prevent family violence continues.

Minister for Higher Education and Skills: Victorian Training Awards

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Higher Education and Skills, who I note is in the chamber. I bring to the minister's attention the annual Victorian Training Awards, which recognise the outstanding talents of students and staff involved in vocational training.

In recent years it has become a tradition for the minister responsible to attend the awards and to wear a frock designed and made by a fashion design student enrolled in one of our many fine Victorian TAFE institutes. Recent ministers to do so have included the member for Melbourne in the other place, who was then the Minister for Education, and the member for Bendigo East in the other place, who was then the Minister for Regional and Rural Development. I ask the minister if he is going to follow this tradition and frock up for the 2011 awards or at least wear suitable attire designed by a Victorian TAFE student. If he intends to do so, I strongly recommend that he commission the services of one of the Gordon Institute of TAFE's many able and innovative design students to design and produce his attire for the evening. In doing so, I remind the house of the Gordon institute's excellent contribution to improving jobs in Geelong and reiterate my full support for the coalition's commitment to the provision of TAFE education in Victoria.

The Gordon institute's James Harrison site redevelopment at its East Geelong campus received the go-ahead and $2 million for its planning and design stage in readiness for the construction of the new facility. With the Gordon institute's current student body of 19 000 and with student numbers growing significantly on a year-to-year basis, the redevelopment will assist with meeting the demand. The Gordon institute's Geelong campus has also benefited greatly from the government's $1.8 million Skilling the Bay investment announced by Minister Hall in April. In September last year the Gordon institute was announced as Victoria's no. 1 large training provider, and these new facilities will assist in ensuring that our students have the best training possible in the region.

In concluding, I again ask the minister if he is attending the annual Victorian Training Awards night and whether he will frock up for the occasion or otherwise wear some suitable attire from a — —

Hon. P. R. Hall — Will you frock up as well?

Mr O'BRIEN — Whatever you do, Minister, I will do. I am sure that the design students would design something perhaps more masculine than a frock — if not for me, then for you. I could imagine that they may well design a very fine suit for you if you attend, but we will leave that to the students.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — I have 14 responses tonight for adjournment matters raised by Mr Tee on 3 May, Mr Pakula on 4 May, Mrs Peulich on 4 May, Mr O'Donohue on 24 May, Mrs Peulich on 25 May, Mrs Petrovich on 25 May, Mr Leane on 25 May, Mr Somyurek on 25 May, Mr O'Brien on 26 May, Mr Ondarchie on 26 May, Mr Lenders on 31 May, Ms Tierney on 31 May, Ms Darveniza on 31 May, and Ms Broad on 15 June.

Tonight there were six adjournment items. The first was from Mr Lenders, who raised a matter for the Minister for Agriculture and Food Security concerning the mouse plague in northern Victoria and sought an assurance from the minister that he will commit to measures equivalent to those of the previous government when there was a locust plague. That request will be conveyed to the Minister for Agriculture and Food Security.

Mr Philip Davis raised a matter for the Minister for Environment and Climate Change concerning native vegetation offsets, particularly in relation to a project being undertaken by the Grand Strzelecki Track organisation, and I will pass that matter on to the Minister for Environment and Climate Change.

Ms Tierney raised a matter for the Minister for Community Services regarding funding for an organisation in her electorate called Loaves and Fishes, in relation to what she claimed was an election promise, and I will pass on that request.

Mrs Coote raised a matter for the Minister for Public Transport requesting that the minister establish guidelines for the use of motor scooters. That again is a very genuine request. With the prevalence of motor scooters for people with disabilities, I think that it would be useful if guidelines for their use were determined.

Ms Broad raised a matter for the Premier regarding a program called Bsafe, and I respect the sincerity and genuineness with which this has been raised. It seems to be a very worthwhile program that addresses family violence, and that is a request that I will be pleased to pass on to the Premier.

I am not so pleased about my colleague Mr O'Brien suggesting that I should frock up in the particular instance he mentioned, but what he said is true in that the previous ministers responsible for skills and training attended training awards nights attired in dresses designed by fashion students at various TAFE institutes around the state. I am not going to let the team down. Therefore I make the commitment to attire myself in an outfit designed and produced by a student attending a TAFE institute in Victoria. Mr O'Brien's request is timely, given that there is a young student from the Gordon Institute of TAFE who has volunteered to design and produce an outfit for me. It will not be in the form of a frock, I can assure him, but it will be in the form of something more suitable and appropriate.

I want to thank that particular student, whose name is Nathan Cahir. That young gentleman has promised to undertake the task for me. I will pay him the full cost of any such production and wear with pride the product of this outstanding young student enrolled in fashion and design at the Gordon institute. I will gladly go down to the Gordon and thank him in person at the first fitting that I have for this particular outfit, and I will be happy for Mr O'Brien and other members from all sides of the house to accompany me on that occasion.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! The house now stands adjourned.

House adjourned 2.11 a.m. (Wednesday).

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Mr Wayne Tunnecliffe
Clerk of the Legislative Council
Parliament House
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe

ORDER FOR DOCUMENTS – NETWORK REVENUE PROTECTION PLAN

I refer to the Legislative Council's resolution of 15 June 2011, seeking the production of:

> *"a copy of the Network Revenue Protection Plan for the 2011 calendar year, prepared under section 10.1 of the Metlink Services Agreement."*

The Government is in the process of responding to this resolution. As part of this process, the Government is liaising with affected third parties, including Metlink, Bus Association Victoria and public transport operators. This process has not yet been finalised.

Regrettably, the Government is not able to respond to the Council's resolution within the time period requested by Council. The Government will respond as soon as possible.

Yours sincerely

Hon Terry Mulder MP
Minister for Public Transport
27 / 6 / 2011

State Government Victoria