PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 13 June 2013

(Extract from book 8)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 22 April 2013)

Premier, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
Treasurer	The Hon. M. A. O'Brien, MP
Minister for Innovation, Services and Small Business, Minister for Tourism and Major Events, and Minister for Employment and Trade	The Hon. Louise Asher, MP
Attorney-General, Minister for Finance and Minister for Industrial Relations	The Hon. R. W. Clark, MP
Minister for Health and Minister for Ageing	The Hon. D. M. Davis, MLC
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. H. F. Delahunty, MP
Minister for Education	The Hon. M. F. Dixon, MP
Minister for Planning	The Hon. M. J. Guy, MLC
Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession	The Hon. P. R. Hall, MLC
Minister for Ports, Minister for Major Projects and Minister for Manufacturing	The Hon. D. J. Hodgett, MP
Minister for Multicultural Affairs and Citizenship, and Minister for Energy and Resources	The Hon. N. Kotsiras, MP
Minister for Housing, and Minister for Children and Early Childhood Development	The Hon. W. A. Lovell, MLC
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention	The Hon. E. J. O'Donohue, MLC
Minister for Local Government and Minister for Aboriginal Affairs	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs	The Hon. R. Smith, MP
Minister for the Arts, Minister for Women's Affairs and Minister for Consumer Affairs	The Hon. H. Victoria, MP
Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Police and Emergency Services, and Minister for Bushfire Response	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr N. Wakeling, MP

Legislative Council committees

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

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

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

Economy and Infrastructure References Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

Environment and Planning Legislation Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

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

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

 # Participating member

Joint committees

Accountability and Oversight Committee — (*Council*): Mr P. Davis, Mr O'Brien. (*Assembly*): Ms Kanis, Ms Richardson and Mr Wakeling.

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Mr Clark, Ms Hennessy, Mr Merlino, 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 Carroll, Mr Foley 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, Mrs Peulich, Mr Somyurek and Mr Tarlamis. (*Assembly*): Ms Ryall.

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, Ms Crozier and Mr O'Brien. (*Assembly*): 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.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Koch and Mr Viney. (*Assembly*): Ms Hennessy, Mr Newton-Brown 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 O'Brien and Mr Ondarchie. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris, Mr Pakula 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 Dalla-Riva. (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes 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

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr Elasmar, Mr Finn, Mr O'Brien, Mr Ondarchie, Ms Pennicuik, Mr Ramsay, Mr Tarlamis

Leader of the Government:
The Hon. D. M. DAVIS

Deputy Leader of the Government:
The Hon. W. A. LOVELL

Leader of the Opposition:
Mr J. LENDERS

Deputy Leader of the Opposition:
Mr G. JENNINGS

Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Melhem, Mr Cesar [2]	WesternMetropolitan	LP
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
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip [1]	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
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
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP			

[1] Resigned 26 March 2013
[2] Appointed 8 May 2013

CONTENTS

THURSDAY, 13 JUNE 2013

Thursday, 13 June 2013

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

The PRESIDENT — Order! I take this opportunity as a matter of note by the house that Her Majesty the Queen of Australia celebrated 60 years on the throne on 2 June 2013, a very significant milestone for Australia's head of state. She is fast catching up to Queen Victoria.

Recently I went to the Netherlands function to celebrate the abdication of Queen Beatrix. The Dutch celebrate the process of abdication and passing on the monarchy to the next generation because they believe that it ensures competence in their head of state. That does not reflect on previous monarchs, in particular Queen Beatrix, who was very popular. I am sure Prince Charles was a very interested participant in those celebrations in the Netherlands.

PETITIONS

Following petition presented to house:

Nadrasca community farm: future

To the Legislative Council of Victoria:

The petition of concerned residents of Victoria draws to the attention of the house the decision by VicRoads that the reservation between Springvale Road, Vermont South, and Boronia Road, Vermont, will not be required for future road purposes and the consequent development of a structure plan for the future use of the land within the reservation, with the possibility of the land being sold by VicRoads for housing and other purposes.

This could result in Nadrasca community farm having to leave its current location at Morack Road, Vermont, and ceasing its operations in providing day services for adults with intellectual and physical disabilities, adversely affecting organisations like Yooralla, Scope, Melba Support Services, Heatherwood School and Alkira.

The petitioners therefore request that the Legislative Council of Victoria urge the government to: facilitate an affordable arrangement that will guarantee Nadrasca community farm will remain in its current location so it can continue to provide great service to the community and grow.

By Mr LEANE (Eastern Metropolitan) (349 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Statutory Rules under the following Acts of Parliament:

Domestic Animals Act 1994 — No. 57.

Road Safety Act 1986 — Nos. 58 and 59.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 57 to 59.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 25 June.

Motion agreed to.

MEMBERS STATEMENTS

Schools: federal funding

Mr TARLAMIS (South Eastern Metropolitan) — I rise to urge the Minister for Education to sign up to the federal education reforms. I have no doubt that the minister is well aware of the funding situation for Victorian schools, given that in this year's budget he cut a further $69 million from the education system, bringing this government's cuts to education since it was elected to $625 million. However, the government now has an opportunity to do the right thing and provide fair education funding for students in Victoria. This government came to office on the basis of some extraordinary promises. The best-paid teachers promise was emblematic of the failure of this government to deliver, as are the hundreds of millions of dollars that have been cut from the system.

The recent admission by the government that it is unlikely to sign up to the national plan for school improvement is a significant disappointment for many of the schools in the electorate I represent. What this government has described as a political slogan is a missed opportunity to secure billions of dollars in education funding for our state to address inequality in the system — funding that would make a real difference to outcomes for students. The community I represent values education; the actions of this government so far indicate that it clearly does not.

The federal Labor government has extended to this state and all others an opportunity to see fair and increased funding for all Victorian schools. The

minister needs to stop playing politics with the needs of Victorian students and sign up to this once-in-a-generation opportunity to improve the way we fund schools and educate our children. The minister and this government might want to reflect upon what type of legacy they want to leave behind. We have until 30 June to sign up to this plan, and I call on the minister and this government to immediately do so.

Harold Bould (Cardinia) Kokoda Award

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I was pleased to host Kokoda veterans Alan Moore, Jack Duffy and Norm Joseph; members of the 39th Australian Infantry Battalion Association, including Alan Jameson; the mayor and councillors of Cardinia shire; and other members of the Cardinia shire community at my office on 31 May to launch the 2013 fundraising campaign for the Harold Bould memorial award. We were also pleased to farewell two Cardinia shire secondary students, Jack Melbourne from Pakenham Secondary College and Natalie Templar from Beaconhills College, who are about to embark on a special journey to walk the Kokoda Track during the upcoming school holidays.

Jack and Natalie were the 2012 winners of the Harold Bould memorial award, established in memory of Cardinia resident Harold Bould, who was killed in action on 29 July 1942 while serving with the 39th Australian infantry battalion during the Kokoda campaign. Each year the 39th Australian Infantry Battalion Association selects to walk the Kokoda Track two winners chosen from entries of a literary competition open to all year 10 students in the Cardinia shire. The subject of the essay is 'What Kokoda means to you' and 'What Kokoda meant to Australia'.

This unique opportunity for two local secondary students is made possible by the generous donations from local community groups, organisations and businesses that contribute to keeping the local Kokoda legacy alive. The trek is a wonderful opportunity for young people to learn about the Kokoda campaign and to do so in memory of a local, Harold Bould. Once again I thank the local sponsors of the Harold Bould memorial award for their ongoing support of such an important opportunity for our future leaders. We wish Jack and Natalie a safe and memorable journey.

Target Australia: job losses

Mr SOMYUREK (South Eastern Metropolitan) — I rise to express my condolences to the workers that lost their jobs at Target in Geelong yesterday. I also take this opportunity to condemn the Napthine government for failing to stem the tide of job losses in the Victorian economy. It seems every week Victorians and particularly the people of Geelong are waking to the dreadful news that their fellow citizens have lost their livelihoods.

Last year the Labor opposition offered the government a suggested plan on ways of saving Victorian jobs. The government refused then and continues to refuse now to take up the Labor opposition's suggestions on ways of driving employment in this state. In fact the government simply refuses to accept that there is a jobs crisis in Victoria. With a head-in-the-sand attitude like this, it is almost guaranteed that the rate of jobs lost in the state will continue to climb.

Republic of Turkey: protests

Mr SOMYUREK — On another matter, I am deeply saddened by the images of unrest in the country that I was born in, Turkey. Over the years Turkey has been a rock of stability in a very volatile region. As somebody who is a firm believer in a secular state — that is, the separation of church and state — I can understand the anxiety that a large section of the Turkish society may be feeling at the moment given some of the reforms introduced by the current government.

Notwithstanding the colour and movement of the images of the protests beamed out of Turkey and notwithstanding the many injuries and the three deaths associated with protests over the last two weeks, I am of the view that the protests have strengthened Turkish democracy. Once upon a time the generals would have resolved such sensitive and intractable disputes by putting democracy on hold. These protests are the product of the citizenry's realisation that the population itself will need to take direct action to express its displeasure at the government's reforms.

Local government: federal referendum

Mrs COOTE (Southern Metropolitan) — With just under 95 days to go until the federal election, the media in this country is totally and utterly absorbed with the unravelling of the ALP government. It is obsessed, as indeed is the greater population. But while concentrating on what is happening at a federal level with the absolutely useless Julia Gillard government, what has been lost is the fact that there will also be a referendum on 14 September. That referendum will have a serious impact on us in this chamber and in this state. It is of concern that many people have forgotten even to look at it and evaluate it. This referendum will deal with the rights of local government and indeed the

rights of states. This issue has been put to referendum twice before, once in 1974 and again in 1988, and has been rejected both times. But the public is in fact looking towards the election results of the political parties rather than concentrating on the referendum.

It is imperative that we follow what our councils are telling us. In my electorate several councils are very concerned about this, including Boroondara, which has passed a resolution to spend $55 000 on a no campaign. Glen Eira City Council is considering it. I had a breakfast meeting the other day with Kingston councillors who also said how disappointed they are with this referendum. Other councillors have expressed their concerns as well: some of those in the Melbourne City Council, the Monash City Council, Port Phillip City Council and Stonnington City Council. Many of those councils are already committed to a no campaign. I suggest everyone talks to their councils.

Greens: policies

Mr BARBER (Northern Metropolitan) — Voters are going to have a very clear choice to make at the coming state election: the policies of the Liberals or the policies of the Greens. The choice is between an $8 billion road tunnel or expansion of the rail system, city and country; a fight for a car park or a bus to meet every train; profits to coal power or community-owned renewable energy; mowing down more bushland or paying farmers to store carbon in the landscape: second-hand smoke with your meal or clean air; the pain of pokie addiction or a connected community; a gouging supermarket duopoly or affordable nutritious food, produced with no hidden costs to the farmer, animal welfare or the soil. The Liberals are in the driver's seat, accelerator flat to the floor, eyes firmly fixed in the rear-view mirror. Only the Greens have a vision for where we want to go.

Portarlington: cancer fundraising

Ms TIERNEY (Western Victoria) — I rise this morning to congratulate the community of Portarlington which supported the Mad Hatter's Tea Party exhibition and Portarlington's Biggest Afternoon Tea. Its support translated into raising $18 312.30 for Cancer Council Victoria. In particular I thank and congratulate Madge Pinige and Gemma Tobschall and the wonderful band of volunteers who were involved in those activities.

National Celtic Festival

Ms TIERNEY — Last weekend was the National Celtic Festival, which was also held in Portarlington. It was a fantastic event that brought music, artists and business to the town. I congratulate festival director Una McAlinden, the hardworking committee members, students who are undertaking event courses and local volunteers on a truly marvellous Queen's Birthday weekend. I am sure everyone who attended was greatly appreciative of the best weather we have had for many years.

Local government: federal referendum

Mrs KRONBERG (Eastern Metropolitan) — The upcoming referendum on 14 September to recognise local government in the Australian constitution is supposed to be a modest, small change. It is actually both a large change and immodest. If passed, this form of recognition will certainly exacerbate the centralising tendencies of our federal system. Basically, if local government is incorporated into section 96 of the constitution it will mean that federal Parliament will grant financial assistance to the states on the terms and conditions it sees fit.

The reaction has been mixed from the nine municipalities in my electorate of Eastern Metropolitan Region. There is no response by way of funding from Banyule City Council. At Boroondara City Council the issue clearly stirred up a lot of reaction, and I understand $55 580 was allocated for its participation in the campaign. Knox City Council committed $10 000, Manningham City Council committed $36 500, Maroondah City Council has $31 445, Monash City Council has $54 430, Nillumbik Shire Council has $22 490, Whitehorse City Council has $49 712 and Yarra Ranges Shire Council has an estimated $25 000.

Family and Community Development Committee: child abuse inquiry

Mr EIDEH (Western Metropolitan) — I rise to comment on an extremely difficult and concerning issue but one which our Parliament did not shy away from. I wish to congratulate all the members of the Family and Community Development Committee on its inquiry into the handling of child abuse by religious and other organisations. Before I continue I wish to clearly state that I hold no animosity towards any religion or any faith, nor do I blame every person within any religion for the cruel actions of a minority. But those who have misused their positions in any organisation and mistreated children must be subject to positive corrective action.

All Victorians need to know that such evil will never again be covered up, excused, unrecorded, not reported or hidden away. Every religion and other relevant organisations must develop open, transparent and active

policies against such unacceptable practices, both in terms of evil actions and any degree of cover-up. Every possible assistance should be given to victims by the relevant organisations. I realise that we are yet to receive the report from the bipartisan committee, but we need to make clear now and forever what is unacceptable behaviour.

City of Wyndham: federal election

Mr FINN (Western Metropolitan) — This house is no doubt aware that the city of Wyndham is the fastest growing municipality in Australia. Apart from the area being a great place for young families, I doubt that much thought has hitherto been given to why this growth is occurring at such a phenomenal rate. After extensive discussions with locals, many of them new residents, I can now disclose the key to the population explosion in this part of Melbourne's west.

Thousands of people continue to move into Wyndham, drawn by the prospect of voting against the local federal member, Julia Gillard. People elsewhere have to settle for voting against some other Labor dud, but residency in Werribee, Hoppers Crossing or Point Cook gives voters the chance to kick the worst Prime Minister in this nation's history to the kerb. Men and women are moving from all over the state and beyond for the chance to personally vote against the most incompetent, divisive, hate-filled leader Australia has ever had the misfortune to be afflicted with. Some have decided to stay in the federal seat of Maribyrnong to give the man who put Ms Gillard in the Lodge his just desserts, but even so the flood of humanity continues into Lalor.

The Minister for Police and Emergency Services, Kim Wells, must give urgent consideration to providing extra officers for this area on election eve. Crowd control will be a big issue as we anticipate that thousands will sleep outside polling booths in the hope of being the very first to cast a vote against their wretched member. This will be nothing compared to the myriad street parties erupting if local voters are successful in their electoral lynching — presumably using a blue tie! Ms Gillard is fond of saying she is not going anywhere. Come the second weekend in September the people of Lalor will join millions of Australians in giving her a very different message. Bring it on.

Schools: federal funding

Ms MIKAKOS (Northern Metropolitan) — This coalition government is continuing to fail Victoria's public school students. Every year since coming into government the coalition investment in school capital infrastructure has consistently shrunk. In the recent budget a further $69 million was shaved off the education bottom line. The Napthine government has spent a statewide average of only $203 million a year on capital works compared to an average spend of $469 million by Labor in its last term in office.

Schools in my electorate have again been abandoned, and the needs of local students are being neglected. There are many cries for capital investment and maintenance funding which continue to be ignored. Construction of stage 2 of William Ruthven Secondary College is now more than two years overdue. There was no funding for improvements to the Rosanna Golf Links Primary School or an upgrade for Viewbank College nor for the completion of Dallas Brooks Community Primary School. And Victoria's teachers know of course that they cannot rely on the coalition's word when it comes to their pay.

Schools in my electorate have missed out on state funding, and now the Napthine government wants to rip away their opportunity to receive more federal funding. The Napthine government's recent admission that it was highly unlikely that it would sign up to the national plan for school improvement is a massive blow for Victorian schools. The claims of the Minister for Education, Martin Dixon, in yesterday's *Herald Sun* only confirm this intention. Under the Gonski reforms additional funding would be invested in local schools to help provide greater support for children in the classroom. It is time that the government signed up to those reforms.

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

Asylum seekers and refugees: federal government policy

Mrs PETROVICH (Northern Victoria) — I would like to extend my deepest condolences to the men, women and children who lost loved ones and friends in the recent tragedy off Christmas Island when a vessel transporting asylum seekers sank, resulting in the confirmed deaths of 13 people, with no survivors found. My sincerest thanks go to members of the Australian Maritime and Safety Authority for their work in the aftermath of this tragedy.

This terrible tragedy is a great reminder of how dangerous these trips are and the great risk that many asylum seekers take in undertaking this unsafe practice. From 1 to 5 June this year there were approximately seven boats carrying close to 600 people.

Overcrowding and safety issues make these trips difficult and incredibly dangerous for those asylum seekers. It is estimated that 700 boats carrying 43 000 asylum seekers have arrived on Australian shores under the Gillard government. The dismantling of the processes put in place by the Howard government has resulted in the deaths of hundreds of people and has reduced the quality of the processes used to check the backgrounds of asylum seekers.

There are other implications for asylum seekers in that they are not fully covered by Medicare and some of the services that are supporting them are not covered and their costs are being borne by the state. These include interpreters and community-based services. This state government has recognised the needs of increased numbers of refugees and has committed $22 million over five years, and it calls on the Gillard government to increase its efforts in this area and face up to its responsibilities.

National Tertiary Education Union: industrial action

Mr ONDARCHIE (Northern Metropolitan) — The great US singer/songwriter Sheryl Crow wrote a song with the lyrics 'Isn't it ironic?'. Is it not ironic that the National Tertiary Education Union, which has been falsely accusing the Minister for Higher Education and Skills of inappropriate cuts to TAFE, has undertaken two key strategies — —

Mr Leane — It was Alanis Morissette. You're misleading the house.

Mr ONDARCHIE — I am corrected; it was Alanis Morissette.

The union has done two key things this week. The first is at Monash University, where results are being held back from students. The second thing the union is doing is planning to hold a protest rally at the Lilydale campus of Swinburne University — but not yet, because before it does that it is holding a training course. This training course is for union members. On Friday, 14 June, the union will show its members how to participate in a protest and how to train members to participate in a protest. Is that a good use of union money? Is that a good use of our system?

The union is training its members — as the Construction, Forestry, Mining and Energy Union did — on how to blockade Grocon sites, punch horses and stop people trying to do their jobs. This is unionism all over, and the ALP sits silent on this as the unions stop Victorian workers going about their jobs. ALP members should be ashamed, and today they should stand up and say they are supporting Victorian workers.

Rail: former government performance

Mr DRUM (Northern Victoria) — The hypocrisy of the Leader of the Opposition, Daniel Andrews, knows no bounds. Last week he went out to the railway station in Bendigo, along with the members for Bendigo East and Bendigo West in the Assembly, Jacinta Allan and Maree Edwards, and held a media campaign called 'Bendigo loses out again' that was all about highlighting the lack of punctuality of the trains on the Bendigo line.

In 2010 I stood in this place and pointed out that not once in the previous 30 months under the Labor government had monthly train punctuality targets been met — not once in 30 months — and if we wanted to go back 60 months, we would see that they might have been met on two or three occasions. By ripping up 70 kilometres of duplicated line and replacing it with one line, as part of its fast rail project, Labor has hamstrung that line in terms of meeting punctuality targets. Electrifying the line from Southern Cross right out to Sunbury has extended the metropolitan sprawl an extra 30 kilometres.

Labor's inability when in government to work its way through the problems with the metropolitan rail system has left us with a very difficult situation indeed. However, we do have the regional rail link project being built at the moment, and we have 40 more trains on order. Hopefully when they arrive we will be able to work hard to address this lack of punctuality. Certainly Labor cannot blame the coalition for a lack of punctuality on trains after 11 years of neglect.

Country Fire Authority: Jeparit brigade centenary

Mr O'BRIEN (Western Victoria) — It was with great pleasure that I rose on Wednesday to briefly advise that on Saturday, 8 June, I had the honour to represent the Minister for Police and Emergency Services, Kim Wells, at the Jeparit fire brigade's 100th anniversary dinner and celebrations. On behalf of the state government I presented a centenary plaque to the Jeparit fire brigade's captain, James Bingham, during the centenary dinner.

I wish to commend the community for their generous record of volunteering; it is amazing the level of volunteering commitment that comes out of small, rural communities. It is something that is not often appreciated, but these communities and this state rely

on it, as we do on the farming and other economic outputs from these smaller western Victorian towns. Jeparit fire brigade has been serving its community for 100 years. It began in 1912, and 16 volunteers have been recognised for long service. They include Mr David Livingstone, who has served for 65 years with that brigade.

Torquay: civic precinct redevelopment

Mr O'BRIEN — Last Friday I was pleased to inspect the progress on the Torquay civic precinct stage 2 works, which are being substantially funded, through the coalition government's local government infrastructure program, of the order of $2.3 million. This government is continuing to invest in these communities.

Geelong: job losses

Mr O'BRIEN — I send my condolences to the families of the Target workers in Geelong and in addition to the Ford workers. There are obviously very serious structural issues that this government and the federal government need to consider in relation to these workers in these industries. It is important that we all work together, and at this stage I note the importance of the work they have contributed at Target over many years and wish them well as they deal with this issue.

Health: refugee services

Hon. D. M. DAVIS (Minister for Health) — I rise today to make some commentary about the issues around asylum seekers and refugees in our state at the moment. We have significantly increased refugee and asylum seeker flows. It is true that late last year the federal government widened some Medicare entitlements for refugees, but there is a significant gap in many services in terms of what the federal government will support — whether they be adequate support for immunisation for the children of asylum seekers or the provision of hearing services or adequate dental services. The dental agreements that have been signed do not make additional provision for the increased flows of asylum seekers we are facing at the moment.

The Victorian government understands the need to provide care and support for asylum seekers and refugees who come to our state. We welcome people from all over the world and do so proudly, but we do need to make sure that there are appropriate services for them. The state government took a very deliberate decision to put into the state budget $22 million over four years for additional services for these groups, to provide services in the community that have not been adequately provided to date. We needed to make sure that the increased flows had appropriate services.

I understand that compared to last financial year in this financial year there has been around a trebling of the numbers — a very significant increase that requires additional resources. The commonwealth government and the commonwealth health minister in particular need to recognise that. They need to stop playing politics. They need to be prepared to work collaboratively with all states to provide better services for the people who come to our country.

MARINE (DOMESTIC COMMERCIAL VESSEL NATIONAL LAW APPLICATION) BILL 2013

Second reading

Debate resumed from 30 May; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make some remarks on this bill, which really started off with a Council of Australian Governments agreement in June 2009 to provide a national scheme which would transfer state and territory-regulated commercial vessels to the commonwealth, the idea being to regularise the regulation, reduce the red tape and ultimately save consumers money. We are talking about large commercial operations but in the main we are talking about very small operators and very small businesses.

It seems that from June 2009 matters have come somewhat of a cropper. When you read the second-reading speech what you see is that, notwithstanding that promising start in June 2009, the subsequent outcome, the agreement, leaves a fair bit to be desired. It does so because in Victoria two things will happen. For the first time ever, the catchment of commercial vessels will increase significantly, so people who were unaffected by the regulation previously — —

Hon. D. M. Davis — You are opposing the national arrangements, are you?

Mr TEE — What I am opposing is the outcome negotiated for Victoria, which is different from the outcome negotiated for New South Wales. The New South Wales government got a better outcome for its commercial boat operators. The Victorian government was not as competent in making sure that Victorian boating interests were looked after.

I point out to Mr Davis that for the first time a whole range of craft which were never commercial craft in Victoria before are now all of a sudden caught up in this net of regulation and red tape. Not only that, but just to give Mr Davis a few examples, rowing boats, kayaks, canoes and pedal boats are all now caught by this scheme; for the purposes of this legislation they are all now commercial craft.

Not only is the web of red tape massively expanded in a way which other states have not accepted but the fees that Victorian operators will pay because of the negotiations that Mr Davis's government has been involved in will increase significantly.

Hon. D. M. Davis — The same as they are now.

Mr TEE — I advise Mr Davis that they are not the same as they are now. If he has a look at the second-reading speech, he will see it stated that the costs of the national scheme to state and territory governments are higher than the costs of Victoria's existing regulatory scheme. What the government has negotiated is a buy-in that covers more and at greater cost. We are not talking about the big end of town; we are talking about small operators who provide things like rowing boats, kayaks, canoes and pedal boats. That comes out in a reading of the second-reading speech. It is not an issue that is contested. It is simply what is set out in the second-reading speech.

For the first time we have a group of very small operators who are picked up by this red tape and this regulation. For the first time they will have to pay these costs. But everybody else will have to pay higher costs because of this regulation. That is why the Boating Industry Association of Victoria is opposed to it. This is what Boating Industries Alliance Australia has said in its submission:

> BIAA contends that there will be only negative impact to recreational boating activity, specifically the share boat or multiple ownership sector, where the increased cost and complexity of being classified as a commercial vessel will force the cessation of some ownership models and effectively detract from people going boating.

What the industry is saying, in essence, is that because of the greater scope of the regulation and because of the greater costs that this government is imposing — the greater red tape — fewer people will be involved in boating. It is saying that there will be some activities that will entirely cease because of the heavy hand of regulation and the costs that are being imposed by this outcome.

If members read the bill, they will see that it gets worse. Not only do we have greater coverage and greater costs, but at clause 14 the bill allows for additional fees and fines to be imposed by way of regulation. Subclause 14(1) says:

> Regulations may be made … with respect to fees payable to Victoria in relation to anything done under the commonwealth domestic commercial vessel national law … or under the applied provisions …

The curious bit is that these regulations can be made by:

> … a delegate of the national regulator, or an accredited person, who is an officer or employee of, or engaged by, Victoria or an agency of Victoria.

Subclause 14(2) goes on to say that the regulations made under the subclause are, in effect, an addition to fees set out in the schedule. What is clear and what concerns the opposition is not only that we are expanding dramatically the area of coverage and increasing the costs but also that we have allowed in the bill the capacity for a very broad range of people to provide regulation — in effect, additional fees or costs. It is for that reason that the opposition will move a reasoned amendment.

I move:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until the Victorian regulations have been formulated, following appropriate consultation with stakeholders'.

Just to take you through the thinking or rationale behind that, as I said we have got a massive increase in costs, a massive expansion in the coverage and a capacity under these regulations to add even another whack to the industry by way of regulation. We have got the stakeholders saying, 'Hang on a minute. We're going to have fewer people involved in boating, and some of these organisations effectively are going to cease operating'. Therefore what this reasoned amendment seeks is that the government go away and talk to the industry, consult and then consider those regulations. We do not think that this Parliament ought to consider providing to the government what is effectively a blank cheque to impose additional fees and costs by way of regulation.

We think it is appropriate that the government go away, consult and come up with regulations that are agreed with, and then for us to consider those as part of this package rather than handing to the government effectively a blank cheque to impose additional costs on what are really small businesses that are struggling. These are not the big end of town; these are recreational operations that are being caught up. These are the operators of rowing boats, kayaks, canoes and pedal

boats, who are going to be caught for the first time in Victoria. So we would urge the government to take a common-sense approach and go back and have a look. Other states have been able to do it, and other states have got a better outcome for their boating industries. We do not think it is that difficult for Victoria to put the interests of its vessel operators first, and we think that the government ought to do that before trying to impose this change in Victoria.

For those reasons I would urge the house to support the reasoned amendment.

Mr DRUM (Northern Victoria) — I will leave the amendment until later on, but I would just like to let the house know that this is a good opportunity for the state of Victoria to come good on its word about trying to cut away red tape in a whole range of areas. This government is trying to do the best it can with this type of work.

This is a significant change to the way commercial craft will be regulated in Victoria, and this will be done with the introduction of new national legislation which has already been introduced by the commonwealth that moves responsibility away from the states and territories to the commonwealth. The states and territories historically have had regulatory control over all commercial vessels in Australian waters, and these controls extended to the certification of crew and watercraft, as well as controls on equipment and how vessels are operated.

In 1912 the commonwealth took some responsibility for the three largest types of vessels, which are mainly cruise ships and international and interstate cargo ships. The second category taken over was service ships, like working tugboats and other boats associated with that industry. There is also a third type, which are the fishing fleets that operate on international and Australian waters. This was done through the Navigation Act 1912, which was the first marine statute of a national type in Australia. However, even after this was set up the states and territories maintained responsibility for smaller commercial fishing boats operating mainly within their waters, and it also accounted for the small passenger cruise ships and smaller trading vessels. This was also the case for boats that belonged to government agencies, such as police, the State Emergency Service and Parks Victoria, as well as the smaller vessels that are used purely for recreation. This arrangement stayed in place until recent times.

With only a small number of vessels across Australia moving between states there may have seemed to be little need to move towards a national scheme. However, over the years various ministers from various governments around Australia have been working together to ensure cooperation across state borders. Over time these cooperative protocols have led to the development of the National Marine Safety Committee, which then led to the development and implementation of the National Standards for Commercial Vessels. Australia has also had the National Standard for Administration of Marine Safety, which was approved by the Australian Transport Council.

In 2009 the Council of Australian Governments (COAG) agreed to pursue a national scheme for marine commercial vessels and to transfer responsibility for these vessels away from the states and territories over to the commonwealth, mainly for certification and standards purposes. It was then that the Australian Maritime Safety Authority positioned itself to become the national regulator for all commercial vessels operated in Australian coastal and inland waters. These progressions led to an intergovernmental agreement signed in August 2011, which set out the structures and procedures for the implementation of a national regulatory scheme. It is anticipated that the measures undertaken by the COAG initiative will lead to improved economic outcomes. It will reduce red tape and costs to businesses and will certainly assist with labour mobility across state jurisdictions.

The intergovernmental agreement for the national scheme requires jurisdictions to introduce host legislation so that those states and territories can then pass applied or template laws. This will give us the harmonised laws and the benefits that COAG has been seeking. That is what is happening with this legislation. The commonwealth has enacted the national law for the scheme; therefore the bulk of the legislation has already been written. The bill before the house will in effect only apply the law to another 100 or so of the boats that were outside the remit of the national law. The bill applies the domestic commercial vessel national law as a law of Victoria. Applying the national law as a law of Victoria will mean that the small number of privately owned commercial vessels that were not within the scope of the commonwealth laws that were passed recently will come under the new law.

This bill has been four years in the making. It is generally straightforward. There will be no increase in regulation or registration fees. In relation to the consultation that the opposition is now calling for, the Premier has written to over 3000 commercial licence-holders. This has the formal support of the industry and the peak association. This bill will harmonise marine regulations in Victoria with those of

other states. We bemoan cross-border anomalies in regional Victoria, and we are always looking for ways to harmonise our legislation with that of other jurisdictions, including the commonwealth.

The concept put by Mr Tee, that we need to go back, write to more people and get more affirmation from the industry, is a little bit ridiculous. He should have inquired about and understood the process that has been carried out. He should know that the work on consultation has been done. As for the scaremongering, that all of a sudden boating costs will go up — whether that be for commercial fleets, recreational boating or a combination — that is simply not going to be the case. There is no intention at all for this bill, which is all about harmonising our laws and saving businesses in the maritime industry money and time, to lead to additional costs within either the business sector or the recreational sector. Consultation with the industry has been undertaken, and the peak association supports this legislation. We have a great opportunity to do something about reducing red tape rather than just talking about it, which is what Labor did for 11 years. The inability of Labor members to do anything to reduce red tape is shown by their record, not by what they say but by what they actually did — or, in this case, what they refused to do.

Let us be totally clear about this. This legislation has been four years in the making. It has the express support of the other states and territories. In a sense it has been 80 years in the making because it has taken us that long to bring together a harmonised approach for boating regulations. All the standards that are going to apply now will apply across national waters, inland waters and offshore waters, and we are very happy to say that we have been able to do this.

This bill is strong in detail. It talks about all types of boats, in addition to the ones that easily come to mind, such as cruise boats, cargo ships and passenger cruise ships that operate around the bay and on our waters. It goes right down to talking about government agencies responsible for fisheries and the enforcement of water safety. The Department of Environment and Primary Industries and Parks Victoria also have their vessels and are caught up in this. The bill even covers unpowered barges. It talks about vessels that are owned and operated by educational institutions. It covers sailboats, pedal boats, rowing boats and canoes that are owned by primary and secondary schools. This bill is strong on detail.

The bill talks about how we are going to put in place a scheme that will harmonise marine legislation across the nation. It also changes the Victorian Marine Safety Act slightly to make sure that all these boats are caught up in this harmonised approach. We should wish this bill a speedy passage. The Nationals certainly hope that the Marine (Domestic Commercial Vessel National Law Application) Bill 2013 has a speedy passage through this house.

Mrs COOTE (Southern Metropolitan) — It gives me a great deal of pleasure to speak on the Marine (Domestic Commercial Vessel National Law Application) Bill 2013, because it gives me an opportunity to talk about some of the great things that happen in Southern Metropolitan Region. Within Southern Metropolitan Region there is quite a lot of access to water. However, before I go to the opportunities in Southern Metropolitan Region, I would like to talk about this bill.

The bill is very extensive in that it covers 394 pages, but it is also reasonably straightforward. It will ensure that we have national regulation of commercial vessels. Like other national law application bills, it will align Victorian legislation with other legislation throughout Australia, and it is a good example of cooperative federalism.

During his second-reading speech Mr Hodgett, the Minister for Ports, outlined the history of marine legislation in Australia, specifically from a constitutional perspective. That history is very interesting, and it is important to get it on the record because we have to reflect upon what has gone on in the past in order to be able to make certain that what we do in the future is correct.

In the very first days of Federation shipping was the jurisdiction of the states and territories. In 1912 the Navigation Act was passed, and it handed control for the regulation of some shipping to the commonwealth. Specifically, the commonwealth received control of shipping that was interstate or international and the boats that serviced those ships — that is to say, tugs and tenders. Any other shipping that remained within a specific state, effectively that which operated on inland waterways or close to shore, continued to be governed by state and territory legislation. A commercial vessel operating on the Yarra River or a commercial charter vessel operating in Port Phillip Bay are the sorts of vessels that continue to be governed by Victorian regulations and legislation.

Since those days Victoria has collaborated with other states and territories and the federal government to ensure that we have a national approach to regulation. Realistically it is quite clearly a good thing when it comes to the type of accidents that can befall shipping.

Safety in the water is really important, and we need to have a much more global approach to international shipping.

The federal legislation is bringing together the new national marine scheme. It is based on the commonwealth's corporate powers through the Corporations Act 2001, and smaller unincorporated businesses with vessels would essentially fall through the cracks without this legislation we are debating here this morning. I would like to give some examples of what is not covered. To help members understand the type of shipping that is regulated by this bill I might mention a few of the types of ships that are not covered by the bill. I note that Mr Tee spent a lot of time talking about this issue in his contribution, but I just reiterate that point. It might sound counterintuitive, but sometimes it can help if you have an idea of what is not actually covered.

My region of Southern Metropolitan Region, as I said before, has an extraordinary foreshore along the beautiful Port Phillip Bay and is bounded on the northern part by the Yarra River. One of the ships that docks in Port Melbourne, just down the road from my office, is the *Spirit of Tasmania*. The *Spirit of Tasmania* forms an important link for travellers between Victoria and Tasmania, especially for the grey nomads. We see the grey nomads each weekday, lining up with their campervans and caravans, waiting to get onto the *Spirit of Tasmania* to go across to Tasmania and enjoy a Tasmanian holiday. Whilst I am absolutely thrilled that they do this and come to spend some of their dollars in and around Port Melbourne — we are very pleased to see this — the locals have some concerns about the fact that they are lining up on a regular basis. It is an issue that I have spoken to the Minister for Local Government, the Minister for Public Transport and indeed our local council about. However, as a commercial vessel that travels interstate, the *Spirit of Tasmania* is an example of shipping that is already regulated by the federal Department of Infrastructure and Transport and therefore is not impacted by this bill.

Also in Port Melbourne is Webb Dock, at the mouth of the Yarra. This is probably a good opportunity to remind members of the $1.6 billion port capacity project that will be improving Webb Dock, including on-ramps to the motorway and off-ramps, which is a Napthine government initiative. This is welcomed by shipping contractors and stakeholders, and indeed my local community is very pleased about this because it there has been a significant amount of traffic on Williamstown Road, and these motorway on-ramps and off-ramps will certainly help to alleviate this. The Premier, Denis Napthine, commenced this project while he was Minister for Ports, and he and the new Minister for Ports, Minister David Hodgett, really are to be commended for what is a visionary project that will improve Victoria's productivity and export capacity.

Much has been said in this chamber on other occasions about the importance of Victoria's ports to our economy, and Webb Dock is an integral part of that. The large ships that come to Webb Dock are a good example of international shipping that is governed and regulated by the federal department of transport, and that is also not covered by this bill.

Cruise liners also dock at Port Melbourne, and the charter buses run along Bay Street and can be seen from my office. Their passengers often take the 109 tram to the city, where they explore Melbourne and contribute to our economy. These vessels are also already covered by the commonwealth legislation. The number of cruise ships is increasing, and it is terrific to see people wandering through lovely parts of the St Kilda foreshore and through Port Melbourne. I know that they really have a very positive stay in Melbourne when they come. Once again, they add enormously to our economy.

There are a large number of vessels in Southern Metropolitan Region which in fact will be covered, and Ms Crozier, my colleague from Southern Metropolitan Region, is also in the chamber at the moment listening to this important debate because she really cares about the marine issues in and around Southern Metropolitan Region. We have, as I said, the Yarra River forming the northern boundary and Port Phillip Bay forming the western boundary. In the north there is a marina on the Yarra River, just near Lorimer Street. At the end of Bay Street, just a short walk from my office, is the Port Melbourne Yacht Club, and the commodore there is Chris Boag.

The Royal Melbourne Yacht Squadron is also based out of the St Kilda harbour, and a little further along is the St Kilda marina. I would like to talk about the Royal Melbourne Yacht Squadron a little because Ms Crozier and I have spent a lot of time with its members and the commodore at the St Kilda harbour, and I have to commend them for a very farsighted strategy to improve this whole area and for the work they did with the then Minister for Ports, now Premier, Denis Napthine. It was this lobbying that they did, along with a proper strategic plan and discussion with Denis Napthine in his capacity as Minister for Ports, that in fact led to the then minister announcing $1.2 million in funding for the St Kilda pier and for the Royal Melbourne Yacht Squadron to build wave attenuators on the pier and a public-access jetty.

The previous commodore, Stuart Tait, had worked closely with the government to put forward a case for this funding. I commend the work he did. He worked very closely with Ms Crozier and me, with the local council and with both the then Minister for Ports, Denis Napthine, and the Minister for Environment and Climate Change, Ryan Smith. It was a very good case of collaborative discussion about what would be best for the region and the area. One of the nicest things about this particular yacht club is that it has a very good program for teaching young children how to sail small boats. It is often the first opportunity that a lot of these young people have to learn these skills. Not all of these people are from the St Kilda region; they are drawn from right across metropolitan Melbourne. The club has a very active program, and it is just terrific to see on a weekend all these children out there learning how to use boats and little yachts effectively.

Southern Metropolitan Region is also home to the Royal Brighton Yacht Club, where the commodore is Paul Woodman. The Sandringham Yacht Club operates just a little further along the bay, and the commodore there is Chris Carlile. I know that the member for Sandringham in the other place, Mr Thompson, has a lot to do with the Sandringham Yacht Club and indeed is a highly regarded local member who always has his ear attuned to the needs of the Sandringham Yacht Club. Along this bay in this part of Southern Metropolitan Region there is also the Black Rock Yacht Club. The commodore there is Mark Jackson. Towards the southern end of the region we have the Beaumaris Yacht Club with Commodore Bruce Fraser and the Beaumaris Motor Yacht Squadron with Commodore John Firth.

Members of the Beaumaris Motor Yacht Squadron formed the Australian Volunteer Coast Guard Association, which is one of the volunteer emergency services organisations operating in Victoria. This was back in 1961, just two years after the Beaumaris Motor Yacht Squadron was formed. In addition to getting one new community organisation up and running, members were taking on the additional responsibility of founding other new emergency services organisations. Today it is a nationwide organisation with numerous flotillas helping to protect the public across the country. It is impressive that the first flotilla of the founding members of the Australian Volunteer Coast Guard Association were members of the Beaumaris Motor Yacht Squadron in Southern Metropolitan Region.

In the few moments that I have got left I would like to highlight the Albert Park Yacht Club and the Albert Park Sailing Club, which are based on Albert Park Lake. One of the most important programs on Albert Park Lake is run by Sailability. This is a worldwide organisation that operates in over 350 locations around the world. To quote from its website:

> Sailability is a 'not-for-profit', volunteer-based organisation which, through the activity of sailing, enriches the lives of people with any type of disability, the elderly, the financially and socially disadvantaged.

I have to say it is an excellent program. I have been down there on many occasions to see the delight on the faces of people with disabilities. They are usually in harnesses and are lowered into small boats and taken right around Albert Park Lake. It is pure delight to watch their faces, and also to be with their parents and carers on the side of the lake and to see what pleasure they get from watching their loved ones having a fabulous time sailing, just as everyone else does. It is an excellent program.

I mentioned all of these clubs, marinas and organisations to give members an insight into the vast numbers of vessels that operate in the Southern Metropolitan Region. Not all of them are commercial, but they include any commercial vessel operating in Victorian waters, not interstate or international but within Victorian waters, and owned by an unincorporated business. These are the types of vessels that are covered in this legislation. With the large number of marinas in the Southern Metropolitan Region there are likely to be some small businesses operating commercial vessels which will be covered by this bill.

As I say, the bill is extensive. It is almost 400 pages long. Its purpose is, according to the explanatory memorandum:

> … to adopt in Victoria a national approach to the regulation of commercial vessels …

It accomplishes this through two steps:

> applying the commonwealth domestic commercial vessel national law as a law of Victoria; and
>
> making provision to enable the commonwealth law and the applied law of Victoria to be administered on a uniform basis by the commonwealth (and by Victorian officials as delegates of the commonwealth) as if they constituted a single law of the commonwealth.

It establishes a national marine regulator, which ensures that we have a consistent national approach, and it prevents loopholes from existing in the new national marine scheme. This bill will improve safety on Victoria's waterways by adopting a national approach. Although some of the very large ships that dock in Southern Metropolitan Region are already regulated by the federal government and therefore not affected by

this bill, it will ensure that we have a national approach to boating regulations and marine safety. I commend this bill to the house.

Ms HARTLAND (Western Metropolitan) — As there have been excellent contributions before me outlining every single detail of this bill, I am not going to go over the technical details again. The Greens generally do support Council of Australian Governments bills, because you have to presume that they have already gone through an incredibly tortuous process to actually get into the Parliament. The Greens do support the concepts around good regulation, and that the regulation be uniform around the country so that people always know exactly what it is that is required of them.

The Greens will support the Labor Party's reasoned amendment, because I think it is always a benefit for us to be able to see what the regulations are before we vote on them. That should be standard in this Parliament. It is regrettable that we have to continuously ask to see what the regulations will be rather than just presuming that it will be okay and then being expected to vote for bills. With those few words, the Greens will support this bill and the reasoned amendment as well.

Mr ONDARCHIE (Northern Metropolitan) — This morning I speak on the Marine (Domestic Commercial Vessel National Law Application) Bill 2013. The purpose of this bill is to adopt in Victoria a national approach to the regulation of marine safety in relation to domestic commercial vessels. This bill provides for a scheme of national regulation, including the establishment of a national marine regulator. Accordingly this bill applies the commonwealth domestic commercial vessel national law as a law of Victoria. It makes provision to enable the commonwealth domestic commercial vessel national law and the applied law of Victoria to be administered on a uniform basis by the commonwealth, and by Victorian officials as delegates of the commonwealth, as if they constituted a single national law of Australia.

Other speakers have gone to the background of this bill today and I choose not to revisit that in respect of the Parliament's time. But I will say that the Australian Maritime Safety Authority (AMSA) will be the regulator for the national scheme. Practically, AMSA will not be involved in the day-to-day operation of the scheme. The intergovernmental agreement provides that AMSA will delegate its new powers back to the state and territory regulators that administer the framework on the ground — or on the water, as it may be.

The national law scheme, expressed under the corporations and external affairs power of the commonwealth in the constitution, will facilitate the transfer of the regulation of around 90 per cent of Victorian vessels to the commonwealth. The state is required to apply template laws, which were adopted in the host jurisdiction, to transfer the remaining 10 per cent of vessels not owned by corporations to commonwealth regulation under the national law. This is about 100 vessels which operate on inland waters and are hence outside the commonwealth's constitutional powers.

The national scheme will affect a range of small craft. This will include fishing vessels; government vessels, such as police vessels or fisheries boats; and hire and drive vessels, such as houseboats, rowing boats and pedal boats. Considering that the coverage of national law is directly related to the meaning of commercial vessel, the Standing Committee on Transport and Infrastructure agreed that any changes to this meaning would require the unanimous approval of the nation's transport ministers. The initial drafting of the national scheme would have had the effect of excluding state and territory occupational health and safety (OHS) laws. At Victoria's request this was averted, and the national scheme includes provisions that make clear that local OHS laws prevail despite inconsistency with the national law.

The bill includes a range of fees for matters relating to commercial vessels and regulatory services. The national scheme will require the states and territories to set those fees, and Victoria will set the fees in this bill at their existing levels. Opposition members need to be clear about their facts. Mr Tee should have on his to-do list every day: item 1, check facts; item 2, get brain into gear; item 3, then open mouth. Opposition members have to be clear about their facts when they come into this house and speak on a bill. Mr Tee should take a lesson.

The national scheme adopts many features from Victoria's laws, including those relating to safety duties, certification of safe operations and most of Victoria's compliance and enforcement powers and sanctions. The national scheme regulations are yet to be finalised, including the use of private surveyors to inspect and certify vessels. That is still being developed. Adjustments are still being investigated to avoid potential increases in red tape where there is likely to be little or no benefit. We are about cutting back red tape in this state. We want to make it more efficient for people to do business, and those national regulations are yet to be finalised.

Work will also be done to ensure the continuation of Casey's law, which is a Victorian law relating to the culpable driving of a vessel causing death or injury. This law was introduced by the former government in response to the tragic death of Casey Hardman at Eildon on 28 December 2008. I have known Casey's dad, Mark Hardman, for a long time. In fact he built the extension to my house in St Helena. I have known Mark for many years, and my heart still goes out to Mark and the family as a result of Casey's passing. Work will be done to ensure that Casey's law continues.

A number of aspects of the regulation of domestic commercial vessels are dealt with under the Marine Safety Act 2010 and the Marine (Drug, Alcohol and Pollution Control) Act 1988 and other Victorian acts. These include matters relating to pilotage, harbour masters, the management of waterways and the control of the use of alcohol and other drugs by masters and crew of domestic commercial vessels. This government has done a wonderful job of dealing with drugs and alcohol on our waterways. We took a very tough stance on marine drug laws when, in September 2012, the Victorian coalition government introduced a bill to state Parliament that delivered major reforms to drug and alcohol limits for ship, boat and jet ski operators in Victoria. The then Minister for Ports, now the Premier of Victoria, the Honourable Denis Napthine, is reported in a press release at the time as saying:

> … the new bill would ban the use of illicit and illegal drugs by vessel operators, masters and pilots on all Victorian waterways.
>
> Drugs such as ice, speed, ecstasy and cannabis have adverse effects on the capacity of people to operate vessels safely on our waters …

We said we would do it; we did it. This is another example of the coalition government delivering important legislation.

In 2010, when the previous Labor government completed its review of transport legislation and passed the Marine Safety Act, it failed to address the very important issue about drugs and alcohol on Victorian waterways.

Ms Crozier — Why?

Mr ONDARCHIE — Ms Crozier interjects with, 'Why?'. What a great question. The question 'Why?' could apply to a number of things that the previous government did. Why did it embark on the north–south pipeline? Why did it embark on the desalination plant without a properly costed case? Why did it embark on the myki ticketing system, which was not set up properly and we have had to repair it? Why did it embark on a Royal Children's Hospital project without funding the ICT component? Why did it embark on the Olivia Newton-John Cancer and Wellness Centre without funding for the fit-out? Why did it embark on HealthSMART without making it a proper and appropriate system? Why did it try to bring the two ambulance services together and then botch it? There are a number of whys, and the only thing I would say is that 'wise' is what is missing from the opposition.

It is a pity that Mr Tee came in here without the facts. This bill adopts a national law. It is part of Victoria's intergovernmental obligations and facilitates a historic shift in responsibility from states and territories to the commonwealth. This is bringing us all together. I know that Ms Hartland talked about wanting to see more, but we have been talking about nationalising issues around transport and infrastructure for a long time. In fact it was Mr Albanese, the federal Minister for Infrastructure and Transport, who welcomed national rail laws and said it was a good idea to bring all these regulations together. Here is another example of the Victorian Napthine coalition government getting on with its job, and it astounds me that people opposite are asking why. Ms Crozier knows that the question why applies to a lot of their thinking.

Historically safety standards and the harmonious regulation of commercial vessels have been consistent across the nation, with nationwide cooperation in improving the standards and uniformity of vessel requirements. This government is committed to improving safety and ensuring efficient regulation by reducing red tape and costs that impact on individuals, the community and, most importantly, businesses and employers. The adoption of a national scheme of regulation will work primarily to improve national efficiency and enhance the effectiveness of improvements in regulatory outcomes. This limitation has been voiced by many advocates of a national system for some years, and we are getting on with our job.

The overall aim of the Council of Australian Governments national regulation project is to improve the nation's economic outcomes by reducing costs to business for compliance with regulations as well as by assisting with labour mobility. We are about supporting jobs in Victoria, talking up opportunities for Victoria, supporting Victorian workers and supporting Victorian businesses. I say to those opposite: sit back, listen and learn.

Commercial vessels incur higher red tape and cost burdens, and Victoria has traditionally considered fewer vessels to be commercial compared to other jurisdictions, thereby limiting costs to small business.

The Victorian government, through former Premier Ted Baillieu, fought to keep the definition of 'commercial vessel' confined in the national law. Even though the new formulation is broader than the Victorian standards, it is much more restrictive than the initial definition, which would have caught 3500 additional vessels across Victoria. Commercial vessels are not recreational vessels like the 20-foot boats you see lining up at the boat ramps every weekend. They are designed to get out and catch a snapper in parts of Port Phillip Bay or go over to the other side of the bay to catch some King George whiting. We are talking about vessels that are commercially operated.

The use of private sector surveyors is obviously welcomed by the government; however, this proposal must be carefully developed to preserve and improve existing safety levels and avoid unnecessary costs to businesses. All jurisdictions across the country use government surveyors except Queensland, and the transition must be appropriately and carefully managed, hence that aspect of the scheme has been negotiated and settled.

It is a pity the opposition and Mr Tee totally misunderstood the purposes of the bill. If they had taken the time to have a look at the second-reading speech, they would have understood its background. The bill was not instigated by the Victorian coalition government; basically it is in response to the commonwealth using its constitutional powers to regulate commercial vessels. The bill before the house today covers around 100 commercial vessels which the commonwealth act will not cover. It will not impact on recreational vessels.

The opposition claims we must explain the impact of this bill on stakeholders, and the Greens have said the same thing. That is what we have been doing for two years. Victoria was the only jurisdiction to stand up to the commonwealth. We forced the commonwealth to wind back its original proposal to minimise the reach of the national law. Former Premier Baillieu raised this at the Council of Australian Governments, and he reached an agreement with the Prime Minister to limit the scheme's reach. Through all of the discussion and correspondence — and I know my learned colleague Ms Crozier will talk about that — where was the Victorian opposition? It was missing in action. The Victorian opposition was very quiet and did not have a word to say.

The opposition claims the bill will impact on recreational boating and boatbuilding. Let us be clear for members opposite. I suggest to Mr Tee that no. 1 on his to-do list is to check the facts because the bill will have no impact on recreational boating. The bill transfers responsibility for commercial vessels — not recreational vessels — from the state to the commonwealth. I suggest that Mr Tee go to his *Funk and Wagnalls* and look up to see the difference between the words 'commercial' and 'recreational'. Further, there have been no changes to commercial vessel standards, so there is no impact on boatbuilders.

The opposition claims there will be increased fees under this bill. Wrong! The coalition has included the current fee structure as the schedule to this bill to demonstrate its intent that fees will remain unchanged. The opposition raises concerns about the use of private surveyors. There are not and have never been any plans to provide private surveyors with inspection powers.

The opposition claims the industry does not support the bill. The Boating Industry Association of Victoria supports what we are saying. I have a letter from that organisation to the Minister for Ports, the Honourable David Hodgett, that I am more than willing to table. The letter raises a number of concerns in relation to the bill:

> … specifically the potential for boating industry retailers being captured in the broader definition of commercial vessels.

In the end the letter states that it wants to provide clarity for what the government is trying to do and that it supports the bill. Before Mr Tee sets foot in this house he should take step no. 1, which is to check his facts. I commend this bill to the house.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to make a short contribution to the debate on the Marine (Domestic Commercial Vessel National Law Application) Bill 2013. My colleagues Mr Drum, Mr Ondarchie and Mrs Coote have highlighted the government's position, and Mr Drum highlighted the technical nature of many aspects of this bill. Despite its length it is a fairly straightforward bill.

Mr Barber — Tell us your favourite boating story.

Ms CROZIER — I have absolutely no idea what relevance that comment of Mr Barber's has to this bill. This is a serious bill that has an impact on many vessels and a number of industries in this state. The Greens are not supportive of commercial activities and jobs; nevertheless this is an important bill for members opposite to understand. As Mr Ondarchie clearly articulated, there are some facts about this bill that have not been understood by members opposite.

This bill fulfils Victoria's obligation under an intergovernmental agreement signed by the Council of Australian Governments on 19 August 2011. As I said,

the bill affects many people within my electorate of Southern Metropolitan Region. My electorate is bordered by Port Phillip Bay, bayside electorates such as Albert Park, Brighton and Sandringham, and by the Yarra River and the electorates of Kew, Hawthorn, Malvern and Prahran. The extensive waterways in my electorate mean that this bill will impact on some of my constituents.

In my electorate the different types of vessels affected by the national scheme include pedal boats for hire at the Fairfield boathouse, cruise vessels on the Yarra River and jet ski hire on the bay. In other parts of Victoria there are the Gippsland Lakes hire and drive boats, small fishing and trading vessels and the houseboats for hire at Lake Eildon. As Mrs Coote highlighted, the electorate of Southern Metropolitan Region also includes the port of Melbourne, which provides a huge economic benefit to the state. Last year the coalition government announced the $1.6 billion redevelopment of the port, which will have a significant economic impact on the state of Victoria. Some $82 billion worth of exports and imports flow through that port alone. These are some of the reasons why we have to take this bill seriously in relation to commercial vessels.

As I said, many people enjoy leisure activities on the waterways throughout my electorate and this bill does not affect those recreational activities. Victoria has around 1465 domestic and commercial vessels on its waters. This bill covers the 100 commercial vessels that the commonwealth act does not cover. I am pleased to say that Victoria has had a substantial influence on the national scheme. Much of what has been drawn up at the commonwealth level was based on the Victorian Marine Safety Act 2010 — including important features such as compliance and enforcement powers and sanctions and safety issues, those issues that Mr Ondarchie very clearly articulated in his contribution — which was the legislation this government introduced to further protect Victorians on our waterways.

As I said, this is not a terribly difficult bill. Nevertheless it is an important one, because retaining a state-based regulatory regime for the 100 or so vessels it applies to — less than 10 per cent of Victoria's commercial vessel fleet — would be an untenable situation. If that were to be undertaken, it would be a bureaucratic and administrative nightmare to operate. This bill will simplify those aspects and, as I said, cover those 100 or so vessels that the commonwealth act will not cover.

In conclusion, I am pleased to say that the government undertook an extensive consultation process, information about which was widely published. In fact the former Minister for Ports wrote to over 3000 vessel owners and encouraged their participation. The Boating Industry Association of Victoria supports the bill, so the endorsement is there, which is another pleasing fact. The Victorian government remains committed to a high standard of marine safety in Victoria and to continuing to improve where necessary and practical. Marine safety must be efficient and not lead to any unnecessary red tape. We want to cut red tape where possible and allow operators and owners to operate their commercial vessels as they need to. This is a key principle of the legislation. I again commend the former minister and express support for the national scheme, which will come into effect in a few days time. I commend the bill to the house.

House divided on amendment:

Ayes, 19

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

Noes, 21

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
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	Peulich, Mrs
Finn, Mr (*Teller*)	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 13 agreed to.

Clause 14

Mr TEE (Eastern Metropolitan) — My question is in relation to the regulations provided for by clause 14, which, as I understand it, will in effect subsume the schedule of fees set out in the act, so essentially the schedule of fees, which is on page 54, will only be in

place until the regulations replace them. Is that the position?

Hon. M. J. GUY (Minister for Planning) — That is correct.

Mr TEE (Eastern Metropolitan) — Is the minister able to tell the house when he anticipates that those regulations will be made?

Hon. M. J. GUY (Minister for Planning) — It is a decision for the minister as to when they will be reviewed, although there are no plans immediately to do so.

Clause agreed to; clauses 15 to 24 agreed to.

Clause 25

Mr TEE (Eastern Metropolitan) — A number of clauses — 25 through to 28 — deal with the definition of a commercial vessel, so I seek the chamber's indulgence if I stray into those clauses. My understanding is that the act provides for a broader group of vessels to now be covered through this regulation, so for the first time what are described as 'non-powered vessels' will be covered. Rowing boats, kayaks, canoes and pedal boats will be included under this regulation through these provisions. My question is: is the minister able to quantify the number of businesses that will fall under these provisions pursuant to the new definitions?

The DEPUTY PRESIDENT — Order! Before calling the minister, I clarify that the committee is dealing with clause 25. Does the member wish to raise issues between clauses 25 and 28 because they are related matters?

Mr TEE (Eastern Metropolitan) — Yes.

The DEPUTY PRESIDENT — Order! Unless there is an objection from the chamber, that sounds fine.

Hon. M. J. GUY (Minister for Planning) — I am informed that if the vessel operators are already in a business, they will be covered by the commonwealth powers as they are, and Mr Tee is correct in saying that a broader group of vessels will be covered as a result of the commonwealth definition.

Mr TEE (Eastern Metropolitan) — I suppose the question is: is the minister able to quantify the number of additional operations that will be covered by the new regulations or to provide a percentage? Can he give us a sense of how much broader the range of activities that will be covered will be?

Hon. M. J. GUY (Minister for Planning) — I am informed that the previous Premier and the previous Minister for Ports lobbied the federal government to wind back some of the groups that would be covered and that as a consequence we have managed to have exempted schools, community groups and not-for-profit organisations. I apologise that I cannot give an exact number, but as I said schools, community groups and not-for-profit organisations fall into that category.

Mr TEE (Eastern Metropolitan) — Is the minister saying that there is an expansion but that he is unable to quantify in any way what that expansion will be?

Hon. M. J. GUY (Minister for Planning) — This bill covers an extra 100 or so larger entities, but it would only apply to a pedal boat where there is a sole trader operating with pedal boats or along those lines, which is not currently covered by the use of the Corporations Law to bring in those vessels, so it would be only a small number.

Clause agreed to; clauses 26 to 99 agreed to.

Schedule

Mr TEE (Eastern Metropolitan) — The second-reading speech refers to the fact that the costs for businesses in Victoria will increase essentially because the costs provided for in the schedule are higher than Victoria's costs. Is the minister able to give a sense of how much higher the fees will be?

Hon. M. J. GUY (Minister for Planning) — The bill sets the fees at the existing levels, and the government is negotiating with the federal government to have those reduced.

Mr TEE (Eastern Metropolitan) — Is the minister essentially saying that the schedule of fees provided in the bill contains those currently paid for Victorian vessels? Is that the case?

Hon. M. J. GUY (Minister for Planning) — Yes, that is the case.

Mr TEE (Eastern Metropolitan) — I am just checking the second-reading speech, in which it is said:

> … the costs of the national scheme to state and territory governments are higher than the costs of Victoria's existing regulatory system.

Hon. M. J. GUY (Minister for Planning) — There is a higher cost to government, but the fees do not reflect full cost recovery, so as a consequence that does not have the flow-on effect.

Schedule agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND OTHER MATTERS) BILL 2013

Second reading

Debate resumed from 30 May; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr SCHEFFER (Eastern Victoria) — This bill makes amendments to five energy acts: the Electricity Industry Act 2000, the Victorian Energy Efficiency Target Act 2007, the Electricity Safety Act 1998, the Gas Safety Act 1997 and the Energy Safe Victoria Act 2005. The objectives of these amendments are to harmonise the energy efficiency target scheme with the energy savings scheme that operates in New South Wales, tighten up standards to improve safety during installation of electrical equipment and make sure that Energy Safe Victoria monitors and enforces compliance with gas safety regulations. The bill also authorises Energy Safe Victoria to share relevant information with the Australian Energy Regulator. The bill sets out the conditions for the operation of the premium feed-in tariff, the transitional feed-in tariff and the standard feed-in tariff.

The July 2012 Victorian Competition and Efficiency Commission (VCEC) report on the inquiry into feed-in tariffs and barriers to distributed generation states that the premium feed-in tariff was introduced in 2009 under the Labor government and was closed in December 2011 by the coalition government. Under this scheme the tariff is paid to customers generating electricity using photovoltaic (PV) systems of 5 kilowatts or less, and customers will be paid 60 cents per kilowatt hour until 2024 for net exports of electricity paid into the existing network. Let us remember that the basis for this arrangement was that 60 cents per kilowatt hour would enable a customer to pay for the cost of a PV system over a period of 10 years. VCEC states that the transitional feed-in tariff scheme commenced in January 2012 following the closure of the previous scheme and set the feed-in tariff at 25 cents per kilowatt hour until 2016. This rate was set because it was estimated it would enable an average household to pay for the PV system over six years because by 2011 the capital cost of a household-scale PV system was significantly cheaper.

The transitional scheme was closed to new applicants in December last year. The Victorian Competition and Efficiency Commission indicates that the transitional scheme will be wound up prior to 2016 if the 75 megawatt cap is reached, if the cost to other energy users exceeds $5 per year per customer or at the minister's determination. The standard feed-in tariff scheme was also introduced in 2004 during the time of the previous Labor government, and it covers all renewable energy generators up to 100 kilowatts in capacity. This scheme originally had no specified end date and required retailers to pay a fair and reasonable price for the electricity fed into the grid. 'Fair and reasonable' was taken to mean that the price should not be less than the price they pay for electricity bought from the network.

The government closed the standard feed-in tariff scheme to new applicants in December last year, which means that those who signed up after the December date and those who sign up into the future will receive an 8 cent tariff, whereas those who signed up prior to December and who make no changes to their units will continue on the more generous tariff until 2016, when the standard scheme will be wound up.

The bill before us today sets out in legislation the eligibility conditions pertinent to the three types of feed-in tariff: premium, transitional and standard. The legislation provides for the continuation of a modified standard feed-in tariff scheme that entails an 8 cent tariff for new entrants who have installed solar or other forms of renewable energy-producing systems of less than 100 kilowatts. The government's objective is to establish in January 2017 a market-based scheme in which there is no need to set a minimum feed-in tariff.

The details of how this will work will be informed by a review that will be completed in 2015, but up until that point the Department of State Development, Business and Innovation will publish a minimum wholesale-based net feed-in tariff of 8 cents per kilowatt hour for this year. For subsequent years, 2014, 2015 and 2016, the new feed-in tariff will offer a

minimum credit of 8 cents per kilowatt hour for excess feedback into the grid in 2013. This will be reviewed and adjusted by the Essential Services Commission on an annual basis until 2016, in line with the department's fair and reasonable guideline, after which that requirement will be rescinded. All this is the background and content of the bill, and Labor members will not be opposing the legislation even though we do have some concerns that we have already aired and that also should be placed on the record in this chamber in the context of the second-reading stage.

Prior to the 2010 Victorian election the then Liberal-Nationals opposition unequivocally assured voters that if elected, a coalition government would deliver a gross feed-in tariff scheme for Victorian households that put electricity generated through photovoltaic panels into the power grid. In opposition the coalition promised to implement a gross feed-in tariff scheme that would pay a premium rate to households, businesses, farms and community organisations for all the energy they generated, irrespective of whether that energy was used on site or whether it was surplus energy that they fed into the grid. Not only did the coalition renege on its promise to introduce the gross feed-in tariff, as soon as it got into government it wound up the premium scheme that it had promised to maintain until the gross scheme had been implemented.

Since the election it has been very clear that the government has not been a friend to the renewable energy sector, and this probably was not so much a policy position that the Victorian government itself devised as a position that came from its misplaced loyalty with the Abbott opposition in Canberra, which as we know has been implacably opposed to any meaningful support of the renewable energy industry. This blind following of the dictates of the federal opposition leader, Tony Abbott, has damaged the state and now has even led Premier Napthine into passing up the federal Labor government's national plan for school improvement, rejecting billions of education dollars Victoria desperately needs.

However, the Baillieu government dismayed Victorians when it effectively scrapped Labor's carbon emissions reduction target, reducing it from 20 per cent to 5 per cent, and ran a sustained attack on the wind energy industry through its planning laws that is estimated to cost the state around $3.5 billion as the industry increasingly moves interstate. The broken promise on the gross feed-in tariffs and the junking of the feed-in tariff scheme back in 2011 should be seen as part of this overall assault on the renewable energy industry. In September last year the government announced a new feed-in tariff that would offer a minimum of 8 cents per kilowatt hour for excess feedback into the grid in 2013, and as I said earlier that will be reviewed and set by the Essential Services Commission on an annual basis until 2016.

The government comprehensively messed up the wind down of Labor's feed-in tariff schemes, principally by failing to properly inform households and businesses that if they add panels to the existing system, they automatically disqualify themselves from the feed-in tariff scheme they originally signed up for. What is particularly unfair is that this also hit customers who had already installed solar panels with larger capacity inverters that would enable them progressively to add more panels to increase their capacity. Even customers who had already planned to expand their capacity would be prevented from doing so because the rate of their tariff would fall to 8 cents per kilowatt hour, which of course is a serious detriment that would relatively increase their power bills. The shadow Minister for Energy and member for Mill Park in the other place, Lily D'Ambrosio, said at the time that the reduction in the tariff was a blow to Victorian households and that the government had failed to understand that thousands of Victorian families had installed solar PV panels as a way to reduce their electricity bills.

Of course the government had not required retailers to directly inform customers how they would be adversely affected by this measure. Community groups supportive of the sustainable energy industry and solar panel businesses expressed their disappointment over the reduction from the 25-cent tariff to 8 cents. They said that the government should have some concern for consumers, small business operators and tradespeople who had invested in solar energy on the basis of the 25-cent tariff. For example, in a piece in the *Midland Express* Mr Dean Bridgfoot, a project officer with Mount Alexander Sustainability Group, is quoted as having said:

> … unfortunately this policy seems to be all about protecting the profits of the big end of town.
>
> Most people who own solar panels in our area are pensioners, people with young families and those on fixed incomes.
>
> People with modest incomes, trying to take control of their electricity bills and doing the right thing for the environment, will now be getting paid less for their electricity than big corporations that make their power from outdated and polluting coal power stations.
>
> The panel owners we work with and the dozens of people who call us up every week are part of the solution to climate change and higher electricity bills.

The paper further quotes Mr Bridgfoot as having said:

> Solar panels produce electricity at peak times, reducing the need for expensive infrastructure upgrades. That should make electricity cheaper for all of us and they should be paid a fair price for that electricity.
>
> Premier Baillieu —

of course the member for Hawthorn in the other place, Mr Baillieu, was Premier at the time —

> is letting electricity retailers buy the electricity off solar panels at peak time for just 8 cents so they can then sell it to your next-door neighbour for 30 cents. It would appear that Mr Baillieu is using electricity from PV owners to prop up the profit margins for electricity retailers.

At the same time the *Midland Express* quotes Castlemaine electrician and PV panel installer Mr Stephen Breheny as having said:

> I install systems on the roofs of local houses and businesses.
>
> I employ three apprentices … I had previously employed nine people but as the feed-in tariffs reduced, the amount of uptake in solar also reduced.
>
> I'd like to employ more people and install more systems; after all it's the industry of the future. Yet decisions like this made by out-of-touch politicians in Spring Street —

present company excepted, perhaps —

> just seem to make it harder and harder for local businesspeople.

In a piece from Tom Arup in the *Age* of 4 September, Mr Damien Moyse from the Alternative Technology Association is quoted as having said:

> The evidence suggests that electricity generated by solar systems is worth more than the average price of electricity in the wholesale market.

Clean Energy Council policy director Russell Marsh said it was appropriate that the Victorian government reduce the level of its support for the scheme, but the proposed feed-in tariff of 8 cents per kilowatt hour is too low and does not reflect the fair and reasonable value of the electricity and other benefits that solar power systems provide.

The government accepted the recommendation of the Victorian Competition and Efficiency Commission, deciding to set the new tariff at 8 cents, and then four months later, in December, it announced it would legislate the changes to clarify, reinforce and confirm the arrangements, even though it said that the legislation was unnecessary. The question needs to be asked: is there any purpose in introducing this legislation?

Labor has said the tariff reductions — especially as they impact on people who are under the old 60-cent and 25-cent tariff schemes, who will forfeit their tariff if they upgrade and install additional panels — are a trap for families who installed solar photovoltaic panels in an effort to get on top of their power bills. The opposition pointed out that the government should have required energy retailers to inform householders who claim feed-in tariffs and alert them to the fact that they could risk their current arrangements if they install additional panels. We also said the government needs to provide a full explanation of why and how the legislative measures were delivered in the slapdash way they have been, how many people will be adversely affected and what the government plans to do about it.

The only other matter on the bill that I wish to mention relates to part 6, which amends the Victorian Energy Efficiency Target Act 2007. The government says the change to the definition of 'relevant entity' will enable the inclusion of energy retailers that meet an energy use threshold. Clause 16 states that this means that retailers who have at least 5000 customers or provide at least 30 000 megawatt hours or at least 350 000 gigajoules of gas are eligible to participate in the scheme.

Labor has raised the matter of the government's commitment to the continuation of the Victorian energy efficiency target scheme (VEET). It noted the response of the Minister for Energy and Resources to a question asked of him by the member for Preston in the Assembly, Robin Scott, at the Public Accounts and Estimates Committee (PAEC) budget estimates hearing on 22 May, which was:

> Will you rule out winding back or abolishing the Victorian energy efficiency target scheme?

The minister answered:

> … I cannot give that undertaking. I need to review it. I have only been in the job for two months. I need to make sure it is doing what it is meant to do, but I need to get some evidence. I will decide on the future of VEET once I have the evidence base in front of me.

I undertook a search, but I could not find anything on any government website about a future review of the Victorian Energy Efficiency Target Act 2007 or the scheme for which it provides. At division 9 the act states that the act itself needs to be reviewed by 2011. I did find a report of the scheme's performance in 2010 that was conducted by the Essential Services Commission and dated August 2011. That was nine months before the PAEC hearing where the minister indicated there would be a review.

Along with my colleagues on this side I am puzzled over what the Minister for Energy and Resources, Mr Kotsiras, could have meant when he said he needed to review the scheme. Did he mean that he, himself, needs to look at the evidence as a new minister in terms of a briefing or that he intends to call for an additional formal review to validate what the Essential Services Commission describes in its performance report? The fact is that the minister has refused to rule out abolishing the scheme. This is indeed a matter of profound concern, because this government has very little credibility at all — much less in the renewable energy portfolio.

The opposition has some further questions that it would like to take up with the minister in the committee of the whole. We will come to those after this stage of the process of the bill. Finally, the opposition has no objections to the amendments to the Electricity Safety Act 1998 or to the Gas Safety Act 1997. We on this side always support any measure that will improve safety in the workplace.

Mr BARBER (Northern Metropolitan) — This bill, with its minor-level tinkering with some market arrangements for renewable energy access to the grid, really highlights the complete lack of ambition and vision that the government shows in getting on with the job that it needs to do, that it knows it needs to do and that just about everybody wants it to do — that is, bringing power back to the people to drive our energy supply towards 100 per cent renewables, in the process bringing in energy efficiency and the smart use of energy in such a way that we can ensure that our power bills do not keep rocketing in the way they have been over the last 10 years. That is a direct function of the failed privatisation model that we have in Victoria, where private monopolies run the poles and wires that deliver electricity to our houses. In the process they have got us all by the throat. The barriers for someone who might like to try to get off the treadmill of higher electricity bills by generating their own power — it could be a household, a large industrial facility or a huge office tower — are absolutely enormous. Those who want to generate power at a megawatt scale of 30 and above are of course big and ugly enough to look after themselves. But if you are at the small scale — up to hundreds of kilowatts, which is considered small scale for the purposes of this bill — or anything in between, you are at the absolute mercy of those who run the grid. They are nasty private monopolies, mostly foreign owned.

These are the characters who will burn down half the state in summer if someone is not watching their level of maintenance very carefully. When it comes to their revenue demands, they go to a soft-touch regulator and demand higher and higher capital payments, which of course come out of our bills. If they do not get what they want, they appeal just that small section of the regulator's decision at the tribunal, which is no risk to them. They might get what they want, and there is no risk because the tribunal is unable to review the entire decision of the regulator, which could lead to a worse deal for the distribution businesses.

This is well understood. Prime Minister Julia Gillard and various state premiers, whether they be Labor or Liberal at a given moment, have all had a whack at starting to drive down some of the brutally rising costs on our bills. More than half your bill now goes to supporting an unaccountable private monopoly in the form of a distribution or transmission company. These are the people who brought us the smart meter rollout debacle, by the way — yet another example of them getting whatever they wanted from the government of the day. When their costs blew out on the smart meter rollout, they came back to the Labor government — and in fact they came back to this Liberal government and the then Minister for Energy and Resources, Mr O'Brien — asked for more and got exactly what they wanted. We paid again.

So it is no wonder that so many people are looking at ways to reduce their energy use or generate their own power behind the meter. Over 1 million Australian households are now doing that through solar. All estimates show that with the plunging price of photovoltaic (PV) panels, in decades — not far into the future but within the immediately foreseeable future — when we reach full saturation, something like 80 per cent of Australian buildings will have solar PV panels on the roof. That is killing coal generators at the moment. It is not their fellow coal and gas-fired generators they are worried about; it is those millions of small generators that are just eating them alive on any sunny day, particularly on those days when our power demand is high and we have many megawatts of solar-powered rooftop PV panels switching themselves on and exporting into the grid at the immediate expense of fossil-fuel generators, which simply have to shut down because they cannot compete.

They are currently fighting back, both in the US and now in Australia, through the Energy Supply Association of Australia, by demanding higher fees for those people who want to become energy independent. They argue that solar puts pressure on the grid. It does not; it reduces pressure on the grid at the times when we ought to be reducing it — that is, on sunny and hot days. What we do know is that for each air conditioner installed thousands of dollars worth of extra costs are

put onto the grid, as the grid has to be upgraded to meet that extreme power demand during periods possibly amounting to as few as 20 hours a year. But there is no push from the energy companies to do anything about that or to add any extra charge. They want to slap a couple of hundred dollars on every solar roof as punishment for daring not to buy their product and becoming energy independent.

If you are part of a community group that would like to get its own medium-scale renewable energy facility going, whether it be solar or wind, your single biggest problem, your single biggest cost item and the single biggest uncertainty in your business plan is what Powercor, CitiPower, SP AusNet or any of those companies are going to charge you when you want to connect to the grid. They decide the technical requirements, they decide when you meet them, they decide how quickly to process your application and they decide the necessary technical solution. When you have invested hundreds of thousands of dollars to meet their requirements just to get connected to the grid they say, 'Thank you very much; we now own that connection point'. It becomes part of their asset base and makes their balance sheet look better, despite the fact that they have done nothing except be a massive blockage to the distribution of energy through the grid at the very place it is used.

Some good recommendations came out of the Victorian Competition and Efficiency Commission (VCEC) report, some small parts of which are being implemented through this bill. There are even one or two good things in this bill. However, the worst thing about the VCEC report was cutting the payment for renewable energy electrons per kilowatt hour from 25 cents — which had already been cut down from 60 cents — to 8 cents. At that price it is an absolute steal for the power companies, and people who generate electricity through clean sources are getting absolutely ripped off.

By the way, even after those people are paid their measly 8 cents, which retailers recover across all their bills in billing customers, someone still gets to keep the electrons for free. That is a little-known facet of this legislation, which the previous government acknowledged when it brought in the legislation, even though it did not publicise it. The retailers collect the money and give it to the solar power generator, but the electrons themselves are still out there within that grid, and one of the power companies gets those electrons and gets to sell them despite the fact that they have already been paid for. Former Minister for Energy and Resources Peter Batchelor just gave me an impish smile and a bit of a wink when I pointed that out to him.

In the meantime those who are out there generating solar power are getting well and truly ripped off by their own retailer, and I have had absolutely dozens of solar energy customers come to me and say, 'We have just installed solar panels. We calculated the savings that was going to make for us, but our power company automatically stuck us onto this new tariff, and now our power bills are actually going up, not down'. I have passed them all on to the Alternative Technology Association (ATA), which is well aware of the issue and has made representations on that basis.

Various observers have pointed out that in the government's wonderful privatised retail market, retail is the most expensive and rising part of delivering electricity in Victoria. The government says it is highly competitive, which it measures by the large amount of churn, or people changing their power company, but of course what comes with that is the huge marketing expense of all those TV advertisements and all those kids knocking on your door, trying to sell you a new power deal. With that comes huge costs. It would be so much simpler if we just had a regulated number of tariffs that fit various needs. This government is so believing in the invisible hand of the market that it thinks we will get an incredible outcome. It continues to trumpet it just on the raw numbers based on churn, but it cannot answer why it is that the retail part of our bills is going up so fast.

Many of the better retail deals on offer, including pay-on-time discounts, are not available to solar customers for no reason other than that the relevant retailers have decided it. The first issue with this is transparency. When a solar customer goes to the YourChoice website or another tariff comparator website, those websites do not often state what offers are available to solar homes. Equally, retailers will often not publish on their website their restricted tariff offers for solar customers. The second and larger issue, however, is that having a feed-in tariff (FIT) should in no way restrict the offers available to a solar customer. If we are going to have an open, competitive retail market, let us make sure that we make it so for all customers, including those with solar, which covers 10 per cent of roofs now, and the proportion is going to grow. So much for the retailers!

Then there is the continuing practice of distributors reassigning new solar customers onto a two-part network tariff with a 16-hour peak. For 16 hours of the day you are considered to be using peak electricity, which of course gets passed through into the retail deal you can sign up to. We understand from the ATA that former Minister Batchelor sought a legal opinion on that, and the Department of Environment and Primary

Industries now has that squirrelled away. However, there is no legal requirement for distribution businesses to mandatorily reassign. New solar customers should be able to stay on their flat tariff, if they want to, or access a new flexible tariff with perhaps a 6-hour peak once we move to flexible pricing or transfer to a 16-hour peak, which is of the order of 5 cents to 10 cents a kilowatt hour higher than what they were on before switching to solar. The current situation means that some new solar customers get quite a shock when they get their first bill, and in some cases — certainly where people have approached me — people have seen their bill go up.

It is now clear that solar, along with other factors, is driving down demand and prices at the wholesale level — that is, the wholesale trader price of power between generators. That is a benefit to all Victorian electricity consumers. Given that all consumers are paying no more for solar electricity through the FIT than they would otherwise be paying through the wholesale markets, solar is now a net benefit or a wealth transfer — whatever you want to call it — from those with solar, not all of whom are wealthy themselves.

Mr Elsbury and I have talked about this before. Mr Elsbury believes that all the solar panels are on roofs in Toorak and that he does not have any in Wyndham Vale. We quickly disabused him of that particular statistic in a fairly spectacular fashion. When it comes to getting it wrong the numbers show Mr Elsbury to be pretty ignorant, I would say, about his own people. It would not have taken him much to maybe just raise his eyes a little as he was driving around the neighbourhood to look at some of the roofs in his area. He might have noticed how many solar customers there are out west. It is a net subsidy, I argue — and the Alternative Technology Association argues — from those with solar to those without under market arrangements that Mr Elsbury's government endorses, none of which will be changed by the bill before the house today.

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITORS

The PRESIDENT — Order! Before proceeding to questions without notice I take this opportunity to welcome a delegation in the public gallery today. Members would be aware that Kenya has recently held elections following some constitutional changes, and as part of those changes it has reinstated a Senate and created 47 regional assemblies, or counties. We are delighted to be visited on this occasion by representatives of Kiambu County Assembly, which is in Nairobi. The delegation is led by Nick Ndichu, who is the Speaker of the County Assembly; Anthony Macharia, who is the Deputy Speaker; Simon Kimani Komu, who is the Leader of the Majority Party in the County Assembly; and the Honourable Cecilia Wamaitha Mwangi, who is the Leader of the Minority Party, which, as I understand it, is a party that participates in a coalition. We extend a warm welcome to them.

The members of the delegation are observing some of our practices and processes, as well as being assisted by the City of Greater Geelong, thanks to the good efforts of Mr Koch, so that they also understand the operations of local government and the relationship between local government and the state Parliament.

I also notice that in the gallery today we have a former member of the Legislative Council, the Honourable Andrew Brideson. We extend a warm welcome to him as well.

QUESTIONS WITHOUT NOTICE

TAFE sector: student management system

Mr LENDERS (Southern Metropolitan) — My question without notice today is for the attention of the Minister for Higher Education and Skills, Mr Hall. In yesterday's question time the minister mentioned problems in implementing the new Technology One student management system in 9 of the 14 stand-alone TAFEs, and in 2 in particular. Given the impact of past system failures, will the minister outline to the house exactly what those implementation problems are?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In responding to this question the first point I want to make is that the student management system was the brainchild of the previous government and was being implemented at the time I took over this task. We have continued to try to put in place a robust system that will improve monitoring and reporting under the student management system. There have been some particular problems with regard to data input into that system and data translation from the previous system to the new system. I understand that it is not an insurmountable problem, and it is one that is being addressed at this point in time.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer. I must admit it does not give me great confidence that after being in charge of

the portfolio for two and a half years the best the minister can do on the data is to refer to a previous government and say that he is working on it. My substantive question was: what are the problems? The minister has confirmed that there are problems. In the supplementary I ask: do those problems go to the accuracy of data that the government is using?

Hon. P. R. HALL (Minister for Higher Education and Skills) — It goes to the very problem of data translation — that is, picking up student records and putting them into the new system. It is a data translation system. I will stand to be corrected, but this particular project cost somewhere of the order of $100 million, or just less than that. It was one towards which the previous government committed — again, if my memory is correct — about $63 million, so there has been a significant difference in cost in terms of what was originally estimated. However, we are persevering here and trying to put in place, as I said, a robust system that will ensure better collection and better data that can be analysed for the purposes of planning and training efforts. In response to the question specifically, it is a problem of data translation — that is, taking the existing student records and putting them into the new system is, as I understand it, the main issue confronting a small number of TAFEs at the moment.

Independent Hospital Pricing Authority: Victorian data

Mr ELSBURY (Western Metropolitan) — My question is for the Minister for Health, the Honourable David Davis, and I ask: will the minister inform the house of any recent discussions with the Independent Hospital Pricing Authority?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. I indicate that the Independent Hospital Pricing Authority was a body set up in the recent national arrangements. Its primary and overarching responsibility is to set the national efficient price (NEP). Victorians are of course used to our self-governing system with independent hospital boards and with payment for many acute services made through the WIES system — the weighted inlier equivalent separation pricing system — that has been used in Victoria since 1993. The Independent Hospital Pricing Authority's job is to set the NEP and the NWAU — the national weighted activity unit. The national efficient price is to be set on the basis of data from around the country.

It is Victoria's view that there is still a little way to go to get the NWAU system to the standard and quality that we would normally expect. The government believes that Victoria has a more mature system and that in time the national system will get to a much stronger set of arrangements. I can inform the house that this year Victoria will remain with its WIES system. That is obviously adjusted every year to reflect the changes in price that are put through each year and to reflect the actual costs and the actual achievements of health services. There is a constant annual process whereby the WIES is adjusted to reflect as closely as possible the actual costs of delivering those services in our public institutions. The Independent Hospital Pricing Authority will seek to do that through striking a national efficient price and through its NWAU system.

The CEO of the national Independent Hospital Pricing Authority, Dr Sherbon, is somebody I have had discussions with. I have to say I was concerned at some evidence that he gave to the Senate Standing Committee on Finance and Public Administration. In the Senate inquiry he misused, in my view unhelpfully, some data. At the request of the Independent Hospital Pricing Authority we adjusted some of our definitions and classifications. At that Senate inquiry he either wittingly or unwittingly decided to argue that there had been a fall in activity in one particular area. In fact that was not the case, and he either knew or should have known that it was not the case.

It is very concerning. I have written to the chair of the Independent Hospital Pricing Authority, Shane Solomon, someone known to many of us in Victoria and someone who is highly respected. He is a former Victorian bureaucrat and former manager of acute health services in Victoria, a person of great knowledge and merit who understands these pricing approaches. I have had discussions with Mr Solomon about the performance and behaviour of Dr Sherbon at that Senate inquiry.

An honourable member interjected.

Hon. D. M. DAVIS — Indeed. He provided evidence that was false, and he either knew it to be false or he did not know it to be false. If he knew it to be false and did it deliberately, that would be very concerning. If he did not know it to be false, it would be very concerning that the CEO of the Independent Hospital Pricing Authority, the authority that is striking our national price, would have got the figures wrong in such a spectacular way. He has since written to the Senate inquiry to indicate that there was a significant error there. He did not quite apologise. But my point is that the conversations — —

The PRESIDENT — Order! Time, Minister.

Vocational education and training: enrolment data

Mr LENDERS (Southern Metropolitan) — My question is to Mr Hall in his capacity as Minister for Higher Education and Skills. In answer to a Dorothy Dixer from Mrs Coote on 6 February the minister said TAFE enrolments are up by 7 per cent, and the Premier made similar claims in the Legislative Assembly on 8 May. How can the minister make these claims when, as he has just told this house, he does not have the data, due to difficulty in the translation of student records from one computer system to another?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The answer to this question is fairly simple, and that is that the data reported from 2012 came from using the old data management systems, not the new.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for that, but I draw him to his response to a question during the Public Accounts and Estimates Committee hearing on 21 May — it is on page 4 of the transcript — where he referred to figures from the previous year but then, when asked about the current year, said those figures were on track to be pretty well the same. I ask the minister: how could he say at the Public Accounts and Estimates Committee hearing that this year's figures will be the same as last year's figures when he does not have the data?

Hon. P. R. HALL (Minister for Higher Education and Skills) — 'On track' is absolutely the term that I used and the minister has quoted me as using. We can always get an estimate of where the figures look like landing in respect of the ultimate final figures. We do that all the time when we are budgeting, making estimations as to what the outcomes might be. The words I used in the Public Accounts and Estimates Committee hearing — that those figures are on track — were, to the best available knowledge and in our estimation, that those figures would be as predicted.

Planning: permit process

Mrs KRONBERG (Eastern Metropolitan) — My question without notice is to the Honourable Matthew Guy, the visionary Minister for Planning. Will the minister advise the house about what action the government has taken to speed up planning permit delays and whether the minister is aware of any other proposals?

The PRESIDENT — Order! I caution the minister against debating this answer.

Hon. M. J. GUY (Minister for Planning) — I open, President, with words of compliment to you for your blue tie today and indeed to all those in the chamber who have decided to engage with blue tie week for the next 100 days.

Mr Finn — It is 93 days.

Hon. M. J. GUY — It is 93 days indeed, Mr Finn. I want to thank Mrs Kronberg for her important question.

Mr Lenders — On a point of order, President, I refer you to a ruling from President Smith in May 2008, when I referred to the tie of Mr Philip Davis, saying it was wrapped in red bands like red ink and red tape. The President ruled me out of order, saying it was unparliamentary to reflect on ties. President, the question I ask of you is: is it unparliamentary, or can I reflect on Mr Davis's red tie three years later?

The PRESIDENT — Order! I thank Mr Lenders for the point of order. I indicate that it is not helpful to refer to the clothing that members are wearing or other aspects of their personal behaviour, appearance or suchlike. It starts to create a situation that can escalate very quickly and become unparliamentary. It is best that we avoid those sorts of references. I guess that Mr Guy's remarks are attributable to or encouraged by national coverage of remarks by the Prime Minister, but I am not sure that the Prime Minister's speech on that occasion falls within the jurisdiction of the Minister for Planning in this place. I am sure that he has completed those remarks and will move on to fulsomely answer Mrs Kronberg's question.

Hon. M. J. GUY — I will, President, unless it is a 50-storey tie! I want to inform the chamber about the commencement of operation of the VicSmart planning legislation. VicSmart was an important piece of legislation passed by this chamber. It established codified planning in this state's planning system. It is very important and will deal with around 8000 planning permits to cut back red tape in this state and to ensure that our planning system is the smartest around Australia. That is why it is called VicSmart. I noted at the time that some members opposite said it would amount to tick-and-flick planning, where the first time you would know about it would be when the bulldozers arrive.

Hon. E. J. O'Donohue — Who said that?

Hon. M. J. GUY — The opposition said that at the time, which was silly. This is an important piece of

legislation, as I said, that commenced operation on 20 May, and I announce now that we will be trialling it in a number of local government areas.

Importantly, in response to Mrs Kronberg's question, I have noticed that there are others who are trying to engage now in code-assessed planning. There are others who are saying that code-assessed planning is the way to go and how important code-assessed planning is to making sure that we cut down permit time. I note with interest that under a codified regime:

> Victorians would no longer need to get a planning permit to build a secondary dwelling in their backyard under a Labor government.

Just one month after making comments that code-assessed planning would amount to tick-and-flick planning and see the bulldozers arrive in backyards, we are now seeing that the plan would remove red tape and end the need to get a planning permit from a council and to fill out forms, so says the opposition planning spokesman, Brian Tee. I simply say, in response to Mrs Kronberg's question, importantly — —

The PRESIDENT — Order! Can I have the source of the reference that the minister has made? As a courtesy to the house, I need to understand whether it was in a publication or a press release. What is the source of that?

Hon. M. J. GUY — Of course, President. That was in the Leader newspapers of 20 May 2013. That is important to note, and I thank you for asking about that, because it is obviously important to document where it is from.

Mr Leane interjected.

Hon. M. J. GUY — Importantly, code assessment is, as Mr Leane says, a visionary idea to make sure that we are getting planning back on track. We will cut down over 8000 permits by having a codified regime. Those opposite said it amounted to tick-and-flick planning and that the first you would know about it was when the bulldozers arrived, but these are the people who have now adopted the government's idea. I note a July 2012 press release from the state opposition that says:

> Under Mr Guy's new zone, families will watch helplessly as their backyards get smaller and their streets are taken over by shops …

These are the same people who now want to remove all planning permits for granny flats in backyards. I want to go further on code assessment. What is the whole idea? Where does this great granny flat policy heist come from? I googled 'granny flat policy ideas', and I saw this:

> … relaxing the rules around granny flats, or ancillary housing, was the quickest way … rental shortage could be addressed.

Mr Lenders — On a point of order, President, ministers answer questions on government administration, and the minister just advised the house that he was googling granny flat policy ideas. I put to you that that is not a matter of government administration — or perhaps that is the nature of how the government finds policy, but I digress. It is not a matter of government administration. It is a matter of debate, and I ask you to bring him back to matters of government administration.

Mr O'Brien — On the point of order, the policies in relation to granny flats, approvals or not, are squarely within the jurisdiction of the Minister for Planning, and the point of order should be ruled out of order.

The PRESIDENT — Order! I thank Mr Lenders for the point of order and Mr O'Brien for his view on that point of order. I can indicate to the minister that I am concerned that he is moving into territory that again might be considered as debating the answer, and that is of greater concern to me than whether or not he has been googling. The fact is that I think the minister has made some relevant points in reference to opposition policy on this occasion and in also explaining what the government's new regime is that came into effect in May. I am prepared to half allow the point of order, if you like, in the sense that my real concern is if the minister starts to debate, which is the caution I gave at the outset. The minister might bear that in mind as he proceeds with the remainder of his answer in 29 seconds.

Hon. M. J. GUY — President, as you say, I am certainly reading a quote which is important to VicSmart and indeed the code assess policy, which was:

> … relaxing the rules around granny flats, or ancillary housing, was the quickest way … rental shortage could be addressed.

That is a quote I found when comparing systems on the internet. Mr Lenders asked if this was how the government finds policy. No, it is a policy of the former Labor planning minister, Alannah MacTiernan, in Perth. And I put it to the house that from July 2012 that is how the opposition finds its policy: by Google and by contradicting itself 12 months later.

Bendigo TAFE: enrolments

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Hall, and it relates to his previous advice to this house that based on troubles in the Bendigo TAFE he had injected further money into that TAFE. I also refer to his comments regarding the reliability of data. My question to the minister today is: can he confirm that he has data that shows a radical slump in enrolments in the Bendigo TAFE now?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In respect of Bendigo TAFE, it is one of the fine institutions that serve central and regional Victoria and will continue to do so. That is no thanks to the opposition, which seems to be taking every opportunity to talk Bendigo TAFE and others down. Quite frankly I have been extremely disappointed in some of the views expressed by local opposition members which have not been helpful towards the marketing opportunities and reputation of those within that area.

Let me say that the government is right behind those at Bendigo Regional Institute of TAFE. Yes, everybody acknowledges that it has faced some difficult periods — and it has not been just the last year or two; it was the case under the previous government also — and we needed to put in place some measures to ensure that it continues to be a strong, viable and sustainable provider in that region. The Napthine government has done more for Bendigo Regional Institute of TAFE than the previous government ever did, and it will continue to do so.

The beneficiaries of the $200 million structural adjustment fund money that has been made available for TAFEs in regional Victoria will greatly assist Bendigo and others to ensure that they build a strong and viable business. It does the opposition no credit whatsoever to continually talk down our education system, and in particular Bendigo.

Supplementary question

Mr LENDERS (Southern Metropolitan) — Apologies for daring to ask a question on government administration. My substantive question to the minister was about data for Bendigo TAFE, so I put to him in a supplementary: will he confirm or not confirm that under his government's radical policy of TAFE budget cuts, Bendigo TAFE's enrolments now are down of the order of greater than 10 per cent, on the data available to him?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Mr Lenders, as I said, runs a fine line here about his responsibilities as a member of Parliament and his responsibilities in the promotion of training activity in the electorate of Bendigo. In respect of this particular matter, I again report that this government has been more transparent than ever in terms of vocational education and training activity. There has been a full publication of the 2012 activity report, and I gave a commitment in this house yesterday to Mr Lenders that I would publish the 2013 first quarter data before this Parliament rises, and I will do that. At that point in time those facts that Mr Lenders seeks will be clear and available to all.

WorldSkills International: Skillaroos

Mr KOCH (Western Victoria) — My question is to the Honourable Peter Hall, the Minister for Higher Education and Skills. Could the minister advise the house of the Napthine government's support for Victoria's Skillaroos competing in the up-and-coming WorldSkills event?

Hon. P. R. HALL (Minister for Higher Education and Skills) — It gives me great delight to be able to talk in a very positive way about the talents of young Victorians who have been involved with vocational training. Mr Koch's question went to the issue of WorldSkills and the Skillaroos — that is, the Australian young people who will be participating in a WorldSkills International competition. That is a biennial event which showcases the very best skills of young people representing their countries from around the world. Two years ago, in 2011, the competition was held in London, and Victoria came seventh out of the 44 nations participating in that particular event.

In two weeks 31 Australians, 5 of whom are Victorians, will journey to Leipzig in Germany to represent our country in that WorldSkills competition. Last night it was my great pleasure to be joined by a number of my parliamentary colleagues to farewell the five Victorians and their expert coaches who went along with them to compete in those WorldSkills championships and to adorn them with a justifiably and deservedly earnt green blazer as part of their uniform.

Today I want to acknowledge that the five Victorian Skillaroos heading off to Leipzig include Mr Alden Meale, a landscape gardening Skillaroo. Alden comes from Diamond Creek, and he trained at Northern Melbourne Institute of TAFE (NMIT). My colleague Mr Ondarchie was there to help present that jacket to Alden last night. Mr Dayne Cibrowski is an auto body repair Skillaroo. He lives in Cranbourne, and he trained

at Chisholm. Mrs Peulich was there to help and to farewell and wish Dayne all the best. Ms Dayne Robinson was the third of our Skillaroos presented with a jacket last night. She comes from Croydon, and she trained at Box Hill TAFE in the area of floristry. My colleague Mr Hodgett, who is the Minister for Ports, Minister for Major Projects and Minister for Manufacturing, was there to help in that regard. Mr Ryan Dahlblom, who is a landscape gardening Skillaroo, will work in a team with the previously mentioned Alden Meale in that particular competition. Ryan comes from Wallan, and he trained at NMIT. The member for Seymour in the Assembly, Cindy McLeish, and Donna Petrovich were there to wish their constituent all the best. The fifth is Timothy Taylor, who is an automobile technology student. He comes from Ararat, and he was there with the full force of Western Victoria Region members Simon Ramsay, David O'Brien and David Koch, who were there to wish him all the best and were delighted to talk to his family last night.

I also acknowledge the fact that these young people were greatly assisted by their teachers and training staff. On their journey to Leipzig they will be accompanied by four expert teachers in Mr Grant Petch, Mr Phil Austin, Ms Sarah Jones and Mr Steve Bulman. Again it is a delight for them to be able to accompany those students who will be participating in the WorldSkills competition.

We ought to be proud of the training system that we have here in Victoria. We have some outstanding young people of world-class standing. Indeed I am sure they will represent both Victoria and their country extremely well in the competition this year. I am sure all members on all sides of the house will join me in wishing them all well.

Children: early intervention services

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Children and Early Childhood Development. At Public Accounts and Estimates Committee hearings on 22 May the minister told the committee that there were 58 children waiting for a multidisciplinary assessment at Sunshine Hospital's Children's Allied Health Service. This figure ignores the children who cannot get onto the waiting list in the first place because they cannot even get in the door. I ask the minister: how many children who require an assessment before they start school next year cannot now get onto the waiting list because no more referrals are being accepted by the hospital?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for her question, but actually no children attending school next year require this multidisciplinary assessment done at Western Health. It can be used to access the program for students with disabilities, but an assessment is done for the program for students with disabilities. It is done through the schools and is free to families. No children will miss out on starting school because Western Health is not doing an assessment.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The minister's answer is contrary to the information that the local kinders and local parents are advising. The minister's claim made previously at Public Accounts and Estimates Committee hearings that there were 58 children waiting is a massive understatement of the true demand for assessments in that area. I have contacted 20 kinders in the Sunshine area alone, and already there are 59 children in four-year-old kinder this year, starting prep next year, who require an assessment and cannot get into this service. The catchment for Sunshine Hospital covers most of the western suburbs, so the demand would be many times this figure. I ask: what is the minister going to do to address the specific issue of children who require this assessment but cannot get onto the waiting list when the parents cannot afford to access a private service?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — As I said in my answer to the original question, the students do not require the assessment to be done by Western Health. A free assessment is done through the Department of Education and Early Childhood Development. There is obviously a misunderstanding — probably stirred up by the member — amongst the kindergarten communities in the western suburbs, if that is the information she is getting from them. I have written to every kindergarten in that area explaining to them that children who require an assessment for a program for students with disabilities should be enrolled as soon as possible at a school and ensure that assessment is done prior to starting school. The schools organise the assessments to be done for the programs for students with disabilities, and they are free to families.

Information and communications technology: iAwards

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Technology, Mr Rich-Phillips, and I ask: can the minister inform the

house of any recent events which highlight the achievements of Victoria's ICT sector?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Ms Crozier for her question and her interest in the successes of the Victorian ICT industry. Last week I was delighted to participate on behalf of the Victorian government at the 2013 state iAwards. These awards are put together by the Pearcey Foundation, the Australian Computer Society and the Australian Information Industry Association to recognise and celebrate excellence and innovation in our ICT sector. It is a sector that has a lot to be proud of: 17 awards were distributed last week, covering 17 different categories recognising achievements at the enterprise level, organisational level and the individual level.

Through the course of the night I was delighted to see that the ICT Professional of the Year Award was presented to Dr Rod Dilnutt for his contribution to the development of Australian standards with respect to change management, and of course change management is one of the key purposes and key drivers of our ICT sector.

I was delighted to present the financial category award to Xero. The company was started in New Zealand and has since expanded to Victoria, and I was delighted in December last year to open its new headquarters based in Richmond. The company provides cloud-based accounting software as a service to small and medium size enterprises. It is a great success story and it is growing rapidly.

The third award which I will highlight was the award for chief information officer (CIO) of the year. I was particularly delighted to present that award to Susan Sly, the director of information management and technology at VicRoads. The peer-recognised CIO of the year is a Victorian government CIO. Susan Sly made a major contribution to the development of the Victorian government's ICT strategy in her role as CIO at VicRoads.

The 17 award category winners will now go forward to the national iAwards to be held in August. On behalf of the Victorian government I congratulate all the award winners and the merit award winners from the state awards. The Victorian government wishes them all the best for their competition at the national awards in August.

Health: government performance

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. Today the Council of Australian Governments released national health data, which shows that of all the states and territories Victoria is running equal last in relation to the performance of emergency departments compared to its performance in 2010–11. Also, the minister would be aware of information from the Australian Institute of Health and Welfare, which indicates that from 2010–11 the number of hospital beds in Victoria has gone down. He would also be aware from data released recently that the performance of ambulance response times has deteriorated since 2010–11. The minister's own hospital data reveals that the elective surgery waiting list is the longest it has ever been. Wait times have gone up significantly since 2010–11. I ask the minister what actions he will take to remedy those situations for Victorian patients?

Hon. D. M. DAVIS (Minister for Health) — I lost track of the number of questions. There were so many.

Mr Jennings — No, there was one. What are you going to do?

Hon. D. M. DAVIS — No, let me be quite clear here. If I am generous to the member, I could just step through this answer responding to the issues one by one. If members consider data from the Council of Australian Governments (COAG) Reform Council, they will see it is true that the COAG Reform Council's surgery and emergency targets came out today and Victoria is unlikely to be successful in achieving reward funding. It is quite clear that the targets were always going to be difficult for us to achieve.

Notwithstanding that, we do have some successes that I can point to in those figures. I want to focus particularly on reduced waiting times. If you look at the baseline year in the semi-urgent category, you see that 129 people were waiting beyond the overdue wait time. That has reduced to 96. The non-urgent figure has been reduced from 165 down to 144. For the interest of members, if they look at the long-waiting patients, they will see on page 17 of the report that, comparing 2011 to 2012 in the month of December, 10 per cent of patients who had waited the longest had not had their procedure within the clinically recommended time. That is the COAG Reform Council's approach. The number in the semi-urgent category had fallen from 641 to 0, and the number in category 3, the non-urgent cases, had fallen from 84 down to 0.

The government has focused on dealing with long-waiting patients and cleaning up the mess left by the last government. That is something we take pride in. We also take pride in the number of category 1 patients in the elective surgery category, all of whom were treated within the required 30-day period. That is not the case around the country.

What I can also say is that the government and the hospitals were challenged during the 2012 period, firstly, by the withdrawal of $30 million that was allowed to lapse by the previous government, secondly, from 1 July 2012 by the national partnership money of $50.2 million falling to zero dollars. That money would have treated more than 7000 additional people if the commonwealth had not withdrawn it. Late 2013 was also the period when the commonwealth began the process of withdrawing $107 million. I can indicate that the money was eventually restored, although there was no resistance to the withdrawal from that side of the chamber. The opposition actually voted in favour of the cuts by the commonwealth.

Honourable members interjecting.

Hon. D. M. DAVIS — What am I going to do about it, Mr Jennings? Let me tell you. Tomorrow there is a meeting of the Standing Council on Health, which is made up of the nine health ministers from around the country and will be held in Sydney. At that meeting we will deal with a whole range of issues. One of them will be a paper put on the agenda by Queensland, which seeks the return of the $1.6 billion taken falsely from hospitals around Australia as a result of the misuse of population data by the federal Treasurer. Queensland wants to see the return of the equivalent wedge of the $107 million lost from this state, which is $103 million in Queensland. Queensland wants to see that money returned, and I can say that we are going to strongly support the other states in seeing their money returned.

But further, from 1 July, $368 million will come out — $99.5 million comes out from 1 July in Victoria over three years — based on the same dodgy population formula. I can tell Mr Jennings that what we will be doing is supporting the Queensland government in its pursuit of the full return of $1.6 billion taken falsely by the Treasurer. It is time the Labor Party got with the program and said it is time the federal government reversed its cuts from promised money — cuts that should not have been delivered.

The PRESIDENT — Order! The minister's time has expired.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — You will have noticed, President, that I did not interrupt the minister. I gave him a full 4 minutes uninterrupted to make sure that he could provide information on any action for the people of Victoria to restore the credibility and the performance of the Victorian hospital system, the health system that he has administered for two and a half years but has not taken responsibility for. On the subject of cuts, is the minister, in the circumstances that he has outlined, going to restore the $825 million identified as savings within his portfolio over the last three budgets? Will he show leadership by restoring those funds to the Victorian health-care system?

Hon. D. M. DAVIS (Minister for Health) — It will not surprise the member to learn that I am concerned about a number of cuts to our system — not just the $99 million that is being implemented from 1 July and the $368 million to hospitals by the commonwealth based on a dodgy population formula. But it is interesting to see the Victorian government has increased its funding to health by more than $2 billion since coming to power and will continue to do so — —

Mr Jennings — So has the commonwealth.

Hon. D. M. DAVIS — I tell you what the commonwealth has done, Mr Jennings. Federal health minister Tanya Plibersek is the biggest cutting health minister in the history of the federation. She has taken $6.82 billion from health care from the period of the last two years going forward for four. If you look at it, you see that Victoria's share of those cuts is $1.7 billion. I can list the things that she has cut: not only the national partnership agreement but cruel cuts to Telehealth of $128 million; $1.1 billion in cuts to private health insurance — which she sent straight back to Treasury; $144 million to the health and hospital fund — —

The PRESIDENT — Order! The minister's time has expired.

Liquor licensing: late-night venues

Mrs COOTE (Southern Metropolitan) — My question is to Mr O'Donohue, the Minister for Liquor and Gaming Regulation. Can the minister inform the house about the extension of the late-night liquor freeze in the inner city municipalities?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I welcome the question from Mrs Coote and thank her for her interest in this most

important area. Last Sunday I had the pleasure of announcing the coalition government's decision to extend the freeze on the granting of new late-night liquor licences in the cities of Melbourne, Stonnington, Port Phillip and Yarra. This means that no new licences to serve alcohol beyond 1.00 a.m. will be granted for another two years, with the freeze extended until 30 June 2015, unless exceptional circumstances can be demonstrated.

In making this announcement in Chapel Street, South Yarra, I was joined by the member for Prahran in the Assembly, Clem Newton-Brown; Inspector Adrian White of Victoria Police; the mayor of Stonnington, Cr Matthew Koce; and Mr John Rogerson of the Australian Drug Foundation. All these key stakeholders are entirely supportive of this government's decision to extend the ban. This licence freeze is seen as a very important measure in the ongoing effort to stop alcohol-fuelled violence in our streets. On Friday and Saturday nights it is still the case that the level of injury caused, one way or another, by excessive alcohol consumption is of great concern to the broader community. Our ambulances and emergency departments feel the direct effects of this, as they are called upon to deal with the consequences, as are Victorian police.

This is just the latest in a raft of measures implemented by the coalition government since coming to office. Chief among those measures is our whole-of-government plan for reducing the drug and alcohol toll in Victoria. The drawing together of this plan, led by the Minister for Community Services, Ms Wooldridge, follows an Auditor-General's finding that — remarkably — under Labor, Victoria had no such plan to coordinate these efforts across the various government agencies.

This government has also taken the highly sensible step of combining liquor and gaming regulation in Victoria with the creation of the Victorian Commission for Gambling and Liquor Regulation. This prevents duplication in the regulation of two areas that share many similarities. As part of this effort to reform and strengthen Victoria's liquor licensing system, the coalition promised and has delivered a raft of new measures. It has introduced the 5-star rating system and the demerit point system for licensed venues. An audit of late-trading venues has been carried out to ensure that licence conditions are appropriate. Penalties for offences relating to drunk and disorderly conduct have been created, and we have created new offences of re-entering or remaining near licensed premises after being ejected.

We have also provided $800 000 to Step Back. Think., the not-for-profit organisation that is doing such good work to raise awareness of street violence, especially through our schools. Step Back. Think. was started by friends of James Macready Bryan, the young man who suffered brain damage as a result of street violence in 2006. A new campaign from Step Back. Think. will be launched in football clubs across Victoria, starting with tomorrow night's Carlton versus Hawthorn game at Etihad Stadium. I wish them every success.

These changes are comprehensive, they are sensible and they reflect community expectations.

ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND OTHER MATTERS) BILL 2013

Second reading

Debate resumed.

Mr BARBER (Northern Metropolitan) — This is a feed-in tariff for small generators of up to 100 kilowatts, but in between 100 kilowatts and 30 megawatts there is quite a gap. I once read a report in the *Geelong Advertiser* that Nationals member Mr O'Brien said this was a bit of a gap that needed to be fixed. He wants to promote small-scale wind generators, and in order to do that the government needs a set of rules, market access and possibly a feed-in tariff for generators above 100 kilowatts and below 30 megawatts. I ask Mr O'Brien, through you, President, where is it? Was this just an aspiration to provide better support to small-scale wind generators? Because it is not in this bill. Perhaps it is in some forthcoming bill that we are going to see.

Mr O'Brien interjected.

Mr BARBER — Mr O'Brien says we should get rid of the carbon tax; the carbon tax is already providing 2.5 cents per kilowatt hour extra to anybody with a renewable facility, and they will not get much through this bill. I guess we will wait and see if The Nationals are going to bring — —

Mr O'Brien — The carbon tax is the highest in the world. Why is it the highest in the world?

Mr BARBER — Mr O'Brien would like to know why Australia's impost on carbon is, as he claims, the highest in the world. Mr O'Brien needs to do his homework. I will provide him with a reading list after this. I can tell Mr O'Brien that his figure is false in terms of the effective price on the emission of CO_2. In comparison with other countries around the world,

Australia's impost is by no means the highest that has been placed on carbon pollution. Mr O'Brien can work through that in his own good time; I am certainly happy to provide him with a reading list and some resources.

Mr O'Brien — I have my own resources.

Mr BARBER — It has to be something more than Andrew Bolt and talking points from head office. I prefer primary sources. Primary sources are more work; you have to do your homework, but the information is there. There is no sign, though, that there is going to be any support from this government to mid-sized renewables, community-owned or mid-sized businesses, or even groups that would like to get together and form an energy-owning group to effectively buy back the energy assets that we once owned.

Mr O'Brien and his crew up there say, 'The community does not feel enough ownership of wind farms; that's the problem'. If the coalition had not flogged off the entire energy system — lock, stock and barrel — under Mr Kennett, there would not be any question of ownership. We would own it. Now we are busy trying to wrest control back. There are many groups around the country that want to set up their own generators.

There is one more issue in relation to this bill. If I read correctly, at the bottom of clause 3(4), the government has decided to redefine coal as renewable. I thought renewable was renewable. I thought wind, solar, biomass, biogas and hydro were renewable — and that is what the bill says at the moment — but a new section to be added by the government suggests that in fact coal is renewable. This feed-in tariff will theoretically become available to a coal-fired generator below 100 kilowatts. Coal is renewable if you are prepared to wait around long enough; it might take a couple of hundred million years, but eventually you will get some coal. Why wait when you have the electrons falling down from the sky all around you, the wind continues to blow, the tides continue to come in and out, and there is a lot of heat in the earth, just a kilometre or so down, ready to be harnessed at any time?

During the Victorian Competition and Efficiency Commission inquiry into feed-in tariffs and distributed energy — —

Mr Elsbury interjected.

Mr BARBER — I am sure that in preparing for the debate on this bill Mr Elsbury has read the report. It is about 300 pages. There will be some time over the lunch break for him to get his head around it. He will then be able to get up and talk about how this bill faithfully implements all the recommendations of that report.

There was a discussion about embedded generation from low-emissions sources. Combined heat and gas is a good way to make energy efficiently in a low-emissions way, and there was some discussion about how that was to be implemented. It is generally agreed by the report and by most submitters to the report that a low-emissions source would be one that meets the Clean Energy Finance Corporation definition. That corporation has a multibillion-dollar fund for the development of renewables, particularly in regional areas.

Mr Ramsay interjected.

Mr BARBER — It is the fund that Mr Ramsay's party intends to shut down. In fact people in that party have already written to the corporation, because they consider themselves to be the government in waiting. They think that the caretaker period started back in January. They have already written to this group and said, 'You shouldn't issue any grants because we, the incoming Abbott government, don't agree with this policy and we're going to shut it down once we get in'.

The definition by the Clean Energy Finance Corporation expert group is that something that achieves about 50 per cent of the average emissions intensity — which, when it is coal, is typically about 1 tonne of CO_2 for every megawatt hour — could be considered to be low emission. That may be, and if the government had brought that recommendation forth in this bill, we would have something to talk about. My reading of the bill is that through Governor in Council mechanisms it will allow anything at all, including fossil fuel burning, to be defined as renewable. Under clause 3(4) the bill amends the Electricity Industry Act 2000 by omitting the words in brackets:

> … (other than through the utilisation of energy created from the combustion of fossil fuel or materials or waste products derived from fossil fuels) …

In other words, the government is taking out the bit that provides that 'renewable' means not fossil fuels — that is, the government, through Government in Council mechanisms, can effectively rewrite words with a plain meaning to mean what the government wants them to mean, so 'renewable' now includes coal. It would be convenient if it were so easy.

I hope I have completely misread the subsection and that something else is actually intended there. The minister will have the opportunity to explain that in his summing up of the second-reading debate. In any case,

I have prepared an amendment to omit the government's planned omission of the prohibition on coal and gas being declared renewable through its own hand. We will see how we go with that one.

As I said at the beginning of my contribution, this bill is a clear signal that the government has no plan for renewable energy development in Victoria. Its 5 per cent solar target was capital P policy. In fact, it was the Liberal-Nationals coalition policy to bring in a 5 per cent solar target, and I am still waiting for it.

Mrs Petrovich interjected.

Mr BARBER — Mrs Petrovich will have left this Parliament before we even find out if the government, in its remaining 12 months, plans to do anything at all. It is clear that the government has no plan. As I said earlier, the government is simply pushing the fossil fuel accelerator to the floor, eyes fixed on the rear-view mirror, about to take us all off a cliff. From the limp response of members of the Labor Party to this legislation, it is clear that the only ones out there with any vision for a renewable energy future are the Greens.

Sitting suspended 12.57 p.m. until 2.03 p.m.

Mr ELSBURY (Western Metropolitan) — It is a great pleasure to speak to the Energy Legislation Amendment (Feed-In Tariffs and Other Matters) Bill 2013. After listening to Mr Scheffer and Mr Barber in this place one might think we were at a Billy Bragg concert, given the amount of left-wing claptrap we have had to listen to. Those opposite would lead the house to believe that everyone on the government benches hates the environment and is going to give things to merchant bankers et cetera. I was asked yesterday whether or not Mr Barber was using rhyming slang, but I do not think he was. I think he was trying to make out that those of us over here are beholden to other masters, unlike those opposite, who are beholden to the union movement. But that is a whole different story, is it not, I say to Mr Melhem.

In his contribution to the debate — and I am struggling to even call it that — Mr Barber had a go at the transmission lines that carry power around the state. He said ridiculous things like, 'These transmission lines are going to burn down our state next summer'. I believe these are the same transmission lines that are required for people to be able to feed power into the network. It is bizarre that the very means by which someone puts power back into the grid — which is perfectly okay — are somehow considered evil when used for distribution. Mr Barber's argument is quite bizarre, to say the least. It is almost as bad as his speech yesterday in which he talked about Egyptians and going to heaven. I felt like I was in a Monty Python skit.

Mr Barber also hates large generators — the generators that keep this state moving and provide the electricity for our trains, trams, schools and hospital networks. There are people, such as those in our hospitals, who need a constant and reliable supply of electricity. We want them to be able to hook into a comprehensive electricity network which will provide them with the power they need without interruption. I suggest that perhaps we still need these big generators. Of course we need to see some improvement in the methods used to unleash the energy that is produced by the coal-fired power stations that we rely on in this state, but I advise Mr Barber that we need those power stations. There is no escaping the fact that if we were to turn them off, we would be in the dark, which is exactly where the Greens want us to be.

The feed-in tariff schemes that are mentioned in this legislation came in the wake of some issues with the premium feed-in tariff scheme, which could have come to an end in two ways. The first way was by the scheme reaching its 15th anniversary, which was 1 November 2024. That is still quite some way down the road. However, the scheme was closed in the second of the two possible ways: on the declared scheme capacity day. It sounds quite ominous. The declared scheme capacity day was defined as being when the minister had estimated that the premium feed-in tariff scheme was equal to or greater than 100 megawatts in installed capacity or when the average cost per consumer per year of the scheme had reached $10 or more. The scheme had reached that 100-megawatt capacity, which was why it came to an end. That was in the legislation that those opposite enacted when they were in power. We are still picking up the pieces of that. The scheme was replaced with the transitional feed-in tariff. It closed on 31 December 2012. The payment of people who got onto this scheme will conclude on 31 December 2016. That is restricted to solar generators under 5 kilowatts, and it pays 25 cents per kilowatt hour.

We have also had the standard feed-in tariff, which was restricted to solar, wind, hydro or biomass up to 100 kilowatts and paid the equivalent of the retail purchase price of electricity. Now we have the new feed-in tariff, which has no actual end date defined but will go until at least 31 December 2016 and is open to solar, wind, hydro or biomass and is also open to other low-emission technologies which may possibly emerge up to 100 kilowatts and pays 8 cents per kilowatt hour. We are leaving it very open for all of these clean

energies and improved emission energies to come online to be able to provide us with our electrical needs, and this should be a good thing for the Greens, but apparently it is not.

Mr Barber — It is a rip-off!

Mr ELSBURY — What is a rip-off, Mr Barber, is when a pensioner has to pay someone like me an exorbitant amount of money for solar power generated on my roof. I have had this discussion with my wife about being able to put some solar panels on the roof, and when she tells me what we are doing I am sure that we will do that, whether or not we put them up or stay exactly as we are. In any case I do not see that it would be right for me to be able to gouge a pensioner for the money that I am going to get for the power that I put into the grid. That is why the Victorian Competition and Efficiency Commission (VCEC) report *Power from the People* was commissioned — that is, so we had a reasonable amount of money being paid to people who are supplying the grid with power from a renewable source. In this way I am not gouging anyone; I am actually providing the energy off my roof, out of my backyard, or possibly using the hot air that comes from Mr Barber to be able to power some sort of generator.

It is very reasonable that we have had the VCEC consider exactly what it is that we want to be able to pay to people which will be reasonable. I have the information here that under the scheme so far between July 2010 and April 2013 almost 146 000 households have taken up a feed-in tariff option when installing their panels or other sorts of energy production. Under the premium feed-in tariff the average take-up of the scheme was 4400 customers per month; under the transitional feed-in tariff it rose to 4800; and under the new feed-in tariff we have seen it go to 3100 customers coming on board per month.

That slight drop can be attributed to many things. It could be the uncertainty in the economy at the moment considering we have such a poor federal government running the show at present. Certainly there is some disquiet in the retail sector, which I am aware of because out and about in the streets you hear that discretionary spending is down. It is lower than normal. You walk into various grocers and they say people are getting the bare essentials and that is about it: luxury items are pretty much out of the question. Being able to put solar panels on your roof compared to sending the kids to school, compared to paying your health bills, or compared to buying groceries I would suggest possibly come fairly low down on the priorities of most families. Victoria's 8-cent feed-in tariff rate is fair for consumers and for those who generate, taking into account the reduced costs of installing solar systems. I quote from an article titled 'Rising cost prompts solar purchase' in the *Age* of 5 April, which states:

> An explosion of PV production in China has slashed wholesale PV prices 80 per cent since 2008.

We have had a reduction in the cost of putting panels on your roof, which needs to be reflected in how much people are actually receiving from the power generators, which is derived then from the mums and dads who cannot afford to put panels on their roofs. I am just saying very slowly, very quietly that that is how it works. If money comes from somewhere, it comes from the customers of the people who are actually paying for the power. Therefore we have made this decision that the 8 cents per kilowatt hour is reasonable.

In other jurisdictions like New South Wales a feed-in tariff is not imposed on retailers, but for those retailers who do provide a feed-in tariff, it hovers between 7.7 cents and 12.9 cents per kilowatt hour. In Queensland the tariff is 8 cents per kilowatt hour — is that not an amazing figure? In Western Australia, Synergy energy customers get 8.409 cents per kilowatt hour. The ACT does not have a legislative requirement for a feed-in tariff. That is why I think the Victorian system is quite superior in many ways.

While the primary role of this bill surrounds the provision of feed-in tariffs, this legislation also makes amendments to several other acts in the sphere of energy legislation. These include: amendments to the Electricity Industry Act 2000, which are the direct result of the *Power from the People* report, which I have just spoken about in length. Improving administration and a desire to harmonise the Victorian energy efficiency target scheme with the New South Wales energy savings scheme will also see an amendment made to the Victorian Energy Efficiency Target Act 2007.

An offence will be created for carrying out an unsafe installation of electrical equipment under the Electricity Safety Act 1998. Energy Safe Victoria's enforcement of compliance and monitoring functions, as well as a provision to prohibit a person from making a building supplied with gas unsafe, will be enforced in an amendment to the Gas Safety Act 1997. An amendment to the Energy Safe Victoria Act 2005 will authorise Energy Safe Victoria to provide the Australian Energy Regulator with information required for its normal functions.

The bill before us is primarily about the solar feed-in tariff, but it also provides us with several other aspects of the safe use and supply of energy in Victoria to ensure that dodgy builders do not go around causing damage to infrastructure which can then potentially cause either the loss of property or, more importantly, the loss of life. We need to circulate these aspects of the bill so that people understand what their responsibilities and rights are when construction is undertaken.

Mr Barber proposes to move an amendment, which mostly has to do with — although I do not have a copy of it on me — the solar feed-in tariff side of the bill. I can say now that the government's position is that it will not be supporting the amendment.

The government feels that the bill satisfies the needs of Victorians and satisfies a fairness test for producers of electricity — whether it be my neighbour or someone else up the road with photovoltaic panels on their roof. It believes that allowing the Essential Services Commission to make decisions about the feed-in tariff into the future will provide for flexibility in the feed-in tariff scheme, which will mean it will last for many more years than the ill-fated premium feed-in tariff scheme that those opposite put forward and which gouged money out of people who just could not afford to put solar panels on their roof.

Mr VINEY (Eastern Victoria) — Thank you, Acting President, for taking over the Chair to allow me to make this contribution to the Energy Legislation Amendment (Feed-in Tariffs and Other Matters) Bill 2013. I will start by saying that it always makes me suspicious during a debate on legislation when Tories get up and say it is necessary to protect the lower paid in our community, because that is not their starting point. Let us just look at the myth that Mr Elsbury was referring to when he said it was unfair that he might be able to afford a solar panel but someone on a lower income — a pensioner, I think was the example he gave — could not. The problem with that position is that it is simply denied by the facts. It is denied by the research and the evidence.

I refer to a paper written and published on the website of Solar Choice about some research done by the Australian Bureau of Statistics in August 2012. It actually has the title 'Myth busting — Victorians prove solar power isn't just for the wealthy'. The paper establishes that the Australian Bureau of Statistics survey of Victorian households found that the most popular misconception about solar energy is that solar panels are largely going up on the roofs of the wealthy. The survey found that income had little relationship to the uptake of solar panels.

That is the research, I say to Mr Elsbury. The reason for that is that, despite all the changes that have happened in the sector, up until now, up until this legislation, because of the changes in cost structures, the payback time for installing solar panels — —

Mr Elsbury interjected.

Mr VINEY — I listened to Mr Elsbury in silence; he could return the favour. With the uptake of solar panels, the repayment of the cost of investment in solar panels is about four years, and it has remained that for a considerable time. It has remained that because of reductions in the initial investment costs. Despite all the changes, to the feed-in tariff rate and all the rest of it, the return on the investment has stayed roughly the same, so there has not been any particular disadvantage to any sector. In fact one could argue that there is a greater incentive for people on lower incomes to reduce their household electricity bills because they represent a larger portion of their weekly costs, compared to someone on a higher income whose expenditure on energy, particularly on electricity, is proportionately less of their weekly income. Clearly there is an incentive for those people on lower incomes, where the repayment process takes exactly the same amount of time — four years — to give higher consideration to that reduction in their costs.

I am deeply suspicious of what this legislation is in fact about. It is about more than Mr Elsbury suggesting he had some concern for people on low incomes. The reason I make that comment is that this is in an environment in which the Victorian government has been putting the screws on the renewable energy industry. It has done so in wind and it is doing it again in solar — and this is consistent with what has happened with conservative governments across the country. That is why we have had these reductions in solar rates across the country, because there is a conservative focus on removing ourselves from of the renewable energy industry.

Nothing is a starker example of that than what has occurred with wind power. We now have in place in this state a set of laws relating to planning that have effectively killed investment in the wind industry. The thing that troubles me about this kind of legislation is that it is never backed up by any substance as to what is going to happen to the industry with the changes. There is never that kind of backup.

Mr Elsbury talked about, I think completely misunderstanding, concerns about solar panels and the solar sector, failing to look at the real cost and real saving that solar panels are delivering for the industry

in its provision of infrastructure — the lines and towers — for the delivery of energy from the original power station to the home. Mr Elsbury seems to think that because the feed-in solar systems are going into that same grid, the industry is therefore getting a benefit from it. Yes, it is. But what he misunderstands is that the critical saving is the fact that people with solar panels on their roofs are delivering electricity immediately into the network, resulting in the massive kilometres and kilometres of electric cable and towers, which need to be maintained, not being required. That is the difference. That is the critical difference with the solar structure and why the savings on that infrastructure need to be calculated into the rate. There is no such calculation in this legislation or in the process to get to these rates.

What I say to the government — in a fairly brief contribution, given that it is a Thursday afternoon and we have other legislation to get through — is that if the government is going to make these kinds of changes to the energy industry, particularly in the area of renewables, it should give us an overall policy position as to where it is taking renewable energy, because in Victoria it is taking it from a target of 20 per cent to a target of 5 per cent. That is the only policy position the government has taken.

I know there are many climate change sceptics — and I know you are listening, Acting President — but I am not one of them. I will say this: I believe in the science, and we must, as a community and as a society, start to deal with this problem. The longer we leave it, the more it will cost us to deal with this problem. If the government is going to reduce its renewable energy target from 20 per cent, as set under the Labor government, to 5 per cent, there needs to be some explanation as to where it is taking energy policy in this state. And if it does not believe in climate change or if it does not believe in human-influenced climate change, it should say so. If that is the government's position, it should say so, so that the community can judge it — rather than having personal attacks in this place on scientists who express their concerns about climate change.

If those opposite are going to change the renewable energy target from 20 per cent to 5 per cent, they should explain the rationale and put in place some policies that justify that position. If they do not reject climate change — if that is not the government's position — then they should explain how it is that we are going to reduce greenhouse gas emissions in this state as part of our global obligation.

If the government is putting in place an energy policy that kills the wind industry — and these changes are likely to make the impacts on the solar industry more significant and make that a more difficult industry for people to invest in — if that is the position the government is taking, it has to explain how it is going to reduce greenhouse gas emissions. Is it going to massively increase its investments in clean coal research in the Latrobe Valley? Because that is not the position the government took leading up to the last election.

I represent the Latrobe Valley, and I know that the former government invested significant amounts of money in looking at clean coal technology and that was criticised by the then opposition. What is the government's position? Where is it taking this state in terms of energy production and in terms of dealing with the problem of climate change that we are going to face as a society? That is the framework that I think this legislation misses — the framework around the government's energy policy, its position on greenhouse gas emissions, its targets in relation to reducing greenhouse gas emissions in this state and what it is going to do to meet those targets.

So far the only policies it has put in place have been policies to kill the renewable energy industries in this state and policies — they are not really policies — to change the target. What a classic! 'When we're in trouble and we're not going to achieve the target, what do we do? We reduce the target'. That is a classic. This legislation does nothing to respond to the concerns of people in this state about where we are going to go in a carbon-reduced economy. There is no policy from this government in relation to a carbon-reduced economy in this state, and if the government does not start to act soon, there will be increasing pressure across the world on countries like Australia and on Victoria to actually do something about it. We will be in serious economic trouble, because we have a government in this state that is not investing in the things that are necessary to secure Victoria's future.

Mr RAMSAY (Western Victoria) — Acting President — —

Mr Barber — Start your engines.

Mr RAMSAY — Whenever we talk about energy, Mr Barber, you can almost guarantee that the nutters will come out, and a debate on what is a fairly simple number of amendments under this bill suddenly becomes a large and broad philosophical argument about renewable energy. I am happy to be part of that discussion — —

Mr Barber — I'll be back in a sec.

Mr RAMSAY — Do not go for long, Mr Barber, because I am going to respond to a number of points that you contributed to this debate. Let us talk about the bill itself from a starting position, because we have moved away somewhat from the actual detail of it. It is called the Energy Legislation Amendment (Feed-in Tariffs and Other Matters) Bill 2013. It has a number of amendments within it, including to the Electricity Industry Act 2000, which I will come back to because one of those amendments deals with the feed-in tariff. It also relates to the Victorian Energy Efficiency Target Act 2007 and the Gas Safety Act 1997, which I will also come back to. I primarily want to respond to a few comments made by both Mr Barber and Mr Viney. I am grateful to Mr Elsbury, who meticulously went through both the detail of the bill and also the impact that these changes will have on the community.

Starting from scratch, what we have in Victoria is a wonderful reserve of coal, which provides a cheap source of power for this state. It is an asset that gives the state an opportunity to compete both domestically, within Australia, and internationally with many of our export products. The fact is that without that asset, without that cheap coal reserve and cheap power generation, we would not be able to compete globally with many of our exports and we would not be able to provide cheaper power to communities in Australia, as we have done over history, which has offset the high cost of investment in renewables in this country.

For Mr Barber's information, the fact is that this bill provides greater flexibility for more renewables to be able to participate in the feed-in tariff. When I was listening to Mr Barber's contribution to the debate I was thinking, 'What else possibly can the population of Australia provide to give renewables such a leg-up?'. I take the house back to the renewable energy target. Here we have a regulated target of 20 per cent that insists that 20 per cent of energy is required to come from renewables. I cannot think of any other commodity that has been given a leg-up or a target such as that. We have renewable energy certificates, subsidised by the Australian taxpayer, that actually pay for investment into renewables. From that perspective the Australian taxpayer is significantly subsidising investment into renewable energy in Australia.

Apart from that, we also have the union superannuation funds, one of the key contributors to investment in renewables across Australia. In fact they are the largest investors in wind farms in Australia. The unions are using these superannuation funds to place money into areas that have some political advantage, and they use the superannuation funds as a political tool to provide political clout to a specific issue that they want to have some influence on. Having a union worker's superannuation fund being used as a political tool is a disgrace, and I certainly hope that when the workers wake up to the fact that these superannuation funds are being used for that purpose they will demand better from their union masters. It is their money, after all. The return on the renewable industry, particularly wind farming, is only generated by the generosity of the Victorian taxpayer.

I will take Mr Viney's point about wind farming — again, more nonsense spread by Labor. The fact is that there are over 1149 turbines still to be built under the old wind farm planning permits. It is not our guidelines that are influencing decisions by investors — and many of them, as I said, are superannuation funds or companies from Spain or the Netherlands that are building these wind farms and taking the profits back to their countries while having the turbines made in Korea or other countries, where the cost of labour is significantly cheaper. However, that is another issue, which I more than happy to talk about at another point in time. The fact is that there is nothing stopping any company or individual building a wind farm in Australia under the old planning permits, as they are not affected by these guidelines. I say, 'Stop whingeing about it and get on and build them', because there are 1149 out there still able to be built under the old planning permits.

I will also talk about the Australian government's $10 billion green fund. My understanding is that this has been such a rousing success that the government is actually having to ask for applications and potential expressions of interest to look at different projects that meet the criteria for renewable energy. The fact is that the federal government took money away from the $2 billion communications fund, which was a deal I was involved in as a board member of the National Farmers Federation and through Telstra, at the time when Telstra was being privatised. That money was put away specifically to make sure that regional Australia had the opportunity to have good-quality communication, particularly through the mobile network, so we could have parity with the metropolitan population. Sadly the first thing Labor did when it came to power was take that $2 billion away, and the second thing it did was to start channelling that money back into the green renewable energy fund, which I say is sitting there still, brimful of money, with no projects.

I will also talk about the other wonderful renewable projects Labor has embarked on. Going back, cash for clunkers was supposed to pull the old cars off the road,

reduce greenhouse gas emissions and presumably allow us to buy new, much better, more efficient cars that produce fewer greenhouse gas emissions. As we know, that project was shelved. I also refer the house to the green loans scheme that lasted almost two months. That was shelved in almost the same manner as cash for clunkers. The pink batts scheme was supposed to help insulate houses. That went up in flames, if I can use that pun. Another one scrapped! I can go on, but I think everyone is getting the message that despite the best intentions of all sides of government to invest in renewables, we know they are never going to displace very cheap, coal-fired power generation, for which Victoria is very lucky to have significant reserves of coal.

We also know that wind farm energy has proved to be a particularly expensive means of generating power that is also expensive for the taxpayer. That is why many power companies are reluctant to buy power from wind generators to put into their grid — because it comes at a significant price. Having said that, there is a place for it, and certainly this government has seen it as an important policy position to encourage greater use of wind energy when it does not affect communities, where it can be located in areas that do not impact on people's health and quality of life. That is also true in respect of solar energy, and I am a strong supporter of solar power. I am more than happy to encourage those who wish to be able to use solar energy by putting panels on their roofs. In the farming constituency that I have represented for many years there is ample opportunity to put solar panels on a whole range of buildings across farming businesses.

With that bit of background I go back to the bill. When we talk about energy I almost expect Mr Barber to pop up and say that the government is not supporting wind or solar power, the Australian taxpayer has a moral obligation to fund renewables and the cost does not matter because the important thing is that we have renewable energy. At some point in time someone has to take responsibility and pay the piper, but that has never been a problem for the Greens.

This bill is in response to the Victorian Competition and Efficiency Commission's recommendations, which include establishing a new, efficient and fair feed-in tariff that will be available to low-emission or renewable energy distributed generation facilities. Mr Barber hardly mentioned that in his contribution to the debate. This allows a broader catchment of small renewable energy investors. The inquiry also found that continuing to provide above-market premium feed-in tariffs for these facilities could lead to unnecessary increases in electricity prices for Victorian consumers — I thought Mr Elsbury covered that very well in his contribution — and that is a fact. Under the old feed-in tariff system there was cross-subsidisation of users of coal-fired energy. Cross-subsidisation did, and still would, impact on those for whom heat is a necessity, not a luxury. They are impacted upon by cross-subsidisation to encourage greater use of solar power through the feed-in tariffs set at 65 cents and above.

I also note that in his contribution Mr Elsbury identified that there has been no significant decrease in investment in solar panels on houses and that there is greater use of solar energy to not only sustain household needs but also to sell to the grid. It is commendable that the government has set the 8-cent feed-in tariff price at the maximum level, as determined by the Victorian Competition and Efficiency Commission, which gave a range of 6 to 8 cents.

As I said, we have already seen what the Gillard and Rudd governments' carbon tax has done to increase energy costs. I will not talk too much about the carbon tax because I suspect my parliamentary colleague Mr Finn will provide information to the house on the impact of what this horrible, insipid tax is doing to communities right across Australia.

This bill also allows the Essential Services Commission (ESC) to set a fair rate based on the wholesale price of electricity and the distribution and transmission costs avoided, as Mr Elsbury said in his contribution, through the supply of electricity from distributed generators. This is in stark contrast to what I have said about wind generation, where the cost of electricity is impacted by the renewable energy target, the renewable energy certificates and the ongoing subsidies.

The bill strengthens the oversight of the feed-in tariff scheme by ensuring that the feed-in tariff terms and conditions may be referred to the ESC at any time for assessment by a reasonable and fair test. This referral is the main government tool to ensure compliance. Apart from the feed-in tariff, this bill also amends the Victorian Energy Efficiency Target Act 2007, which moves towards that scheme harmonising with the New South Wales energy savings scheme. It reduces the administrative inefficiencies of not having that harmonisation. The amendment also addresses an existing anticompetitive market distortion where retailers with relatively few but very large customers are currently outside the scheme.

The bill will also expand the scope of the Victorian Energy Saver Incentive scheme by enabling project-based and public lighting activities to be

eligible for the scheme. It becomes more inclusive in that respect and also in respect of allowing other smaller renewable energy facilities to be part of the feed-in tariff scheme. In essence the new feed-in tariff of 8 cents per kilowatt reduces the cross-subsidisation but still encourages greater use of solar energy, which now provides both self-generated energy and the capacity to sell into the grid. As I said, since the new feed-in tariff was introduced there has been a 33 per cent increase — —

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I thank Mr Ramsay. His time has expired.

Mr FINN (Western Metropolitan) — How appropriate it is that we debate this bill today, a day on which we should celebrate the prophet of climate change in this country, Professor Tim 'Sandbags' Flannery — the man who told us it would never rain again. If you want to know how a bloke can get a part-time job earning $180 000 a year to get it so totally, 100 per cent wrong on every occasion, then talk to Julia Gillard, because she is the one who has done it. If anybody wants to know how wrong 'Sandbags' Flannery got it, then all they need do is walk down Bourke Street. They will be drenched by the time they get to Exhibition Street. It is pelting down today, it was pelting down yesterday and I understand it will be pelting down tomorrow. Gippsland is about to go under water for the third time. That is what we have come to expect from the professional green fearmongers in this country; they come up with the greatest load of tosh — I nearly said something else — that you have ever heard in your life.

Mr Ondarchie — Tish?

Mr FINN — It is tish, absolutely. It all comes from some extraordinary fear of carbon dioxide. I do not know what it is; it must be something that happened in their childhoods or something. We heard from Mr Viney that he believes in the science — or some of the science he believes and some he leaves right alone. But he says that the science will tell us that without carbon dioxide all the trees will die. If all the trees die, what do these blokes have left to hug? We need the carbon dioxide to give these blokes something to wrap their arms around and do whatever they do to trees when I do not particularly want to look.

We have heard over a period of years now from the Labor Party in particular about the plight of working families and about how difficult it is for working families. Of course you only hear from the Labor Party about working families come election time when they need the votes of working families. Once the election is over what does the Labor Party do to working families? It slaps a carbon tax on them; it brings in more green policies than you can poke a stick at. Every time I get my electricity bill I see that it has climbed to $800, $900, $1000 or $1100. I have four children, and granted they do use a fair bit of electricity, but these power bills are extraordinary and they are hitting thousands and thousands of Victorians. A major contributing part of these increasing power bills are the green policies that are coming from Canberra and the green policies that were left over — indeed are left over — from the previous Labor government in Victoria. I am very hopeful that we will do something about that as a government in the not-too-distant future.

Labor Party members pretend to be concerned about working families. It is all political for them. They do not care about working families; they never have and they never will. It is all about getting into power and then doing whatever it takes to stay in power. You only have to look at that lunatic up there in Canberra at the moment and what she is up to. She would do just about anything to stay in power, and I think as time goes on she will do anything.

Mr Scheffer — On a point of order, Acting President, I ask the member to withdraw his description of the person who I assume to be the Prime Minister.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I ask Mr Finn to show some respect.

Mr FINN — The Labor Party has made it very clear that its concern for working families is purely political. Once the election is over they will not care. But that is one thing you cannot say about the Greens. At least they are honest. They do not give a stuff about working families and they never have. They do not like working families. They do not like any families. They do not like kids and they do not like people procreating. They see the increase in electricity prices as a tax on procreation, and that is the truth, because they see children as an attack on the environment and an attack on their future.

You just have to read some of the stuff that comes from the Greens and some of their more extraordinary writings to know that what I am saying is absolutely true. I say to members of this house and to those people in the community who might happen to pick up the odd copy of *Hansard* at the hairdresser and flick through it that they should be aware of the danger the Greens pose to families in this state and this nation. This is just one example of how the Greens and their policies punish people for having families.

I have no hesitation in saying that I believe the Greens are a threat to a civilised society and to civilisation as we know it. I do not believe they are in any way compatible with civilisation, and I say that without hesitation. These people are not on the same planet as the rest of us, and if you do not believe me, ask Bob Brown, because he is certainly not on the same planet. The last I heard he was off in Tasmania talking to UFOs or something, and I fear to think what Mr Barber might get up to after dark.

I would like to go into the debate on man-made climate change, as Mr Viney has invited us to do, at far greater length. Unfortunately on this occasion my time has come to an end, but I welcome each and every opportunity I get and hope that next time I will have a lot longer to debate this particular matter.

Mr Ondarchie — You've still got 8 minutes.

Mr FINN — No, I have been told by the whip that, if I do not behave myself, he will cut me off at my knees, and that would not be a good thing. I very warmly welcome any debate the opposition or the Greens might want to have on the myth that is man-made climate change. The government will oppose the Greens amendments. I support this bill and sincerely hope the house gives it a speedy passage.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In reply, I wish to respond to a couple of the issues raised by Mr Scheffer and Mr Barber, and I hope my response will eliminate the need for us to go into committee later today. I want to thank all members who contributed to the debate. I listened to the entirety of the debate and have tried to distil the various issues that were raised. While the debate was spirited on a number of matters, it seems to me there were some questions of particular content that I, as the minister responsible in this house, should address.

First of all, Mr Scheffer raised two significant issues. One of those related to how many people will be adversely affected by the measures in this bill. In response to that, people who opted in to the premium feed-in tariff rate or the standard feed-in tariff rate will continue to receive that particular payment under each of those rates. I concede it is true that if they change their configuration — that is, they change their input to the system — the new configuration will be under the new feed-in tariff rate. However, if you signed up under either of the two previous rates, you will continue to receive that rate forever, as I understand it.

Mr Viney — You didn't inform people of the change.

Hon. P. R. HALL — By way of interjection, Mr Viney says people were not informed of this change, but my understanding — and I think there is a notice on the department's website in this regard — is that the rates people signed up to will continue so long as they maintain that configuration of input. My understanding is that when people signed up to either of these two schemes that information was conveyed to them.

The other point Mr Scheffer made was in regard to part 6 of the bill. He said no-one other than the minister knew about the foreshadowed review of aspects of the Victorian Energy Efficiency Target Act 2007. I want to draw Mr Scheffer's attention to a media release dated Friday, 7 June — it is very recent — and to a statement made by the Minister for Energy and Resources in the lower house this week about a review being undertaken of the Victorian Energy Saver Incentive scheme. This scheme was established under the Victorian Energy Efficiency Target Act 2007. An issues paper and background material have also been published, as has an invitation for public comment on this scheme. I hope that satisfies the request for information about what the minister has previously foreshadowed. They were the two main issues raised by Mr Scheffer.

Mr Barber raised some matters concerning clause 3(4) of the bill before us and put forward an argument that his understanding of the bill is that it is possible that a generation facility using fossil fuels may well become eligible for receipt of the feed-in rate, and I concur with Mr Barber on that. I have said to him privately that his interpretation is correct. The question is therefore asked: why change particular aspects of what this clause does and potentially — I emphasise potentially — allow fossil fuel generators to be included in the feed-in tariff scheme? I offer an explanation as follows.

Clause 3(4) removes the restriction on what types of energy-generating facilities can be declared to be small renewable energy generation facilities, in addition to the existing wind, solar, hydro and biomass facility types. That is what this bill does. This implements the government's response to the Victorian Competition and Efficiency Commission's recommendation 9.1, which was to extend the new feed-in tariff rate to all low-emissions distributed generators. The government supported this part of the recommendation, noting that it would amend the legislation to incorporate the recommendation in a practical and cost-effective manner, and that is what this bill seeks to do. The amendment allows for a flexible approach to expansion of the feed-in tariff scheme while allowing for a case-by-case assessment of whether new generating

facilities are appropriate for the scheme. It avoids any unintended consequences of opening up the feed-in tariff scheme to all low-emissions facilities. The final point I make is that the Department of State Development, Business and Innovation is developing guidelines for the assessment of new types of generating facilities.

I know that probably does not go to a position that Mr Barber would hope for or that his amendment goes to, but it is an explanation of why the government is moving in this direction with this bill. It is the position we feel is the appropriate one, and we will persist with it if this clause is further tested in the committee stage. I indicate to the house that, if we go to committee and this is tested, the government's position will be to oppose further amendment to that provision for the reasons I have explained.

I offer those comments in response to those made by members. If members still wish to take this bill to a committee stage to assist non-government parties in seeking wider views, particularly for shadow ministers, it is my intention to move that the bill be committed at a point later this day.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

BUILDING AND PLANNING LEGISLATION AMENDMENT (GOVERNANCE AND OTHER MATTERS) BILL 2013

Second reading

Debate resumed from 30 May; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr TEE (Eastern Metropolitan) — The opposition welcomes the opportunity to make a few remarks about the Building and Planning Legislation Amendment (Governance and Other Matters) Bill 2013, which sets up a framework for the delivery of building and plumbing in Victoria, but it is a framework that is not too different from the one that currently exists. Through the second-reading speech and government announcements we know this bill sets up the structure within which the industry will operate, with the jurisdiction and substance of that framework to be developed in further legislation this year.

The main part of the bill provides for an amalgamation of the Plumbing Industry Commission and the Building Commission, although for all intents and purposes and for probably a decade now the commissioner roles have been undertaken by the same person. This bill brings those two positions formally together. The bill also sets up a board of five commissioners in a new body to oversee the work of the new commission, which will be called the Victorian Building Authority. It is unclear how this board of five commissioners will operate when there is an existing Plumbing Advisory Council and a Building Advisory Council, which will continue to operate. In essence we will have three advisory councils running the industry, so we will wait and see how that operates. In addition to the new building commissioners, the bill provides for the appointment of a new CEO of the authority, as well as the Building Advisory Council and the Plumbing Advisory Council. This bill might mean many things, but it is certainly not a streamlining of the system.

The bill provides for the requirement of police checks, building on the existing requirement which puts the onus on applicants to proactively disclose whether they have been convicted of any indictable offences. The Building Practitioners Board will have some additional discipline powers, which is something we support. But again these powers come in very much at the end of the Building Practitioners Board process, at the end of a complaint, conciliation or hearing, which normally happens two years down the track. At that stage the Building Practitioners Board will have the power to require a builder to rectify or complete work, but when it is two years down the track I suspect everything will have become so intractable that it will be very difficult to see what meaningful impact these changes will have.

The greatest disappointment of this bill is the failure of the Minister for Planning to talk to stakeholders. Once again the minister in developing this legislation has not engaged with the people who will be very directly affected. One of the proposals is to integrate the functions of the Architects Registration Board of Victoria with that of the Victorian Building Authority. What we will see is the collapse of the architects board role into the Victorian Building Authority. This bill starts that process. Once again the minister simply thinks he can ride roughshod over communities, councils and now the architects board. His view is that he is the minister and he has no accountability to any stakeholders or third parties who may be affected by his legislation.

Members should consider what the Architects Registration Board of Victoria says about these proposals, because it is a scathing indictment of this minister and the way he operates, and indeed of this government's refusal to engage with stakeholders.

When you refuse to engage with stakeholders or talk with the community you get an outcome which is not particularly good for Victorians. If you are unable to talk to people, if you are unable to listen, then you are not going to get the best outcome for Victorians. That is our concern.

It is worth taking a moment to put on the record what the Architects Registration Board of Victoria thinks about the government's proposals initiated in this legislation. It says in a letter:

> … there is no indication of how the current functions will be transferred to the new authority and what improvements can be made in order to justify the extent of the proposed 'reform'.

It is a so-called reform. The board goes on to say:

> There has been absolutely no acknowledgement of the detailed functions of the board and the significant network and arrangements that exist between the boards of the various states and territories and international associations.

It is clear that the minister has not taken the time to talk to the board, and the board does not believe the minister has any appreciation of the work it does across various states and indeed internationally.

The letter further states:

> … It would seem to be reform for the sake of reform with no indication or knowledge of what the benefits could be. The current arrangements work very well. The border self-funded and supported by approximately 4000 registered architects …

Some 4000 registered architects and a self-funded board have not been consulted, and all of a sudden the minister has decided off his own bat, with no consultation, to simply get rid of the board and devolve its responsibilities to the Victorian Building Authority. There has been no discussion, there has been no justification and there has been no explanation as to why this would occur. Let me continue with the view of the Architects Registration Board of Victoria. The letter states:

> To date there has been minimal consultation by government or its consultants with the ARBV. It has been very difficult for the board … to discuss these important issues with the minister or any other senior bureaucrats.

To date, since the changes have been announced, there have been no meetings with the minister. Again what we see is a complete failure of the minister or the department to meet with the board. The board got an announcement out of the blue in November last year — an announcement that came without any explanation or any consultation. Board members have sought to meet with the minister and to meet with the department but have been unable to do so. Here you have got a representative body of 4000 architects, which has a system in place which is internationally recognised, which does a large amount of training, which is nationally recognised, which has taken a leadership role nationally in terms of the way in which architects are registered and in terms of the education services and the registration service it provides, and all of a sudden its members wake up to find a news release that says, 'You are gone'.

Mr Finn interjected.

Mr TEE — They wake up to a news release, Mr Finn, which wipes them off the face of the earth.

Mr Finn interjected.

Mr TEE — Mr Finn says, 'Well, what's wrong with that?'.

Mr Finn — I'm not sure I said that at all.

Mr TEE — If you are one of the 4000 architects — —

Mr Finn interjected.

Mr TEE — If you are one of the 4000 architects whose representative organisation is wiped off — —

Mr Finn interjected.

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! I remind Mr Tee that he is not having a conversation with Mr Finn. He should be addressing his remarks through the Chair.

Mr Finn — And if he is, he should at least tell the truth.

Mr O'Brien — About the consultation conducted by KPMG.

Mr TEE — Mr O'Brien — through you, Chair — this is what the architects board says:

> To date —

and this is 27 May —

> there has been minimal consultation by government or its consultants … It has been very difficult for the board of the ARBV to discuss these important issues with the minister or any other senior bureaucrats … there is a meeting with the Minister for Planning scheduled for 14 June 2013. This will be our first opportunity to speak with the minister since the announcement of the VBA in November 2012.

Mr Viney — That is no consultation.

Mr TEE — That is no consultation, Mr O'Brien. Not being able to get a meeting between the announcement and tomorrow is not consultation. This is what the letter says:

> This will be our first opportunity to speak with the minister since the announcement … in November 2012.

He is missing in action. He has been missing in action for more than six months while the fate of the board is being determined by his government.

Mr O'Brien — He hasn't undertaken a sham consultation?

Mr TEE — He has undertaken no consultation — —

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! Mr Tee needs to address his remarks through the Chair. He is not meant to be having conversations across the chamber with other members.

Mr TEE — The board also said that in its view:

> With regard to consumer protection the current arrangements as required by the act work well. Dealing with complaints is dealt with efficiently through the board and a tribunal process.

As well as doing national leadership in registration and training the board has a complaints mechanism that has been in existence for some time, and that works very well. No-one has told the board members — because they have not been able to meet with the minister — to the contrary.

Mr O'Brien interjected.

Mr TEE — Through you, Chair, Mr O'Brien asked a question about the Auditor-General's report. That is right: the Auditor-General made a lot of comments about the operations of the Building Commission. This proposal is to take the architects board — about which there have been no complaints and no issues raised — and amalgamate the architects board with the Building Commission, which effectively runs contrary to what has been recommended. A board that has had no complaints made about it and has had no discussions with the government all of a sudden finds that it is going to disappear.

Unfortunately the board members have not had the opportunity to put this to the minister because he will not meet with them, but they have said:

> The potential for any consumer complaints being referred to VCAT —

which is the government's proposal —

> sounds unworkable and surely less efficient and of considerably more expense and no doubt time.

The proposal the government has put out in the media, although not to the board, is more expensive, it is clunky and it is unworkable, but of course if the minister had bothered to meet with the board members, they might have been able to put this to the minister and we might have had a better outcome. Instead, because he refuses to meet with anyone, because he thinks that consultation is something which is beneath him, we get this unworkable solution which knocks off a process that is working well and forces everybody to go from that process to the Victorian Civil and Administrative Tribunal (VCAT) — and we know that under this government delays at VCAT have become extraordinary. We know that you can wait 18 months to get your day in court.

Mr Barber interjected.

Mr TEE — Mr Barber is correct in saying 'unless you pay'.

Instead of availing them of the fast, efficient and cheap architects board process, the minister has in effect thrown consumers to the VCAT process. The board goes on to say:

> Being part of a larger authority (VBA) will certainly not ensure a more effective and efficient organisation.

You would have thought that if you were going to abolish the Architects Registration Board of Victoria, the least you would do is have the decency to let its members know in advance, rather than letting them find out though a media release. If you were interested in making sure that you get a better outcome for Victorian consumers and the Victorian public, you would hear people out before you made up your mind, so that you did not end up in a situation where the main body that is being abolished has not been consulted by the minister. The board has not had a meeting with the minister and has not had an opportunity to put forward the case as to why it thinks this is a retrograde step.

Because of the minister's refusal to meet with it, we have a position that the board says is clunky and unworkable. The board also asserts that it will cost consumers both money and, in terms of the delay, time. The board goes on to say:

> Any reform must be able to demonstrate positive and meaningful advantages.

That is common sense. You would have thought it common sense that there would be some justification for the change and something positive and meaningful

in terms of advantages. Yet, as the board goes on to say:

> Currently there is no indication with regard to the functions of the ARBV.

We are very concerned that, once again, we are confronted with the major stakeholder, which is going to disappear under the process initiated by this bill, not having been consulted. It had not been able to organise a meeting with the minister. Then — talk about a slap in the face — it finally gets to have a meeting with the minister, having waited and tried to get a meeting in November, December, January and February, after the announcement was made. It finally gets a meeting with the minister the day after the legislation passes through the Parliament. The day after the legislation is voted for in the upper house the board finally gets to meet the minister.

Mr Leane interjected.

Mr TEE — Mr Leane is right in asking, 'What is the point of that?'. What is the point of having a meeting with the minister six months after he has made up his mind and one day after the legislation has passed through the Parliament? At best this is window-dressing, but I think it is offensive. It is disrespectful and offensive, and it shows an arrogance and disregard for a body that is nationally recognised as doing a good job and is internationally connected. This body has looked out for the industry and consumers and does not have a blemish to its name. It has not had a negative report from the Auditor-General. All of a sudden — without any explanation — the board members wake up to read in the papers that the organisation is going to disappear.

With those few caveats, I express that we are not opposed to the bill. As I said, it sets up the framework and creates a number of new commissioners, but it also abolishes the Architects Registration Board of Victoria. We wish to appeal again to the minister to show some common sense and to try to achieve a better outcome by actually talking to people — preferably before he makes decisions — and bringing them along. If he has the opportunity to listen, he might get a better outcome. His simply making up his mind in his office and then announcing it to the world is not good for Victorian consumers, it is not a good way to make policy and it is certainly not a good way to make legislation. With those few words, I assert that we will not be opposing the bill, though we are concerned, and we would urge a different approach in future.

Mr O'BRIEN (Western Victoria) — It is again with great pleasure that I rise to make a contribution to the debate in support of the Building and Planning Legislation Amendment (Governance and Other Matters) Bill 2013, which is another example of significant reform being led by this minister and this government in relation to an issue that has long festered in the Victorian community, particularly during the 11 long years of the previous government. There has been very little consistency in the approach of the present opposition to the various issues that have been raised by the most important people in this state when it comes to this area — namely the entire industry of builders and the consumers.

This legislation addresses several fundamental issues and puts at the forefront both a properly structured industry regulator and properly structured protection for consumers. It has also been undertaken quite contrary to the extraordinary submission by the shadow Minister for Planning, made after a very thorough and considered consultation process that was initiated by this minister. The process required stakeholder input and consultation and responded to both Auditor-General's reports and Ombudsman's reports into the failure of the previous government to address these fundamental issues. It has resulted in a very sensible set of structural reforms that I would have thought a shadow minister who cared about planning and was aware of the impacts on building, plumbing and architecture of having a properly structured regulatory regime in place would support.

This legislation allows for better protection of consumers, better resolution of disputes and better advice to be given to these industries. This matter should be the subject of a bipartisan approach and the subject of support from Mr Tee. The reason I say that is that when Mr Tee brought a rather premature motion to this chamber on 10 October 2012, responding to many of the concerns that remained in the industry, as a result of the legacy left by his government, about the sorts of issues that this bill addresses, Mr Tee called for an approach that would take the politics out of this very important issue. What did we hear when Mr Tee stood up to make his contribution on the first stage of what will be a substantial reform that picks up this important consultation by which the government has listened to the industry and responded to the concerns of consumers, householders, builders, plumbers and architects who one would think his party purports to represent? He has proceeded to do what Mr Ondarchie said he would — that is, not get his facts right and not think before he opened his mouth.

Ultimately he made another contribution on the public record that, in light of the extensive consultation that has been undertaken on this bill, will be shown to be

substantially incorrect. It was not only incorrect but ironically represented completely the opposite of the process that the former Minister for Planning in Mr Tee's government undertook on consultation.

I need not remind the house too much about that, but I will make a couple of brief remarks on the sham consultation process about the Windsor Hotel development that was revealed to be undertaken by the Minister for Planning at the time. That development will result in the building of a very large tower that will overshadow the precinct that we sit and debate in and for many years to come will remind us of the legacy of the former government in relation to its sham consultation processes. They were found to be sham processes by the Ombudsman. I am not sure whether the Auditor-General had a look at them.

The approach that Mr Tee urged that we as parliamentarians take was a bipartisan approach, focused on the industry. He said it was an important opportunity for Victorians to set a benchmark nationally in terms of building standards, industry regulation and building practitioners. That is precisely what this bill does.

Around the time of the start of the consultation process, the Minister for Planning's press release — not of today or last week, but one dated 29 November 2012 — announced that this would be a fresh start for building industry regulation. The press release states that Minister Guy:

> … announced he would reform the oversight of building industry regulation to meet the 21st century needs of consumers and industry participants.
>
> A new Victorian Building Authority (VBA) —

which is the body that is established under this bill —

> will be established as a single overarching body responsible for setting and enforcing building industry regulation following an extensive review of the existing structures.
>
> The functions of the Building Commission, Plumbing Industry Commission and the architects registration board will be absorbed into the proposed new authority, which will provide a single point of governance for builders, plumbers and architects.

That was the minister's announcement, clearly setting out the government's intention — that is, to establish the VBA as part of the reform measures that will include the compliance and enforcement policy and the monitoring and evaluation framework.

In his announcement the minister also outlined a key fundamental aspect of the reform which should be put up-front when discussing what the bill will do. It will change the roles of the building regulators which presently exist and which have received much criticism. There has been considered criticism over many years not just from the Ombudsman and the Auditor-General but also from practitioners, consumers and industry participants because of the difficulty and confusion of their roles as both industry advocates and regulators.

The bill very clearly provides that the role of the new Victorian Building Authority will be as a regulator first. It will set the focus on how regulation is to be enforced, and in conjunction with other reform measures will see the implementation of the Auditor-General's recommendations in relation to building permits. This will effectively be a structural change that has been long sought by industry players. It had been anticipated and outlined by the minister well before this legislation came to the house.

That media release was not just a single-page press release; it was followed by a comprehensive document, which I urge Mr Tee to read. I urge him to then start considering whether he should correct the record in relation to his completely unfounded assertion that there was no consultation, because it is all set out there in the document entitled *A Fresh Start for Building Industry Regulation — Reforming Victoria's Building System*, dated November 2012.

Finally, I urge Mr Tee to look at the stakeholder consultation that was undertaken by KPMG. This is where it gets quite ironic in relation to Mr Tee's contribution. KPMG met with a number of participants through this period, which commenced in late 2012. It met with architects, including the Architects Registration Board of Victoria, which is the very body that Mr Tee asserted there had been no consultation with. It also met with the Australian Institute of Architects and the ArchiTeam Co-operative.

It also met with builders: the Master Builders Association of Victoria, the Housing Industry Association of Victoria, the Property Council of Australia, the Australian Institute of Building Surveyors, the Building Designers Association of Victoria, the Australian Institute of Quantity Surveyors, Engineers Australia, the Building Practitioners Board, the Building Appeals Board, the Builders Collective of Australia, the Building Advisory Council, the Building Regulations Advisory Committee, the Building Commission and the Victorian Municipal Building Surveyors Group.

Then, in relation to plumbers, it met with the Plumbing Industry Advisory Council, the Plumbing Trades Employees Union, the National Fire Industry

Association, the Air Conditioning and Mechanical Contractors Association of Victoria, the Fire Protection Association of Australia and, last but not least, the Plumbing Industry Commission.

This consultation was undertaken not as a sham but as a genuine consultation process, and it included consultation sessions held with representatives of both the then Department of Planning and Community Development and the Building Commission in conjunction with industry stakeholders. The observations included that there were various levels of support in the industry for the establishment of the VBA as an opportunity to provide significant improvements to Victoria's building industry and to increase collaboration and cooperation between the architecture, building and plumbing industries. The KPMG report, referring to the Victorian Auditor-General's Office (VAGO), says:

> Most acknowledged the need for reform, improved compliance, accountability and transparency throughout the building industry, particularly in light of findings from VAGO and the Ombudsman.

I again urge Mr Tee to consider the record of his contribution in relation to the consultation and also to be aware that the minister does engage in extensive consultation with the Office of the Victorian Government Architect, which now, under the machinery-of-government changes, has been brought under the control of the minister. The Royal Australian Institute of Architects, which is the governing body for Australian architects, is an important body with whose members the minister regularly consults, as he consults with many other stakeholders who seek to engage his input in relation to the important policy matters that he is putting together.

Mr Tee said that the request to consult was beneath the minister. Quite to the contrary, this Minister for Planning undertakes not a sham consultation process but a genuine consultation process. It also includes the independence of respected and reputable firms such as KPMG and all those various stakeholders involved in the department over a considerable time. It is virtually, if not exactly, six months from November 2012 to today as we debate the bill before the house. There has been the opportunity for Mr Tee and the various stakeholders to have made submissions.

I do not wish to spend much more of the time I have to make my contribution to this debate talking about the appalling lack of congruence between Mr Tee's contribution and what actually happened. I am rather surprised to see Ms Pennicuik in the Clerk's seat. It is a parliamentary precedent I was not aware of. It distracted me for a moment, but I will return to the main part of the bill. I look forward to debating before Mr Ramsay as Acting President.

Mr Viney — I've seen Mr Davis sit in that chair.

Mr O'BRIEN — I advise Mr Viney that I would be surprised about that. I will return to the bill. The bill is important in that it amends the Building Act 1993 to give effect to the government's announcement of the establishment of the Victorian Building Authority as the single integrated regulator of the building industry in Victoria, which is designed to deliver on best practice regulatory outcomes for all Victorians. The bill will also amend the Planning and Environment Amendment (General) Act 2013 to ensure that referral authorities are party to proceedings before Victorian Civil and Administrative Tribunal reviews in appropriate circumstances.

To provide some context, this series of reforms is designed to improve consumer protection. It is important to provide protection for members of the Victorian public who reside in our many wonderful buildings and who sometimes have to deal with a building that is not so wonderful or which has problems. As a former practitioner in this area I can say that one realm in which dispute resolution is particularly troublesome is the building area. If something goes wrong on a building site — it could be a plumbing or architectural issue — there can be complexities regarding contracts and sorting out what happened on a day-to-day and factual basis. Various players each have an appropriate role to play. They interact with each other when it comes to design, implementation, engineering, plumbing and architecture.

The consumer is at the end of the line, but sometimes they can be at fault in relation to variations in a contract, pricing issues, an inability to pay or other things, which can put pressure back up the pipe. Consumers who fail to pay builders for a project can cause builders to be unable to pay their subcontractors on other sites, and the cascade effect throughout the industry of any building dispute, small or large, can be quite devastating.

Resolving disputes and determining what happened on a factual basis can also be difficult, because there can be a lot of what is called, in technical terms, 'he said-she said' discussions. This can be as a result of variations in understanding that may not be reflected in the contract and of decisions that have to be made once site conditions are uncovered. All these matters can result in complex negotiations and resolutions, with the

consumer having to wade through myriad boards, processes and dispute mechanisms.

That is, in a sense, an inherent part of the industry. It is the nature of the beast, to some extent. Built over and around that has been a series of tribunals and dispute resolution bodies, from the presently existing Building Appeals Board and the Victorian Civil and Administrative Tribunal to the Building Commission. There can also be various disputes over individual practitioner regulation versus resolution of actual building matters. The bottom line is that when these disputes happen it is often best that they be resolved as expeditiously as possible so that workers can return to the building site and all parties can get on with what they do. It is best that these things do not escalate.

I refer to work that was carried out at Ararat prison. It is a slight diversion, but an example this house would well understand. Ararat prison is in the electorate that Mr Koch, Mr Ramsay and I are proud to represent. It was another Labor project where, when the head builder had some contractual issues, a lot of innocent subcontractors and other parties were in real trouble in relation to the completion of the work. The coalition government, through the former Premier, Mr Baillieu, and the former Minister for Corrections, the member for Kew in the other place, Mr McIntosh, worked very hard within contractual obligations to resolve that dispute through the mechanisms available to ensure that a builder was put back onto the project so that the project could be completed. That example was complicated by rain and other factors, as are many cases. This can lead to further escalation of problems.

An important component of the regulation of the building industry must be consumer protection. Regulations must also protect industry players, such as builders and plumbers. They work hard and do a very good job. We should be proud of the people who participate in this industry at all levels, because this industry is literally building the nation. Politics can intervene in the building industry, particularly in relation to industrial disputes, and that can sometimes cause further issues. We have a very complex operation at federal level to resolve that. In relation to building and planning regulation at a state level, we have the ability to try as best we can to cut red tape, ensure that the consumer interest is protected and ensure that industry players have a clear understanding of where they can go to resolve disputes and for industry advice. In terms of its structural reform, that is what this bill achieves.

Another aspect that is important in relation to the background and the context in which this reform arrives in the house is the minister's very active, considered and consultative work in relation to not only the metropolitan planning strategy but of course importantly the regional growth plans that have been developed all across Victoria. These will enable long-term strategic, visionary planning to be properly incorporated in a way that incorporates infrastructure and specific opportunities, and while constraints exist in all parts of Victoria where people live, this will provide a clear strategy and direction as to how this state should operate.

In dealing with this legislation it is important to remember the fundamental aims that have been put in place. There will be further consultation as the bill is rolled out. The purpose of the bill in abolishing the Victorian Building Commission is to establish a new governing body. It will provide for the appointment of a chief executive officer. It will establish the Victorian Building Authority Fund, and it will provide for petitioner appeals of decisions of the Building Practitioners Board to be heard by the Victorian Civil and Administrative Tribunal. It will also strengthen the powers of the Victorian Building Practitioners Board as part of the reforms to streamline and discipline the system in relation to requiring a person to give an undertaking to do a specific thing, rectify specified building work or complete a specified course of training within a specified time, and it will impose a conditional limitation on a person's registration.

Importantly it also makes two amendments to the Architects Act 1991: it amends the fundamental functions of the architects board to require it to advise the minister on the carrying out of the board's functions under the act, and it also amends the regulatory power of the Architects Registration Board of Victoria. As I have said, it also makes minor amendments to the referral authorities.

In short and in conclusion, this is a very important piece of legislation. It is not the last legislative chapter in this important area, but as a significant reform under this government, long absent and long awaited under the previous government, taken with significant consultation with the industry, placing the interests of the entire industry first and improving this as a genuine one-stop shop, I commend the bill to the house, and I urge all other participants in the debate to seriously consider taking a more bipartisan approach to this important level of regulation.

Mr BARBER (Northern Metropolitan) — The regulation of building practices in Victoria, not to mention practitioners, is well past being a crisis; it is actually a complete debacle and a scandal, and it has

been for a long time. I know from my time at the City of Yarra, which was 10 years ago, the problems highlighted in the Auditor-General's and Ombudsman's reports were off and running even then, so I would in fact trace it all the way back to the Kennett government's deregulation of the building permit system under which just about anybody could get into the business of issuing building permits and in the process signing off on the integrity of not only a physical structure but also the achievement of works, which some poor punters had actually paid a hell of a lot of money for and which was probably the single largest purchase of their life.

Even in my time at the City of Yarra we observed instances where dodgy approvals were given. When we looked at the name signed on the bottom of a permit by the person approving the building permit, we said, 'Oh, yeah; there's that bloke again. That's the one you go to if you're looking for a dodgy permit'. Time and again we would see it. People like that have a reputation in the industry for signing off on anything for a fee, and although the authorities eventually catch up with them and they might find themselves in another line of work, they leave a trail of destruction behind them.

The building permit is often but not always attached to and aligned with a planning permit, because planning permits are not always required. Along with a set of architectural drawings, this is really the thing that holds the whole integrity of the process together. I was shocked when I read the response by the Building Commission to the Auditor-General's report, which was a damning indictment of the Building Commission's work. The Building Commission's attitude was, 'Oh, well, there's nothing really wrong here. He's just given us a bit of a clip over the ear for not keeping up with our paperwork'. In fact paperwork is the entire job of the Building Commission: it is about checks and balances in the form of auditing the trail of approvals that are given all the way along.

When you think of that in the context of a dispute between a builder and a client, the role of the person who signs off on the building permit can either be an important step to assist the client in getting what they want or be a further contribution to the peril that you are in when permits are signed off again and again at each stage even though the works have not been completed or have not even been done lawfully. Councils used to issue building permits, and then we did not have these problems because a planning permit and a building permit would always be expected to align. When someone was given a permit that said, 'You can build a veranda off your second storey, but it can be only 1.5 metres from the next-door neighbour's building line', the building permit would generally match the architectural drawings and the thing could be easily checked.

I am very glad that the minister is going in there with a broadsword and creating an entirely new entity, because this is not simply a matter of bureaucratic slip-ups or poor processes. There is an entire culture laid out in the Ombudsman's and Auditor-General's reports that is completely dysfunctional and even rotten at its core. I am glad that this particular piece of the reform is being brought forward. I can imagine that the architects board, the regulator to be abolished, is not too happy about being abolished. Very few bodies generally sign their own death warrant. But they did not make any representation to me as to whether they were satisfied or dissatisfied with the process of consultation or whether they thought I should or should not be voting for this bill.

I will also give some compliments to the minister, or possibly those who helped him along the way, for his second-reading speech, which runs to quite a number of pages — six, in fact. It explains quite clearly, in a way that some second-reading speeches do not, what it is the minister intends to do with this legislation and why. It also makes quite clear the government's intent in relation to this particular change and that the minister recognises that this is by no means the end of the exercise.

I hope the minister goes all the way to winding back quite significantly the deregulated building permit system that former Premier Jeff Kennett introduced in a kind of mania of deregulation when he knew he had a fairly short time to deregulate pretty much every public function there was. He gave it a pretty good go in the short time he was given. In some other areas we are still dealing with the mess.

Here I think there needs to be either a winding back of the deregulated system or something that resembles such close scrutiny, by either this new body or perhaps the local council, so that those who operate in it, although they may be private individuals, will work in an extremely narrow box. Time and again for more than a decade now I have heard the same stories about the same issues. I have waited a long time to see this situation exposed in such a clear way by the Auditor-General's and Ombudsman's reports. I have waited a long time to see a minister who was determined to do something about it. As well as the Kennett government launching this mess, we had Labor planning ministers who, for 11 years, simply denied it and pushed it under the carpet. So far as we can tell, they made no effective moves whatsoever against a

regulator that seemed to have been completely captured by the people it was supposed to be regulating.

It does not surprise me that the architects are squealing. The building industry itself went into an almost complete meltdown when it knew the Auditor-General's report was about to be tabled. I have never seen so much anticipation, not to mention representations, from across a sector, with people completely freaking out at what might have been in the Auditor-General's report. That to me shows that they must have known, as clearly as everybody else, that a complete debacle was about to be uncovered.

The minister is signalling he is going in a particular direction as a result of the findings of the two reports. Of course that means that from hereon in the minister owns this reform, and the performance of the body that he sets up, runs, staffs and makes appointments to will very much be his responsibility. I look forward to scrutinising that, and I look forward to hearing a bit more about what it is the minister intends to do next to fix this problem.

Mr VINEY (Eastern Victoria) — This legislation reminds me somewhat of the dodgy builder who finds a hole in the wall and papers over the crack. I do not share Mr Barber's confidence that with this legislation the minister has dealt with the problems. I will go through this in some detail. Effectively, the bill effects a name change. It is a change of name of the overseer of an industry, and it is a change of name to try to resolve a problem. Mr Barber did a nice job. Mr O'Brien tried to blame the last Labor government. Mr Barber — I nearly called him Mr Green — attempted to shift some of the blame to the last Labor government. Let us be absolutely clear: the shambles of this industry, particularly related to the issuing of building permits in the sector, was created by one Jeff Kennett. In fact the current planning minister was a senior adviser in that government. I do not know whether he was a senior adviser in the planning portfolio, but he was certainly a senior adviser to Mr Kennett.

With this bill we have the Building Commission and Plumbing Industry Commission being merged into one organisation, with the promise of the Architects Registration Board of Victoria being merged later and apparently some other changes further down the track. It reminds me of the Independent Broad-based Anti-corruption Commission (IBAC) legislation; I think there were 21 pieces of legislation introduced to get IBAC up. The bill merges organisations into one new organisation: the building commission with a new name.

Let us look at the details of the bill. The Attorney-General, Mr Clark, in the second-reading speech in the other place, which was incorporated into *Hansard* in this place by the planning minister, says the principal driver for this legislative change was the Auditor-General's report that identified that 96 per cent of the building permits inspected did not comply with the act. In his second-reading speech in the other place Mr Clark said this legislation is a response to the Auditor-General's report on that matter and to the Ombudsman's report on the management failures, if you like, of these organisations. The response is to establish a new authority.

If you go to part 2 of the bill, which establishes the authority and its accountability, you see that it is no different from the current act. There are some minor changes — the name of the authority and the inclusion of the plumbers and the energy minister in that part of the act instead of a later part — but other than that, nothing changes. They are all the same words. I am wondering how that is going to change the culture, when it is only a name change.

In clause 4, which inserts new section 195 — which is about the authority being accountable to the minister — the words are exactly the same as those in the act, bar the name change. New section 197 shows that the functions of the new authority are the same as those of the old authority, bar the name change and the removal of the provisions in relation to the supervision of building surveyors. Those provisions have been moved to another part of the act. And guess what? They are exactly the same as they were. New section 200 establishes the Victorian Building Advisory Board, which is ostensibly the independent body responsible for the oversight of the authority.

We seem to have confusion here, according to which it is understood that a council, if you like, or an authority that is established over an organisation provides independent oversight. It does not. That is like suggesting that the elected councillors of a municipality provide independent oversight of the council. Clearly they do not; that is a nonsense. There is an incredible management confusion in the way this has been structured, according to which some sort of body that is established to manage the staff of that body is independent. It is not. An independent body is a separate, independently funded, independent structure that has authority over the body that it is supervising.

There is, for the most part, no change in the structure of funds or accounts under new sections 205A to 205F, and new section 205G provides no substantial changes to the building permit levy. Effectively what we have is

a papering over of the crack, a papering over of the structural problem, and the structural problem that has been identified in this process by these independent reports is the moving of the issue of building permits by municipal building inspectors to the private sector. That is the structural problem that the industry is facing, and this legislation does not change that. The other significant problems identified in the Ombudsman's report are the cultural problems, if you like, of the organisation in its current structure and the way they are managed. As I have just highlighted, that is not addressed in this legislation. The minister needs to be clear about how he is going to change both the cultural and structural problems of this sector.

This is a government that prides itself on its economic record and its managerial efficiency, and I just want to highlight a small example that shows that these are merely words from this government. At the bottom of the front page of the Plumbing Industry Commission website, which I printed on 6 June, there is a section headed 'Business as usual'. It says:

> On 29 November 2012, the planning minister, Matthew Guy, announced plans to reform oversight of Victoria's building industry regulation, with the establishment of a new Victorian Building Authority, which will have responsibility for setting and enforcing building industry regulation.

It goes on to explain that the Plumbing Industry Commission, the Building Commission and the Architects Registration Board of Victoria will be absorbed into the new authority, and then it says:

> Until the legislation is passed by the Parliament and the new arrangements are in place, the Plumbing Industry Commission will continue to operate as normal.

Not only does it continue to operate as normal but just above that statement is the announcement of a new office. The Plumbing Industry Commission, which is about to be closed, has announced on its website a new Morwell office that opened on 18 March this year. The commission said that the minister announced on 29 November 2012 that it would be abolished but that it would be business as usual until that happened. Too right it was — the commission opened a new office on 18 March! I know you are not allowed to use props in this place, but let me say that I have a photograph, if members would like to have a look at it, of that new Plumbing Industry Commission office in Morwell, which opened on 18 March, just a couple of months before it was about to be absorbed into the new building authority.

Talk about taking your eye off the ball! In the middle of a process through which we are apparently creating massive structural change and fixing all the problems, the Plumbing Industry Commission opens a new office. The only positive thing I will say about that is that at last the government has provided a couple of jobs in Morwell, in the Latrobe Valley. At last! After losing 24 000 jobs across Gippsland over the last two and a half years, we have finally got two or three in Morwell.

This legislation is merely a papering over of the cracks. As was exposed by Mr Tee, the failures of this government in the consultation process are stark. It was not just the architects the government failed to consult. In terms of the consultation with other industry organisations, you need only look to the Housing Industry Association, which has not only questioned this great strategy to fix up the problems in the building industry but wants a regulatory impact statement to assess whether or not the strategy is worthwhile. There has been a failure to pay any proper governance attention to this process and a failure to deal with the governance and structural problems of this industry. This is a government bill, a government strategy and a government process, and Mr Guy, as planning minister, will be held accountable. It will be interesting to see whether he is able to effect any real change in the sector, a sector that is in the state it is in because of the reforms that were put in place by the Kennett government in the 1990s to, in effect, privatise it.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the Building and Planning Legislation Amendment (Governance and Other Matters) Bill 2013. I thank Mr Viney for his introduction. He cut to the core of this bill — that it brings together a package of reforms to the building system that will deliver strong and effective governance across the entire building industry.

Mr Viney — I did not say that.

Mr ONDARCHIE — In a sense Mr Viney cut to the core of what this bill is all about, despite the photograph from his electorate. I could go through the main purposes of this bill, but Mr O'Brien has done that very efficiently and effectively this afternoon. This bill is about governance. It is about putting appropriate governance in place in the industry and establishing the Victorian Building Authority, which will be the regulator and the single point of governance for the building and plumbing industries. It abolishes the Building Commission and the Plumbing Industry Commission and replaces them with that authority. All the powers of those two organisations will be transferred to the new authority except the power to receive gifts and donations. All the rights, assets, liabilities, obligations, contracts and agreements will be transferred accordingly to the new authority. The

authority and its board are expected to be implemented by 1 July 2013.

The minister will set out expectations which outline the government's priorities for the authority, and the board is required to report back to the minister annually on those achievements. The board will be made up of skilled people. It will comprise a minimum of five members, including a chair — otherwise known as a chief commissioner — a deputy chair and at least three other members. There are specific criteria in the bill in relation to who can become board members according to their skills. Specific expertise is required in regulatory administration, public administration, corporate governance, financial management, law, building, plumbing, architecture, consumer protection, dispute resolution or specific insurance matters relating to the building, plumbing and architecture industries.

As a person who has spent a great deal of his career in corporate governance, on boards and working under boards, I say that this is a vital bit of legislation, and the minister is to be congratulated on putting it through. I will not go through all its elements, but I reiterate that one of the requirements of the bill will be to establish a highly skilled board that is equipped to lead this authority. There will be police checks and a whole range of other checks in place to make sure that this works effectively.

The reality is that Victoria needs a strong and buoyant building sector. It is a vital element to support Victoria's continued growth — our economic growth, the growth of our population and the growth of our cities and towns, both metropolitan and rural. The coalition government was elected with a commitment to bring about change and growth in a way that respects the built form, and one of Victoria's greatest assets is the built form of both our cities and towns. For a building industry to be effective, buildings need to be constructed within a strong regulatory framework that promotes safety, health and amenity for everybody that uses and occupies those buildings, as well as places where the public is entertained.

It is clear that the current governance arrangements for the Building Commission need to be reformed to deliver best practice in regulating the whole of the building permit system. I know Mr Barber is a supporter of efficiency; I know he is a supporter of ensuring that we get through this in a timely and efficient manner, so I was a bit surprised by his contribution today. This bill will provide opportunities for the building industry to develop, and if the building industry is genuinely going to develop in this state, we need the support of everybody to drive Victoria's economy forward, including the membership of the Construction, Forestry, Mining and Energy Union (CFMEU). It is about time the union cut the rhetoric and got behind Victoria's economy, because all it has done is get in the way; all it has done is stop development, and hide behind trade union-developed reasons. The reality is that it is time for the CFMEU to put up or shut up — to get behind Victoria's economy, to get behind Victoria's construction industry and to watch development in this state progress.

I was disappointed by the Grocon Myer building dispute, where workers were simply trying to get work — trying to do their job and trying to drive forward Victoria's economy — only to have thugs on the street stopping them from doing that work. They were blockading people, harassing our police members and punching police horses. That is not the Victoria we want; the Victoria we want is where we collectively get together to drive our economy forward. I am certain my learned colleague Mrs Kronberg will touch on this. It is high time that trade unions in this state got behind bringing Victoria forward, because what they are attempting to do is take us backwards, and that is unacceptable. It is unacceptable in the eyes of this government, it is unacceptable in the eyes of the business community and it is unacceptable in the eyes of the people on the street. Enough is enough. I say to the CFMEU: put up or shut up. I commend the bill to the house.

Mrs KRONBERG (Eastern Metropolitan) — In making my contribution to the debate on the Building and Planning Legislation Amendment (Governance and Other Matters) Bill 2013, and before talking about the objectives of the bill, I want to take the opportunity provided by Mr Ondarchie's commentary in terms of him urging the trade union movement to understand that its position and approach is often detrimental, not only to the interests of the state and the economy but to its own personal detriment, the detriment of its members and perhaps the detriment of their children and grandchildren as well. I would like to say to members of the trade union movement that when they have their moments of restiveness they should think beyond it, take a deep breath and think about just what their aims and objectives are. I ask them to remember that we are all in the same rowing boat, and we should stop drilling holes.

Getting back to the objectives of the bill, the bill amends the Building Act 1993. An important aspect of this is to establish the Victorian Building Authority, and whilst that is being undertaken, we will see the abolition of the Building Commission and the Plumbing Industry Commission. The rationale behind

establishing the Victorian Building Authority is clearly to provide a strong and buoyant building sector, because we all know how vital that is to our continued growth in Victoria and the productivity and future of Victorians. This means that the building industry needs to be well regulated by a regulator that is focused on its core job as a regulator — specialists applying specialist skills and knowledge to issues and matters that could have ramifications and lots of pain and cost for the people involved in the process.

Focus and expertise is being brought to bear under the aegis of this Victorian Building Authority. It will be established on 1 July this year. It will be the new integrated regulator of building practitioners and plumbers, and over time — because this bill heralds a staged reform process with various stages — we will see the integration of architects under the aegis of the Victorian Building Authority. Importantly it will be a one-stop shop for the governance of building practitioners and a whole concentration of authority and expertise. It will include not only building practitioners but also plumbers, and, as I said before, when further reforms are rolled out it will include architects. That is expected to happen through the course of 2013 and on through to 2014.

The reform of the governance framework is a critical component of a broader reform program for the building industry, and it is designed to improve the regulation of building practitioners. We see that there will be a focus on dispute prevention rather than resolution. It should raise safety and technical standards, as well as practitioner capability, and improve regulation enforcement. Other elements of the bill that are ushered in include providing an independent governing board, and once that governing board is configured it will be empowered to appoint a chief executive officer. This is a terrific and modern way of managing such boards and authorities, so well done to the government for bringing that forward. It will provide, importantly, for practitioner appeals on decisions of the Building Practitioners Board, which will ultimately be heard by the Victorian Civil and Administrative Tribunal (VCAT).

I heard the matter of these appeals being referred to VCAT described by contributors from the opposition as problematic. I would like to put the benefits on the record today. The key benefits of VCAT being the forum for review of building practitioner discipline in place of the Building Appeals Board include: providing building practitioners with an appeal hearing in a tribunal that is independent from the building industry, which is key, and aligning building practitioner appeals against discipline decisions with appeals for plumbers and architects, which already go to VCAT. This in a way is common sense, a no-brainer. This consistency will assist in readiness for the full integration of registration, licensing and discipline of all practitioners and professionals in the building industry in stage 2 of the building system reforms. This is an ongoing process of reform, and we are seeing the building blocks laid in this legislation before us today.

Another benefit of appeals being heard by VCAT is that it makes publicly available the detailed decisions and reasons for decisions of VCAT members. That includes evidence considered. We know that there are a lot of parties who can be aggrieved in this process, and it is important that this information is available in the public domain. VCAT can also publish or highlight decisions that may have significant benefits for policy-makers in the future, or for decision-makers in relation to the interpretation of legislation.

VCAT hearings are held in a range of venues in both suburban and regional Victoria. This provides for the distribution of the appeals process across the state. That seems to me not only reasonable and practical but also an equitable approach. It will provide time and cost benefits to both building practitioners and consumers in regional Victoria who will not have to travel into Melbourne for Building Appeals Board hearings. That is an important cost saver for all parties involved. Being a small body, the Building Appeals Board does not have the capacity to offer regional-based hearings, so this is a tremendous improvement in equity and access for people involved in those processes across the state.

When we look at the issue of the governing body — the board, the chief executive officer and ultimately the staffing regime of the Victorian Building Authority — the rationale is that continuing with a single commissioner responsible for building and plumbing, with no board and no chief executive, is regarded as unsustainable and frankly unacceptable. I do not think any reasonable person could actually argue against those points. The establishment of the Victorian Building Authority, with an independent board of at least five members and the appointment of a chief executive officer, are the critical first steps to providing a robust framework from which to implement the further reforms and, importantly, to provide best practice for regulatory outcomes.

What will come about is that it will form an expert, multimember governance model and provide a balance of judgement and interpretation to minimise the risk associated with a term that is sometimes brought to bear — maverick decisions. There will be wisdom, wit, experience, balance and a collaborative response, and

hopefully a rich and just harvest from the ideas that have been injected into the process. This is an important and fundamental tenet of the process and will make it fair, just and equitable. These are the sorts of things that resonate through this bill, especially the way I interpret it. This is not only overdue reform but welcome reform, just reform, important reform, essential reform and fair reform for all parties.

Such a multimember governance model could also provide greater oversight, transparency and accountability. That governance model in itself will continue building best practice regulatory outcomes. Such a board will provide greater oversight and strategic direction and will set key performance indicators — in the vernacular, KPIs — in line with the government's priorities for the regulator. The appointment of the chief executive officer will see an individual having both managerial and operational responsibilities for the achievement of those key performance indicators.

Another element that has been brought to bear here is the Victorian Building Authority Fund. Like the Building Commission and the Plumbing Industry Commission before it, the Victorian Building Authority will be a self-funded regulatory body — that is, it will fund itself through building permit levies, registration and licence fees pertaining to the accreditation of members of these bodies, owner-builder certification fees, certain types of appeal, fines and penalties, the sale of plumbing compliance certificates and publications, and income derived from that revenue flow through interest dividends.

The Victorian Building Authority Fund will replace the existing Building Administration Fund and plumbing fund, which will become the building account and plumbing account under the Victorian Building Authority Fund. There will therefore always be recognition of the trade, industry and professional streams, reflecting this history of amalgamation. Moneys being paid into the building account and plumbing account will be the same as the existing provisions, except for the domestic building (HIH) indemnity account, which has been wound up because it is no longer required.

Through the Building Advisory Council and the Plumbing Advisory Council the government is committed to providing industry with the opportunity to advise the minister on the operations of the building system. It is important that this point resonates, because in the grab bag of phrases that manifested in contributions from the opposition we heard a lot of caterwauling about the minister's reluctance to consult and the timely nature of consultation. However, the government is committed to providing industry with the opportunity to advise the minister on the operations of the building system, the Building Act 1993 and the Building Regulations 1996, including by having a member of the Building Advisory Council from the Building Designers Association of Victoria.

This is 21st-century thinking. This is an evolutionary process. This is the government being responsive and responsible. The second-reading speech states:

> The government recognises the dynamic nature of the building industry, the changing roles of professionals and the changing needs of consumers for different skills and approaches in design and project management.

This is especially important when we have a consumer retrofitting or expanding their property. These are very expensive propositions for the average consumer, and it needs to be right the first time. You cannot have exotic and unworkable designs that push somebody over their budgetary threshold. You cannot have incompetence, malfeasance or shoddy workmanship. People are often living in their homes, and they cannot be victims of the plethora of past practices.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank members for their contributions to the second-reading debate on the Building and Planning Legislation Amendment (Governance and Other Matters) Bill 2013. Mr Tee raised a couple of matters that I will seek to address in my summing-up.

With respect to the requirements for police record checks under the bill, it is true that practitioners will be required to undertake a police check on first registration under the bill and also on subsequent reregistration under the bill. In terms of the numbers of building practitioners who will be affected by this requirement, there are around 2000 new practitioners registered on an annual basis and a total of around 25 000 practitioners currently registered, and they will be required to undergo the renewal process on a five-year cycle. The cost of those police checks will be undertaken by the Victorian Building Authority, and I am advised that the cost is around $60 per check.

With respect to the second matter Mr Tee raised, which related to the use of the word 'estimate' in place of the word 'calculate' in the bill, I am advised that the wording change made to sections 18A and 32A of the act are of a technical nature and are included in the transitional arrangements. Through this bill parliamentary counsel has taken the opportunity to make the language used in sections 18A and 32A, as far as it relates to the levy, consistent with the language in

the core provisions of the bill that deal with the levy — namely, section 201. Under section 201(5) the relevant building surveyor is required to estimate the cost of the building work rather than calculate the cost of the building work. In the bill the language in sections 18A and 32A has been revised to make it consistent with existing section 201 of the act. The purpose of this change is merely to make the language consistent with what already exists elsewhere in the act.

Mr Tee — So no change to the substance. Just a change for the consistency of language?

Hon. G. K. RICH-PHILLIPS — I am advised that there is no change to the intent. It is just for consistent language.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

APPROPRIATION (2013–2014) BILL 2013

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer); by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) 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 Appropriation (2013–2014) Bill 2013.

In my opinion, the Appropriation (2013–2014) Bill 2013, 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 Appropriation (2013–2014) Bill 2013 will provide appropriation 'authority' for payments from the Consolidated Fund for the ordinary annual services of government for the 2013–14 financial year.

The amounts contained in schedule 1 to the Appropriation (2013–2014) Bill 2013 provide for the ongoing operations of departments, including new output and asset investment funded through annual appropriation.

Schedules 2 and 3 of the bill contain details concerning payments from advances pursuant to section 35 of the Financial Management Act 1994 and payments from the Advance to Treasurer in 2011–12 respectively.

Human rights issues

The bill does not raise any human rights issues.

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

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise a human rights issue.

Hon. Gordon Rich-Phillips, MLC
Assistant Treasurer

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

At a time marked by global economic insecurity and increasing uncertainty from Canberra, the importance of sound financial management to Victoria has never been greater.

That is why since coming to office two and a half years ago, the coalition has governed with purpose to rescue and strengthen our state's finances and thereby strengthen Victoria.

The coalition government has brought the budget back under control so that expenditure growth no longer exceeds revenue growth.

We have governed to grow our economy so more Victorians are in jobs today than when we came to office.

We have governed to improve the services and infrastructure that all Victorians use.

We have governed to strengthen our finances in difficult economic times rather than use the times as an excuse for plunging the state into unsustainable debt and deficit.

The 2013–14 Victorian budget builds on strong foundations, including the reforms of the past two years.

In this budget it is clear that the economic path the coalition government has taken is the right one for Victoria.

In difficult economic times this budget delivers a growing economy, growing employment, growing surpluses and major new infrastructure for Victoria.

Victoria is a state with a large and growing population.

To enhance our state's livability and drive our economy, we must ensure that services and infrastructure keep pace with demand.

That is why this budget is building for growth.

But it must be done responsibly.

This is why we are delivering large and increasing surpluses so that we can pay for major new infrastructure that will transform this state.

In Australia today we see governments choosing to live beyond their means.

We see balance sheets full of red ink and the pain of higher borrowing costs that follows.

We see opportunities that should be available to our children being mortgaged by the loose decisions of those in office today.

But not in Victoria.

Not here.

In Victoria, the coalition government has taken a different path; a path of sound financial management.

We have reduced the cost of running government so we can invest more in front-line services and infrastructure.

We have set a clear path to responsibly manage our borrowings and reduce our net debt as a proportion of the state's economy over the medium term.

Getting Victoria's finances back on track has not been easy.

There have been some difficult decisions.

And the job is far from complete. Eleven years of poor decisions and missed opportunities cannot be turned around so quickly.

But in this budget the benefits to Victoria of the coalition government's strong economic management are clear.

A strong economy and economic future

Victoria's economy is performing well and our outlook is positive.

This reflects the state's strong financial management and our many competitive advantages, including a diverse and flexible economy, highly skilled workforce, strong export performance and great livability.

Victoria's economy has proven resilient in the face of challenges, including the high Australian dollar and global economic uncertainty.

It also positions Victoria to capitalise on the major global and structural economic transitions that are presently unfolding.

The Victorian economy is expected to significantly strengthen in 2013–14, growing by a healthy 2.25 per cent.

Low interest rates and positive consumer sentiment are encouraging household consumption which should increase solidly in 2013–14.

Victoria's property market is improving and dwelling approvals remain high compared with other states.

The government's reforms to the first home owner grant and the acceleration to 1 July 2013 of 40 per cent stamp duty cuts will boost construction, increase jobs and support housing affordability.

Strong net migration is supporting population growth and is a vote of confidence in the Victorian economy. Victoria's population growth rate is the highest of all non-mining states.

Unemployment and inflation are low, and Victoria has the highest labour participation rate of all the non-mining states.

Over the past year, employment in Victoria has risen by 26 500 people or 0.9 per cent. Victoria has accounted for over half of the increase in Australian full-time employment during this period.

Reflecting this strong performance, the unemployment rate is expected to ease to 5 per cent over the forward estimates period.

While Australia is currently experiencing a divergence of economic activity between non-mining and mining states, Victoria compares favourably.

Underscoring our state's strong economic fundamentals, Victoria's economic growth is expected to accelerate in 2014–15 to 2.75 per cent.

Stronger finances

The 2013–14 budget demonstrates the coalition government's commitment to responsible financial management.

Since the government came to office, forecasts of GST revenue have been revised down by more than $7 billion over four years, in addition to revisions to some state tax revenue forecasts.

These problems have been exacerbated by our unfair share of GST revenue. In 2013–14, Victoria's GST grant is estimated to be around $1.2 billion less than a population-based GST distribution would deliver.

The government has responded to these challenges by prudently managing expenditure and restructuring the public sector.

In this budget, the coalition government is delivering an estimated operating surplus of $225 million in 2013–14, rising to more than $2.5 billion by 2016–17.

Average annual expenditure growth in the budget and forward estimates is 2.7 per cent as against revenue growth of 4.1 per cent.

By contrast, annual expenditure growth over the decade to 2009–10 was 8.0 per cent.

Net debt is forecast to be 6.4 per cent of gross state product (GSP) in 2013–14, declining to 5.4 per cent by 2016–17.

Without decisive action by the coalition government net debt would have soared to around 17 per cent of GSP by 2017. This would have cast an enormous shadow over our state's economic future.

Victoria is now one of only two states forecasting consistent operating surpluses over the next four years.

These growing surpluses go beyond responsible budget policy — this year they are enabling the government to deliver a record $6.1 billion in infrastructure.

This will drive economic activity in our state and build for Victoria's growth.

Health

The knowledge that, in times of illness, quality health care is accessible provides Victorians with great peace of mind.

And as our state's population grows and ages, the demand for health services will increase.

To build for our state's growth the coalition government is delivering the most ambitious investment in Victoria's hospitals in a century.

The government is investing in new and redeveloped hospitals to ensure that Victorians have access to the best of care no matter where they live.

The 2013–14 budget sees a major step forward in the delivery of this ambitious agenda.

Many Victorian families have had experience with a sick child and know the confidence and comfort that the medical care available through the Royal Children's Hospital provides.

But with a growing population, there is a need for a further specialist paediatric hospital in this state.

So in this budget the coalition government is delivering funding for a new 230-bed Monash Children's hospital in Clayton.

With the construction of the new Monash Children's hospital, Victoria will have not one, but two, world-class paediatric hospitals to provide the very best of care for the youngest of our community.

This budget also funds a comprehensive redevelopment of the iconic Royal Victorian Eye and Ear Hospital, boosting the capacity of one of the world's leading specialist hospitals.

Construction of the new $1 billion Victorian Comprehensive Cancer Centre and the $448 million Box Hill Hospital redevelopment continue apace.

This budget provides $35 million to expand mental health beds at the Werribee Mercy Hospital and $29 million for additional beds at the Northern Hospital to meet growing demand in our northern and western suburbs.

The coalition government is progressing the $630 million Bendigo Hospital project. This is the largest regional health-care project currently under way in Australia and will ensure that people in north and central Victoria have comprehensive medical facilities closer to where they live.

The government is also delivering its commitment to build the Waurn Ponds community hospital to service the growing populations of Geelong and Surf Coast shire.

We are funding radiotherapy services in Warrnambool and reinstating acute health services at Numurkah following the 2012 floods.

With these major new hospital projects — the Monash Children's; the new Bendigo Hospital; the Royal Victorian Eye and Ear redevelopment; the Victorian Comprehensive Cancer Centre; Box Hill Hospital; the Northern and Werribee Mercy hospitals and the Waurn Ponds community hospital — the coalition government is making an unparalleled commitment to the health of Victorians.

These investments in new and expanded hospitals will secure the Victorian health system not just for a year or a decade but for generations.

We are making these investments because Victorians deserve a first-class health system and the coalition government has carefully managed the state's finances so these major projects are affordable.

These investments are complemented by $1.2 billion in additional hospital funding over the forward estimates, including a new $421 million competitive funding pool to drive efficiencies in elective surgery so more patients are treated sooner.

We will also invest $62 million over four years in expanding health service options for Aboriginal Victorians and boost mental health and drug services by $42 million.

The government is committed to ensuring that Victoria is developing the next generation of qualified health professionals.

This budget invests $238 million to support additional clinical training for undergraduates, rural general proceduralists, interns and graduate places in medicine, nursing, midwifery and medical radiation.

These initiatives demonstrate the coalition government's commitment to a healthier Victoria.

East–west link

The foresight of the Kennett government in the 1990s delivered Victoria CityLink.

Criticised by the opposition of the day, CityLink has become an essential part of Victoria's road network. It is hard to imagine our capital city today functioning without it.

In fact, when CityLink's tunnels shut down unexpectedly last year, Victorians experienced the frustration of traffic chaos.

That event demonstrated the wisdom of decisions taken nearly two decades ago to build CityLink.

Major transport infrastructure of this type takes vision, commitment and the courage to act.

Victoria continues to grow and our transport infrastructure must grow with it if we are to remain a vibrant, productive and livable state.

That is why I announce in this budget that the coalition government will move to build the first stage of the east–west link.

This project will be an extraordinary piece of infrastructure, connecting by road and tunnel the end of the Eastern Freeway at Hoddle Street with CityLink at Parkville.

It will change the way we move around Melbourne and beyond.

A project of this scale, costing from $6 billion to $8 billion, is substantial.

But the cost to our state of lost productivity and diminished livability will be much higher if we fail to act now.

The government will put this project to market later this year with main construction expected to commence late in 2014.

This project will require support from the commonwealth to be delivered in a timely manner.

However, such extraordinary nation-building infrastructure, which will link two of our major road networks and create around 3200 jobs during construction, demands support.

East–west link is vital for Victoria's future. The time to act is now and the coalition government is determined that we will get this done.

Transport

As Victoria's population grows, so do the demands on our roads, public transport system and ports. This budget responds to these demands.

In addition to the seven X'trapolis trains previously funded by the coalition government, this budget provides $176 million for eight new trains.

To be fitted out by Ballarat manufacturer Alstom, this investment in modern rolling stock for Melbourne's train system also secures significant jobs in regional Victoria.

These investments are in addition to the 40 new V/Line carriages and 50 new trams on order to build network capacity for years to come.

In 2013–14, the government is funding new or redeveloped train stations at Grovedale, Epsom, Ringwood and Southland, as well as additional car parking at Syndal station.

We are investing $100 million to improve infrastructure and passenger services on the Frankston line, $25 million for service improvements on the Dandenong line and an additional $25 million to enhance bus services in key growth areas.

The government is providing $78 million for additional infrastructure to support the deployment of protective services officers at railway stations.

The Melbourne Metro rail tunnel project is important to meeting increasing demand for train services in Melbourne's growth areas. This is a major undertaking that requires significant and detailed planning.

The government will spend $10 million in 2013–14 to progress detailed planning and bring this important project closer to construction.

Upgrading Victoria's road network is essential for the safety and productivity of all road users.

The 2013–14 budget provides over $280 million in additional funding for the restoration, maintenance and upgrade of our state's roads.

This funding includes $90 million for targeted road restoration. Early action will improve safety and reduce whole-of-life maintenance costs of these roads.

Eighty million dollars is provided for arterial road maintenance in addition to VicRoads base road maintenance budget, and a total of $32 million will repair fatigue defects on the West Gate Bridge, supporting the longevity and safety of this critical road crossing for Melbourne's growing western suburbs.

This budget also funds significant road upgrades including $9.4 million for Cardinia Road, Cardinia; $15.6 million for High Street Road, Wantirna South; and an $11 million managed motorway system on the Monash Freeway between High Street and Warrigal Road.

Traffic congestion caused by level crossings is a major cause of frustration and lost productivity for motorists across Melbourne.

The coalition government has already commenced removing five level crossings across Melbourne at Mitcham Road, Rooks Road, Springvale Road and two at Anderson Road, Sunshine.

By way of comparison, the former Labor government removed just two level crossings in 11 years.

This budget invests a further $52 million for early works and planning to progress removal of a further seven level crossings at Bayswater, Blackburn, Glen Iris, Murrumbeena, Ormond and St Albans.

The 2013–14 budget provides $110 million to develop the port of Hastings. This is critical for the future of our growing freight trade.

It complements the port of Melbourne redevelopment, a $1.6 billion expansion of container and automotive capacity at Webb and Swanston docks.

Education

The coalition government is determined to lift Victoria's education outcomes into the global top tier over the next decade.

The coalition government is allocating $580 million to support lifelong learning and development from early childhood to adulthood.

In total the government will direct almost $11.6 billion towards education and early childhood development in 2013–14.

New schools and capital works

The budget provides for total new school capital works of $203 million, including new schools and land acquisition for Victoria's growing population.

This builds on the coalition government's recent announcement of $52 million for maintenance at more than 200 schools across the state.

Improving our schools system

The 2013–14 budget allocates $15.7 million towards performance management of teachers and principals in schools, identification of high-potential teaching graduates and measures to support underperforming schools.

This builds on previous reforms focusing on empowering school leaders and teachers through more devolved decision making.

Assisting children with a disability to learn and achieve

The coalition government is ensuring that all Victorian children have the maximum opportunity to learn and develop.

Early Childhood Intervention Services provides a family-centred approach to helping children with a disability or developmental delay, from birth to school age. We are boosting funding by $31 million over four years, funding an additional 1000 Early Childhood Intervention Services places annually.

Additional funding of $38 million will be provided for the program for students with disabilities.

This provides specialist support including psychology, speech pathology and social work services to government school students facing barriers to learning.

The coalition government will also invest an additional $13 million for the students with disabilities transport program.

Upgrading kindergartens

The government is supporting Victorian children by providing $543 million for early childhood, including increased capital upgrades of $7 million.

Training

The coalition government's training reforms unashamedly seek to encourage the highest value courses that lead to real jobs.

Already our reforms have increased training participation, including by those who are experiencing disadvantage.

The reforms have already boosted commencements in training courses such as apprentices, trades and nursing courses where there is a much better prospect of a job at completion.

The 2013–14 budget builds on recent changes to Victoria's training system through a $200 million TAFE Structural Adjustment Fund to support TAFE initiatives that promote innovation, collaboration, structural reform and business transformation.

This brings the state's annual budget for higher education and skills to $2.3 billion.

The government will also invest $18 million towards an international education strategy for Victoria. This will build on Victoria's globally competitive position as a provider of training and education in the Asia-Pacific region.

Community safety

In this budget the coalition government builds on its strong record of improving community safety. More than $5.1 billion will be invested in police, courts and corrections.

The government is funding major capital works including:

$30 million for new and upgraded police stations in Sale and Somerville;

$2.2 million to provide 24-hour police stations in Mount Waverley and Carrum Downs, enabling further policing for Langwarrin; and

$28 million to replace mobile road safety cameras with new technology that will improve safety for all road users.

The government continues to fund the recruitment and training of an additional 1700 members of Victoria Police and 940 protective services officers, the largest single law enforcement recruitment exercise in Victoria's history.

We are also investing $131 million to strengthen Victoria's corrections system to increase capacity. These initiatives will provide an additional 397 prison beds across the male prison system.

This includes $53 million to fund a new 40-bed unit at Barwon Prison to manage high-security prisoners.

These measures are in addition to the $670 million allocated to fund a new 500-bed medium-security men's prison at Ravenhall and a further 395 beds in expanded existing facilities.

The government is investing $48 million over the next four years to ensure Victoria's courts are appropriately resourced.

To better support victims of crime, the coalition government is funding a $16 million expansion of victim support services.

The victims helpline operating hours will now be extended to include weekends, and additional case managers allocated.

The government will further support Victoria Legal Aid with additional ongoing funding of $3.4 million a year. This initiative funds additional case work and duty lawyer services.

Rural and regional development

Growing rural and regional Victoria is a key priority of the coalition government.

Through the $1 billion Regional Growth Fund, the government has invested in major infrastructure in our country cities and towns.

The new Bendigo Hospital, the Waurn Ponds community hospital, Numurkah hospital and funding for radiotherapy services in Warrnambool all demonstrate the coalition government's commitment to providing quality health services to every part of Victoria.

The 2013–14 budget delivers around $150 million to boost transport infrastructure in the regions, including new train stations and road maintenance that will particularly benefit country Victoria.

Twenty-eight million dollars is provided for infrastructure upgrades, focusing on roads that present bottlenecks to productivity in regional Victoria.

The budget provides $10 million for planning and preparatory work for the Kilmore-Wallan bypass and $7 million to complete sealing of the Omeo Highway.

Increasing productivity in our agriculture industry

The Macalister irrigation district is the largest in southern Victoria, generating significant economic benefits, primarily through dairy farming.

The coalition government will invest $16 million, an amount to be matched by contributions from irrigators, to modernise on-farm infrastructure, expand regional economic production, and improve the health of waterways and estuaries.

The 2013–14 budget provides $4.7 million to protect Victoria's meat, dairy and animal fibre and skins industries against outbreaks of foot and mouth disease.

Promoting investment in our natural resources and protecting our environment

Victoria's earth resources sector contributes around $6 billion to Victoria's GSP and employs over 6000 people across the state.

The 2013–14 budget provides a $19 million package to attract new exploration, reduce barriers to investment and promote Victoria as an investment destination.

The budget also provides:

$34 million to continue the expansion of the planned burning program;

$7 million to remove fire-damaged trees;

$8.5 million to establish an independent game management authority;

$8 million to boost regional tourism; and

$9 million to protect assets along the Victorian coastline, including Port Phillip and Western Port bays.

The coalition government will also encourage water re-use through a $22.5 million investment in water cycle reform through the Office of Living Victoria.

The government is committing $12 million to implement the new Victorian Waste and Resource Recovery policy.

Fairer fire services funding

The 2013–14 budget funds a $446 million Country Fire Authority (CFA) budget, representing growth of $30.4 million.

The government is investing $61 million over two years to replace or upgrade 142 rural fire stations across Victoria.

This will complete the coalition government's election commitment to improve and upgrade 250 rural fire stations.

The CFA is now better equipped to provide the best possible response in the event of emergency.

The coalition government's replacement of the fire services levy with a property-based levy, as recommended by the 2009 Victorian Bushfires Royal Commission, will fund our fire services more fairly.

From 1 July this year, the average household's contribution in a CFA fire services area will fall from an average of $262 in 2011–12 to $142 in 2013–14.

Victorians will significantly benefit from the abolition of a tax on a tax and around 400 000 Victorian pensioners and war veterans will, for the first time, be eligible for a concession.

This is a major tax reform that puts our fire services on a firmer financial footing.

Delivering for Victorian families

The 2013–14 budget will direct $266 million to improve services for Victorians with a disability including:

$107 million over four years for additional individual support packages for people living with a disability, including carers and families;

$62 million to better meet the accommodation needs of complex clients;

$7.9 million to improve the home environments of residents in state care; and

$4 million over three years to help people living with a disability obtain aids and equipment to build independent living skills.

In addition, the coalition government is funding over $300 million to launch the national disability insurance scheme in the Barwon region.

The coalition government's recent agreement with the commonwealth to transition to a full rollout of the scheme largely has impacts outside the forward estimates and will be reflected in future budget updates.

However, the coalition government believes that its decision will be affordable and, importantly, will ensure a much higher quality of life for thousands of Victorians with a disability.

Sustaining support for vulnerable children

This budget builds on the coalition government's significant previous investment in protecting vulnerable children, including the $336 million response to the Protecting Victoria's Vulnerable Children Inquiry.

We will augment this with an additional $152 million over four years, including:

$18 million to support the provision of the 24-hour child protection emergency response service;

$91 million to address demand for out-of-home care placements;

$21 million to provide specialist support to vulnerable students; and

an additional $3.8 million to protect women and children from family violence.

The government is also committed to helping Victorians at risk of homelessness.

New initiatives include:

$19 million to continue helping families access affordable and appropriate accommodation;

a $4 million contribution to the Bendigo social housing project;

$27 million to support homeless Victorians as part of the transitional National Partnership Agreement with the commonwealth government; and

the development of a third youth foyer for homeless youth who want to study.

Supporting Victorian culture

The 2013–14 budget provides an additional $29 million to support the arts sector, including initiatives to support independent arts organisations across Victoria, the National Gallery of Victoria, Melbourne International Film Festival and the Arts Centre.

Victoria is stronger for its rich multiculturalism. The coalition government is supporting this in the 2013–14 budget through further grant funding for Victoria's peak multicultural organisations.

Conclusion

Budgets require choices and so they reflect the values and the priorities of the government of the day.

This budget, the 2013–14 budget, is a document that only a coalition government could deliver.

A budget with sound financial management at its heart that, almost alone across Australia, consistently delivers surpluses.

A budget that sees a growing economy, growing job creation and falling unemployment.

A budget that sees debt managed prudently and falling significantly over the forward estimates.

A budget that strengthens our society by increasing support for vulnerable Victorians and those with a disability.

A budget that invests a record $6.1 billion in infrastructure, including new and expanded hospitals across the breadth of this state such as the Monash Children's hospital, the Bendigo Hospital and Waurn Ponds community hospital.

A budget that invests in our roads, our public transport, our regions and our schools.

And a budget that delivers the next transformational infrastructure project for Victoria, stage 1 of the east–west link.

Victoria is growing. Our population, our economy, our job creation and our surpluses are growing.

This is the budget that Victoria needs.

This budget will set Victoria up for an even stronger future.

This budget is building for growth.

I commend the bill to the house.

Debate adjourned for Mr LENDERS (Southern Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 20 June.

TRANSPORT LEGISLATION AMENDMENT (FOUNDATION TAXI AND HIRE CAR REFORMS) BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. J. GUY (Minister for Planning) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) 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 Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Bill 2013.

In my opinion, the Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Bill 2013, 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 main purposes of the bill are to:

reform the licensing system for taxicabs and hire cars;

amend the object, functions and powers of the Taxi Services Commission, provide for the appointment of a chief executive officer and change how its members are appointed;

move from taxi fares being determined by the minister to maximum taxi fares being determined by the Essential Services Commission;

enable the Taxi Services Commission to specify conditions that certain agreements between taxicab operators and taxicab drivers are to be taken to contain; and

empower the Essential Services Commission to determine the maximum amount of a surcharge that may be imposed for processing the non-cash payment of taxi fares and provide remedies to deal with excess surcharges.

Human rights issues

The right to privacy, freedom of expression and freedom of movement

Requirement to provide information and documents

Section 13 of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with.

Section 15 of the charter act protects a person's right to freedom of expression, which includes the right not to impart information. The right to freedom of expression is not absolute; lawful restrictions reasonably necessary to protect the rights of other persons, or for the protection of public order and public health, are permissible under the charter act.

Section 12 of the charter act protects a person's right to move freely within Victoria, to enter and leave it, and to choose where to live.

Clause 49 of the bill inserts a new subdivision 5A into division 9A of part VI of the Transport (Compliance and Miscellaneous) Act 1983, which includes a new section 191YA. New section 191YA provides that the Taxi Services Commission may require a person accredited under division 4 who it believes is capable of providing information or producing documents that may assist it in performing its functions to provide that information, produce those documents, or appear before the commission at a time and place specified. Section 191YA(3) provides that it is an offence to refuse or fail to comply with such a requirement. These provisions may engage the right to privacy (to the extent that the information or documents may be personal in nature), freedom of expression (to the extent that a person may be required to impart information) and freedom of movement (to the extent that a person may be required to appear before the commission at a certain time and place). However, in my view clause 49 is compatible with these rights.

It is likely that the information sought by the commission will be commercial rather than personal in nature, and will be within the ambit of what a person accredited under division 4 may expect to be requested to provide as part of participating in a regulated industry. To the extent that the right to privacy may nevertheless be relevant, in my view it is not limited. The requirement to provide the information will be lawful, in that the information can only be required under new section 191YA, which clearly sets out the manner and circumstances in which information may be required. Requests must be in writing and confined to information and documents that may assist the commission in performing its functions. Persons are not compelled to provide information or produce documents that are subject to a relevant legal privilege, or may tend to incriminate the person, and any information or document produced is not admissible in evidence against the person in any other proceedings. The provision is therefore not arbitrary.

To the extent that clause 49 amounts to an interference with the right to freedom of expression, in my view it falls within the internal limitations on the right. The requirement to provide information will be lawful and reasonably necessary to enable the commission to perform its statutory functions. Similarly, to the extent that the right to freedom of movement may be limited by this provision, any such limit is reasonable and justified under section 7(2) of the charter act. As set out above, this power is for the purpose of ensuring that the commission can carry out its statutory functions and is restricted in its application (both in relation to the persons who may be required to appear, and the subject matter that they may be asked about).

Requirement to declare relevant interests

Section 115K of the Transport Integration Act 2010 provides that a commissioner of the Taxi Services Commission must declare a relevant pecuniary interest to the minister immediately after the commissioner becomes aware of the interest. Clause 36 of the bill substitutes section 115K(1)(a) to provide that the commissioner must declare a pecuniary interest in 'a matter relevant to the regulation of the commercial passenger vehicle industry'.

To the extent that this requirement limits the right not to express information, this limitation falls within the internal limitations on the right. The required declaration is a lawful requirement that is reasonably necessary to ensure that the minister has appropriate oversight of the Taxi Services Commission and that commissioners of the commission do not have interests which may prevent them from performing their statutory duties impartially. This in turn protects the broader public economic order by ensuring that the provision of taxi services in Victoria is managed and regulated properly. I therefore consider that this clause is compatible with the right to freedom of expression. I also consider that this clause is compatible with the right to privacy, as for these same reasons, the requirement is neither unlawful nor arbitrary.

Information sharing

Clause 49 inserts a new section 191YD into the Transport (Compliance and Miscellaneous) Act 1983 that provides that the Taxi Services Commission may enter into an arrangement with a relevant agency for the purposes of sharing or exchanging information held by the commission and the relevant agency. The information which may be shared in such an arrangement is limited to the information concerning

investigations, inquiries, law enforcement, assessment of complaints or any licensing, permit or accreditation matters; probity assessments and references checks concerning persons who provide or who propose to provide commercial passenger vehicle services; any other information affecting the interests of the users of commercial passenger vehicle services and any other information of a prescribed kind. It is likely that at least some of the information which may be shared under the new section 191YD will include personal information (for example, reference checks would contain personal information). However, any disclosure or sharing of personal information will be lawful, as it will only occur in the circumstances specified. Further, it will not be arbitrary as the section only authorises the sharing or exchanging of information to the extent that it is reasonably necessary to assist the commission or the relevant agency in the exercise of functions. Consequently, the new section 191YD does not limit the right to privacy.

Restrictions on commercial activity

A number of clauses in the bill may involve an interference with the right to freedom of expression by restricting a person's ability to engage in commercial activities, such as clause 13 (by imposing conditions) and clause 26 (by empowering the court to grant injunctions following past or potential contraventions of section 144C of the Transport (Compliance and Miscellaneous) Act 1983). However, I consider such limits are reasonably necessary to protect public order and the rights of others by ensuring that commercial activity in the taxi industry is undertaken in compliance with the regulatory regime. These clauses therefore fall within the internal limitations on the right.

Right to presumption of innocence

Section 25(1) of the charter act provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. The right is relevant where a statutory provision shifts the burden of proof on to an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that he or she is not guilty of an offence.

Clause 26 inserts a new section 144C into the Transport (Compliance and Miscellaneous) Act 1983, which makes it an offence for a person to impose or process a taxi electronic payment surcharge that exceeds the prescribed amount, or results in the prescribed amount being exceeded when combined with another surcharge in respect of the same transaction. Section 144C(3) provides that a person does not commit an offence against this provision if the person presents or points to evidence that suggests a reasonable possibility that the person did not know, and could not reasonably be expected to have known, of the other surcharge in respect of that transaction, and the contrary is not proved (beyond reasonable doubt) by the prosecution. Clause 26 therefore imposes a reverse evidential burden of proof.

Clause 30 of the bill inserts a new section 226A into the Transport (Compliance and Miscellaneous) Act 1983 to provide that if a body corporate commits an offence against sections 144C(2) or 144D, an officer of the body corporate also commits the offence. New section 226A(3) provides that an officer does not commit the offence if the officer presents or points to evidence that suggests a reasonable possibility that the officer exercised due diligence to prevent the commission of the offence by the body corporate, and the contrary is not proved (beyond reasonable doubt) by the prosecution. In determining whether the officer exercised due diligence, a court may have regard to what the officer knew, or ought reasonably to have known, about the commission of the offence; whether or not the officer was in a position of influence in relation to the commission of the offence; what steps the officer took, or could reasonably have taken, to prevent the commission of the offence; and any other relevant matter.

In my view, neither clause 26 nor 30 limits the right to be presumed innocent. An accused must simply adduce evidence; the prosecution will still carry the burden of proving the elements of the offence (and disproving the excuse). Further, whether an accused knew about another surcharge (in relation to clause 26), or exercised the required level of due diligence in all the circumstances (in relation to clause 30), will be within that person's knowledge; and the corresponding offences reflect the importance of ensuring that consumers are not charged excessive surcharges. Consequently, even if clause 26 or 30 was found to limit the right to be presumed innocent by imposing a reverse evidential onus, it would be reasonable and justified under section 7(2) of the charter act.

Conclusion

For the reasons outlined above, I consider that the bill is compatible with the charter act.

Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

In June 2011, the Minister for Public Transport stood in this place and commenced the first phase of a complex and challenging reform process. He did so by introducing the legislation on behalf of the government which enabled the most comprehensive inquiry into the taxi industry seen by this nation — the taxi industry inquiry.

At the time, the minister said that major reform of the Victorian taxi industry and its regulatory framework was desperately needed to arrest the serious ongoing decline in the standard of taxi services. Professor Fels's inquiry has proven the minister's statement to be correct. As Professor Fels says in the foreword to the final report, the taxi industry must move away from its current high level of protection and restrictive government regulation to an industry that embraces competition and self-regulation.

Over 18 months, Professor Fels and his expert team conducted a root-and-branch review of the taxi and hire car industry, and consulted extensively with the community, industry and stakeholders. A draft report titled *Customers*

First — Service, Safety, Choice, containing extensive recommendations for reform, was released in May 2012. The minister tabled the final report of the Fels inquiry in the Legislative Assembly on 12 December 2012. Since that time, the government has allowed a further period for public consultation, which has now ended.

On 28 May 2013, the coalition government demonstrated that it is serious about reform of the taxi and hire car industry by announcing that it supports Professor Fels's key recommendations. This is decisive action.

This bill follows on from that decisive action by taking the most important of Professor Fels's recommendations and implementing them either immediately or over the course of the remaining six months of 2013 and into 2014. It also commences the second phase of the reform process the Minister for Public Transport talked about in June 2011, and demonstrates the Napthine coalition government's commitment to serious reform.

This bill implements these key reforms hand in hand with legislation already put in place by the government which created a new industry regulator, the Taxi Services Commission. The commission assumes the role of industry regulator on 1 July 2013 and is responsible for implementing the reforms from that time and ensuring that the state gets the taxi services it needs and deserves.

Given the scope of the reforms recommended by Professor Fels, there will need to be a number of tranches of legislation introduced over time including a new taxi and hire car reform bill to implement the recommendations of the inquiry's final report.

Taxi regulation in the current statute — the Transport (Compliance and Miscellaneous) Act 1983 — is dense, prescriptive and laden with red tape. It is so old in parts that some provisions can be traced back to the time of the Great Depression. The new statute will take time to prepare, as a comprehensive and robust new legislative framework is required.

The government considers it important, however, that many of the important foundation aspects of the reforms are introduced quickly. Accordingly, this bill provides for the following measures to commence reform and to get better taxi services sooner.

Licensing and zoning

The bill provides for the reform of taxi and hire car licensing and zoning, as recommended by the inquiry, including new taxi licences being available at any time, as of right, to approved applicants at a set price.

For example, the annual licence fee in metropolitan Melbourne will be $22 000 for a normal taxi licence, $8000 less than the current average licence lease cost of $30 000 per annum. Annual fees will increase over time but by 0.5 per cent less than the consumer price index. As time passes, this will result in a reduction in the real cost of licences.

Making licences available to those that are willing to pay set prices will allow new entrants into the industry and facilitate competition.

The coalition government recognises, however, that in exceptional circumstances the release of licences and the introduction of competition could lead to perverse outcomes.

For this reason, the bill provides that the Taxi Services Commission must have regard to the interests of existing and future users of taxi and hire car services before it decides to issue new licences to operate in regional or country districts.

For the same reasons, the bill also provides the commission with power to suspend the release of licences in the metropolitan and urban zones if it is satisfied that the number of licenced taxis has become excessive, is significantly diminishing the financial viability of industry participants and is not in the interests of existing and future users of taxicabs in those zones. This power sunsets after three years as market conditions will have stabilised significantly by that point.

Taxidrivers

The bill provides for improvements to taxidriver engagement and payment through the introduction of new taxidriver agreements. This ensures a fairer go for drivers by requiring that they receive at least 55 per cent of the fare revenue they generate. This is significantly more than the 48 per cent or 50 per cent that most currently receive. The Taxi Services Commission also has power to specify and publish other mandatory conditions. Offenders, including company directors, are at risk of large fines for committing such an offence.

The Taxi Services Commission is not required to mandate all the terms and conditions of driver agreements. On the contrary, it is expected that the commission will intervene to the minimum extent required, leaving scope for flexibility and innovation. Nevertheless, it is recognised that disputes between taxi operators and drivers may arise from time to time and that there must be an efficient and effective means of resolution. The bill therefore provides for dispute resolution through the small business commissioner and review by the Victorian Civil and Administrative Tribunal.

Surcharges

The bill also provides a comprehensive set of provisions to enable the regulation of the fee or charge added to taxi fares when payment is made through use of a debit, credit or charge card. The bill provides for the surcharge on fares to reduce from 10 per cent to 5 per cent. This provides an immediate benefit to people using taxis — they will pay less if they pay by card. The Essential Services Commission is also given power to review and, if necessary, change the 5 per cent cap. This ensures that the cap reflects only the reasonable cost of accepting and processing transactions.

The bill makes it an offence to impose a surcharge in excess of the 5 per cent cap or the level determined by the ESC. The bill also makes it an offence for the holder of a taxi licence, taxi operator or driver to enter into a contract or other arrangement to directly or indirectly impose a surcharge in excess of the prescribed amount. A suite of civil and criminal sanctions and enforcement powers is provided to the Taxi Services Commission to ensure compliance with the prescribed surcharge amount.

Taxi Services Commission

Improvements are also made to the charter and powers of the new Taxi Services Commission to ensure that the agency can regulate effectively on behalf of the Victorian community.

For example, the commission retains the powers made available to the Fels inquiry to compel the disclosure of information by industry parties about the provision of taxi and hire services they provide to the community.

Fares

Finally, the bill gives the Essential Services Commission power to regulate taxi fares. This is a key recommendation of Professor Fels and ensures that an independent body oversees fare pricing.

In accordance with the recommendations of the inquiry, the Essential Services Commission is tasked with determining lower off-peak fares and higher peak fares which will encourage the industry to focus on fulfilling consumer needs. The Essential Services Commission also determines flag falls and other fare components. This will assist to eliminate or minimise the incentive to refuse short fares or seek airport work in preference to providing services to people with a disability.

The bill requires that the Essential Services Commission make an initial taxi fare price determination within one year of the bill being given royal assent. By that time, the government also intends that the price notification scheme recommended by the inquiry for regional and country districts will be implemented. This will occur either through further legislation or by the making of regulations. The government does not intend to commence the provisions requiring that drivers receive at least 55 per cent of the fare revenue they generate until the initial taxi fare price determination is made and the price notification scheme is in place. Drivers are provided certainty, though, because the bill provides explicitly that the 55 per cent of revenue will start to accrue to them under their driver agreements within one year of the bill being given royal assent.

Changes to fare structures and tariff levels are an important part of this initial package of reforms. The Essential Services Commission has the skills and expertise to complete the important work commenced by the Fels inquiry.

The bill has six parts.

Part 1 provides for preliminary matters such as the purpose and commencement provisions. Part 6 of the bill provides for the repeal of the amending act.

Part 2 of the bill contains the licensing and zoning provisions I have already mentioned.

Part 3 contains the surcharge provisions and the provisions providing for the new functions of the Essential Services Commission.

Part 4 provides for the new driver agreement and for driver agreement dispute resolution by the small business commissioner and review by the Victorian Civil and Administrative Tribunal.

Part 5 provides for the improved Taxi Services Commission charter and powers. It also allows the new commissioners, once they start in their roles, to appoint a CEO. It also gives the commissioners important inquiry and evidence-gathering powers.

Part 6 provides for the repeal of the amending act. The repeal of this act does not affect the continuing operation of the amendments made by it.

In conclusion, this bill commits the government to real reform and real solutions, immediately. The proposals in this bill and in the other Fels reforms introduced over the coming months and years will result in a safer, fairer and more rewarding job for taxidrivers, a more viable business for taxi operators, a more accountable and transparent taxi industry, and a vast improvement in the quality of taxi services delivered to the Victorian community.

The bill reflects the coalition government's determination towards restoring our once proud taxi industry after a decade of inaction and regulatory failure under the previous government.

I commend the bill to the house.

Debate adjourned on motion of Mr TEE (Eastern Metropolitan).

Debate adjourned until Thursday, 20 June.

STATE TAX LAWS AMENDMENT (BUDGET AND OTHER MEASURES) BILL 2013

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer); by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) 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 State Tax Laws Amendment (Budget and Other Measures) Bill 2013.

In my opinion, the State Tax Laws Amendment (Budget and Other Measures) Bill 2013, 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 purpose of this bill is to amend the:

Congestion Levy Act 2005 to expand the levy to short-stay car spaces and increase the levy rate;

Duties Act 2000 (duties act) in relation to eligible first home buyers, young farmers, the land-holder provisions and motor vehicle duty;

Fire Services Property Levy Act 2012 (FSPLA) to clarify how the levy is assessed;

First Home Owner Grant Act 2000 (FHOG act) to increase the residence requirement from 6 to 12 months, to restrict eligibility for the first home owner grant (FHOG) to buyers of new homes, to increase the amount of the FHOG for buyers of new homes to $10 000, and in relation to the disclosure of information obtained;

Liquor Control Reform Act 1998 to provide for the delegation of certain powers by the Treasurer to the commissioner of state revenue;

Payroll Tax Act 2007 in relation to payments made to the contractor and owner-driver provisions;

Taxation Administration Act 1997 (TAA) in relation to staffing, delegation and disclosure of information; and

Water Act 1989 so that certain functions can be performed by the commissioner of state revenue.

Human rights issues

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

This bill engages the following human rights protected under the charter act:

Right to privacy and reputation

Section 13 of the charter act provides that a person has the right not to have his or her family, home or correspondence unlawfully or arbitrarily interfered with.

Clause 42 amends section 50 of the FHOG act to provide that the commissioner of state revenue may disclose information obtained about a FHOG applicant or their partner, under or in relation to the administration of the FHOG act, to the legal services board and the legal services commissioner. Similarly, clause 51 amends section 92 of the TAA to provide that the commissioner of state revenue may disclose information obtained in the administration and execution of a taxation law to the legal services board and the legal services commissioner.

In administering various taxes and the FHOG, the commissioner of state revenue has, on occasions, identified serious misconduct by lawyers including the misappropriation of duty payments and FHOG from trust accounts. The legal services board is responsible for regulating the legal profession in Victoria, including ensuring adequate management of trust accounts, and the legal services commissioner has the role of investigating the conduct of legal practitioners in civil disputes and disciplinary matters.

To the extent that the information disclosed is personal information the right to privacy may be relevant. This may include, for example, the name, address and phone number of a victim of the lawyer's fraud. Disclosure in these circumstances, however, will support the core functions of the legal services board and legal services commissioner and, as such, is in the public interest. Furthermore, the legal services board and legal services commissioner will be subject to the strict secondary disclosure rules in the TAA and FHOG acts, which will limit further disclosure of this information. Under these provisions, it is an offence to disclose information obtained from a tax officer unless the commissioner of state revenue consents to the disclosure and the disclosure is made for the purposes of enforcing a law or protecting the revenue.

For these reasons, the disclosure of information to the legal services board and legal services commissioner is not unlawful or arbitrary and does not limit the right to privacy in the charter act.

Additionally, 50 inserts a new section 92A in the TAA, which provides that a tax officer may disclose the minimum information necessary to enable a person to ascertain whether duty has been paid or is payable on a dutiable transaction, the amount of the duty paid or payable and the basis on which the duty was or was not or is or is not payable. This will include the transaction reference number, the volume and folio number, the name of the agent that lodged the transaction for assessment online (for example, bank, conveyancer or settlement agent), the amount of duty paid or payable, the date on which duty (if any) was paid, any exemptions/concessions applied and whether there has been any refund or reassessment of duty. In certain circumstances, this may result in the disclosure of personal information, such as the name of a settlement agent or conveyancer where they are carrying on business as a sole trader, or other information from which an individual's identity could be reasonably ascertained, which may engage the right to privacy under the charter act.

These amendments are necessary as the existing requirement for the SRO to stamp the transfer of land instrument with duty payment details has been removed for certain transactions which can now be processed online. The stamp previously acted as a public record of duty payment as transfer of land instruments can be accessed by the public by searching the register of titles. Disclosing this information is critical to understanding the duty treatment of a particular transaction. This information may not always be available to the taxpayer as many conveyancers and legal representatives use settlement agents to submit details of the transfer and pay duty to the SRO. These amendments help to protect the interest of taxpayers by maintaining the transparency of this information. This provides certainty to taxpayers that their taxation obligations have been met, and ensures entities such as financial institutions have access, thereby minimising the risk of financial penalties and stress as a result of delayed property settlements.

Unlike the current system, the SRO will only disclose this information to persons who can provide unique transaction details either electronically or over the telephone. This provides much greater safeguards than the current system as the register of titles can be searched by any member of the public. The provision also expressly limits the disclosure to the minimum amount of information required to determine the duty treatment of a transaction.

For these reasons, the disclosure of information is not unlawful or arbitrary and does not limit the right to privacy in the charter act.

Finally, clause 36 amends section 65 of the FSPLA to provide that certain persons engaged in the administration of the FSPLA may disclose information obtained under or in relation to the administration of that act to the fire services levy monitor.

The fire services levy monitor (monitor) has been appointed under the Fire Services Levy Monitor Act 2012 to ensure consumers are informed and their interests are protected during the transition from the insurance-based fire services levy to the new property-based levy. The monitor also enforces new consumer protection laws in relation to insurance premium prices and the levy. These protect

consumers against price exploitation, false representation and misleading and deceptive conduct.

In the administration of the FSPLA, the SRO and local councils may identify information which may assist the monitor in carrying out these public interest activities. This may include certain personal information, such the names and addresses of individuals, where this is relevant to an investigation. In these circumstances, disclosure is in the public interest for the sole purpose of assisting the monitor to protect consumers during the transition to the new fire services property levy. The monitor will be subject to strict secondary disclosure rules in the FSPLA, which will limit further disclosure of this information unless it is necessary for the enforcement or administration of a law or protection of the public revenue, and the commissioner or CEO of the relevant council consents.

For these reasons, the disclosure of information to the fire services levy monitor is not unlawful or arbitrary and does not limit the right to privacy under the charter act.

Recognition and equality before the law

Section 8(3) of the charter act provides that every person is equal before the law and is entitled to equal protection of the law without discrimination within the meaning of the Equal Opportunity Act 2010 on the basis of an attribute set out in section 6 of that act.

Clause 26 amends section 233C of the duties act to provide an exemption from motor vehicle duty when a modified vehicle is registered in the name of a relative of, or a carer for, an incapacitated person.

The duty exemption provides targeted relief to family members or primary carers (as defined) of an incapacitated person whose mobility is seriously impaired. The exemption applies only to the registration of vehicles which are specially converted to provide wheelchair access to and egress from the vehicle, are capable of carrying at least one occupied wheelchair and are to be used for conveying an incapacitated person whose mobility is seriously impaired.

To the extent clause 26 may provide a motor vehicle duty exemption based on disability, it may represent a limitation on an individual's right to recognition and equality before the law.

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

The limitation is consistent with section 88 of the Equal Opportunity Act 2010, which provides that a person does not discriminate by establishing special services, benefits or facilities that meet the special needs of persons with a particular attribute.

There is a direct relationship between the limitation and the purpose of assisting Victorians who incur costs purchasing a modified vehicle or modifying a vehicle to provide transport to someone whose mobility is seriously impaired.

There are no less restrictive means reasonably available to achieve the purpose of the limitation.

For these reasons, I consider the limitation on section 8 of the charter act to be reasonable in the circumstances.

Clause 19 of this bill amends section 69AD of the duties act to broaden the current exemption from duty available for first-time purchases of farmland by those aged under 35 where the purchase value is up to $300 000.

The eligibility threshold for single-title farm purchases will be increased from $300 000 to $600 000, such that any purchase up to this value will receive a full duty exemption on the first $300 000 of the purchase. A concession will apply for purchases valued between $600 000 and $750 000.

Age is a specified attribute under section 6 of the Equal Opportunity Act 1995. Therefore this amendment engages section 8 because it amends a law that limits access to a benefit on the basis that a person is under the age of 35.

On balance, however, the limitations upon this right are reasonable and justifiable in a democratic society for the purposes of section 7(2) of the charter act, having regard to the factors set out below.

The purpose of this limitation is targeted at increasing the number of young people who take up careers in farming. This limitation is important to redress the rapidly ageing demographic of people in the business of primary production and preserve the long-term future of agriculture and related industries in Victoria.

First-time purchasers of farmland who are aged under 35 are entitled to the exemption/concession in certain circumstances. The extent of the limitation is confined, however, because the duty exemption and concession is a one-off benefit and applies only to eligible persons who purchase land on which they carry on or intend to carry on the business of primary production.

The limitation has the clear purpose of maintaining the productive capacity of Victoria's primary production industries by providing young Victorians with an incentive to enter the agricultural industry. This purpose is directly related to the enactment of an age-based limit for receiving the duty exemption and concession.

There are no less restrictive means available to achieve the purpose of the limitation.

For these reasons, I consider the limitation on section 8 of the charter to be 'reasonable' in the circumstances.

Conclusion

I consider that the bill is compatible with the charter act.

Hon. Gordon Rich-Phillips, MLC
Assistant Treasurer

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The State Tax Laws Amendment (Budget and Other Measures) Bill 2013 makes amendments to the Duties Act

2000 (duties act), Payroll Tax Act 2007 (payroll tax act), First Home Owner Grant Act 2000 (First Home Owner Grant Act), Fire Services Property Levy Act 2012, Taxation Administration Act 1997 (Taxation Administration Act), Liquor Control Reform Act 1998 and Water Act 1989.

The Victorian coalition government's strong financial management has set the state up well to fund a sustained program of infrastructure construction.

Over the past decade, the state saw considerable revenue growth which was outpaced by increases in government expenditure, and without action the growth in government net debt would have become unsustainable.

Since coming to office, the coalition government has implemented savings and new targeted revenue-raising initiatives totalling approximately $2.4 billion in 2013–14.

We have achieved this while ensuring that the quality of Victoria's front-line services is enhanced.

We have also been able to make significant reforms to our state taxation.

This bill includes key budget measures which support economic growth and deliver prudent financial management.

As part of the 2013–14 budget, the amendments in this bill will support first home buyers and job creation in the housing construction industry by increasing the first home owner grant for new constructed homes to $10 000 and bringing forward the 40 per cent stamp duty reduction to take effect from 1 July 2013.

This government had already reduced the duty payable by eligible first home buyers by 30 per cent.

Bringing forward the 40 per cent first home owner duty reduction will see eligible first home owners save up to $12 428 on the purchase of a home from 1 July 2013.

To offset the cost of these new measures, the current first home owner grant for the purchase of established housing stock will conclude on 30 June 2013, bringing Victoria into line with New South Wales, Queensland and South Australia.

Targeting the grant to newly constructed homes will promote more housing construction leading to more employment, greater housing supply and reduced residential price pressure for Victorian families.

All eligible first-time buyers purchasing a home up to $600 000 will continue to benefit from the very substantial duty reduction that this government has introduced to assist Victorians purchase their first home.

This bill includes additional amendments to the first home owner grant and duty reduction which do not form part of the 2013–14 budget but which will improve the duty concession for first home buyers.

Currently the eligibility thresholds for the duty reduction are aligned to the existing thresholds in the Duties Act for the principal place of residence duty concession, including a minimum eligibility threshold.

This bill amends the Duties Act to remove the minimum eligibility threshold for the first home owner duty reduction. As this has always been the clear intent of the scheme, the State Revenue Office has exercised its general power of administration to apply the duty reduction to first homes valued under $130 000. This will ensure that homes purchased for less than $130 000 are entitled to the duty reduction under the law.

This bill also amends the First Home Owner Grant Act to improve the integrity of the grant by requiring first home buyers to occupy the property purchased for a continuous period of at least 12 months, commencing within 12 months of the completion date. Currently the requirement is to occupy the property for only 6 months.

Increasing this residency requirement to 12 months will better target the first home owner grant to genuine first home buyers.

The second 2013–14 budget measure in this bill implements changes to the congestion levy, which will help to fund improved public transport and road infrastructure.

The congestion levy, which commenced in 2007, currently applies to off-street long-stay parking spaces in the central business district and inner Melbourne.

This government will amend the congestion levy to incorporate short-stay car spaces and increase the levy rate to $1300 from 1 January 2014, equivalent to less than $1 extra per day per long-term parking space.

Adjusting the levy will assist this government to deliver a responsible budget and continue our record infrastructure investment program. The levy remains well below Sydney's congestion levy of $2160.

This bill also broadens a stamp duty exemption for young farmers on the purchase of their first agricultural property. This exemption was introduced by this government and has been in place since July 2011.

Broadening the duty concession is consistent with the government's policy for attracting and retaining young people who wish to pursue a career in agriculture and will also help preserve the viability of rural communities by delivering jobs and increasing investment in both rural and regional areas.

A further measure in this bill will extend a motor vehicle duty exemption which exists for vehicles modified to carry an incapacitated person. Currently the exemption is restricted to vehicles registered in the name of that person. This exemption is to be extended to the registration of a modified vehicle in the name of a family member or the primary carer of an incapacitated person. Not only does this have an immediate financial benefit for those who assist incapacitated persons by driving them, but may also result in lower insurance premiums.

As part of this government's ongoing efforts to facilitate business and investment opportunities for Victoria, this bill will recognise entities listed on the New Zealand stock exchange as listed entities for land-holder duty purposes. The effect of this is that, in particular circumstances, certain acquisitions will be subject to a reduced rate of duty. Without this amendment, relevant acquisitions in New Zealand Stock Exchange entities which own more than $1 million of land in Victoria are subject to the full duty rate. This may prove a disincentive to invest in Victoria and so amendments in this bill will address the potential issue.

Similarly, this bill makes a number of technical amendments to the recently introduced land-holder provisions which

commenced on 1 July 2012 to improve and clarify the arrangements. These amendments do not change the intent of the provisions.

This bill contains amendments to the Payroll Tax Act to address an anomaly identified by the Supreme Court of New South Wales. The decision of that court may have direct application in Victoria because of the harmonisation of payroll tax provisions across Australia. These changes clarify the payroll tax treatment of payments made to owner-drivers and other contractors. They do not alter the way the existing provisions are administered and will not impact on the payroll tax liability of Victorian employers.

This bill also makes amendments to the First Home Owner Grant Act and the Taxation Administration Act to allow the State Revenue Office to disclose particular information to the Legal Services Board and the legal services commissioner. Generally, legislation prohibits SRO staff from disclosing information obtained in the performance of their functions. There are a number of exceptions to this general rule, however, to ensure such information can be disclosed where it is in the public interest or vital to the functions of other government agencies.

The Legal Services Board is responsible for regulating the legal profession in Victoria including ensuring adequate management of trust accounts and the legal services commissioner has the role of investigating the conduct of legal practitioners in civil disputes and disciplinary matters. On occasions, the SRO has identified serious misconduct by lawyers which is appropriate for investigation and action by the Legal Services Board and/or legal services commissioner but is unable to pass on this information as neither is an authorised recipient. These amendments will allow certain personal and business information to be so disclosed. The recipients will, however, be bound by the strict secondary disclosure provisions in the relevant legislation which will restrict them from disclosing that information to anyone else.

A further amendment to the Taxation Administration Act's secrecy provisions will preserve public access to information previously available through the Land Titles Register thereby ensuring a consistent approach regardless of the duty payment method.

This bill includes amendments to address some minor, administrative and technical issues identified in the Fire Services Property Levy Act 2012. One of this government's most significant tax reforms has been to abolish the unfair insurance-based fire services levy and introduce a fairer property-based levy, implementing a key recommendation of the Victorian bushfires royal commission. The amendments in this bill will support the implementation of that reform.

Finally, this bill makes minor amendments to the Taxation Administration Act, Liquor Control Reform Act 1988 and Water Act 1989. The amendments to this legislation are intended to ensure the functions and delegations of the commissioner of state revenue under those acts are clearly conferred and will serve to protect the integrity of the State Revenue Office's decision making.

I commend the bill to the house.

Debate adjourned for Mr LENDERS (Southern Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 20 June.

APPROPRIATION (PARLIAMENT 2013–2014) BILL 2013

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer); by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) 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 Appropriation (Parliament 2013–2014) Bill 2013.

In my opinion, the Appropriation (Parliament 2013–2014) Bill 2013, 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 purpose of the Appropriation (Parliament 2013–2014) Bill 2013 is to provide appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2013–14 financial year.

Human rights issues

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

The bill does not raise any human rights issues.

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

As the bill does not raise any human rights issues, it does not limit any human rights, and therefore it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise a human rights issue.

Hon. Gordon Rich-Phillips, MLC
Assistant Treasurer

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The bill provides appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2013–14 financial year including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2012/2013) Act 2012 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2013–14 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the Presiding Officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is $112 218 000 (clause 3 of the bill) for Parliament in respect of the 2013–14 financial year.

I commend the bill to the house.

Debate adjourned for Mr LENDERS (Southern Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 20 June.

BORROWING AND INVESTMENT POWERS AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer); by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) 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 Borrowing and Investment Powers Amendment Bill 2013.

In my opinion, the Borrowing and Investment Powers Amendment Bill 2013, 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 improve the governance of government business enterprises under the Borrowing and Investment Powers Act 1987 (the act) by repealing the limits on financial accommodation imposed on Melbourne Water Corporation and the State Electricity Commission of Victoria, consistent with the treatment of other government business enterprises under the act.

Human rights issues

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

The bill does not raise any human rights issues. The bill only impacts the borrowing operations of Melbourne Water Corporation and the State Electricity Commission of Victoria. The bill may result in increased borrowings for the Melbourne Water Corporation to fund its operations. This will not impact its day-to-day activities.

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

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the charter act.

Hon. Gordon Rich-Phillips
Assistant Treasurer

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill will improve the governance of government business enterprises under the Borrowing and Investment Powers Act 1987 by repealing the statutory limits on financial accommodation imposed on Melbourne Water Corporation and the State Electricity Commission of Victoria (SECV), consistent with the treatment of other government business enterprises under the act.

The current statutory limits under the Borrowing and Investment Powers Act 1987 are a legacy of the late 1980s and early 1990s when Parliament retained control over the level of debt for significant government business enterprises. It was noted by the then Treasurer in the second-reading speech on an amendment to the limits on 3 November 1988 that the statutory limits were to be a temporary arrangement.

Currently, the Melbourne Water Corporation and the State Electricity Commission of Victoria are the only government business enterprises which have statutory limits in the act on the amount of financial accommodation that may be granted to them.

The Borrowing and Investment Powers Act 1987 does not impose limits on the amount of financial accommodation that may be obtained by any other government business enterprise. Control of financial accommodation is delegated to the Treasurer and is now governed through a number of frameworks including annual borrowing approvals for government business enterprises exercised by the Treasurer under the Borrowing and Investment Powers Act 1987; corporate planning and performance reporting requirements; and the high-value/high-risk assurance process, where high-value and/or high-risk projects are subject to more rigorous scrutiny and approval processes.

These broader governance arrangements applying to government business enterprises provide a more effective means for oversight than a simple legislative cap on borrowing. Victoria is the only Australian jurisdiction with any statutory limits still in legislation. Every other jurisdiction has separate legislation that empowers the Treasurer to determine appropriate borrowing limits on its government business enterprises.

If the statutory limits are not removed, the Melbourne Water Corporation's ability to effectively manage its financial obligations will be unnecessarily constrained. This includes the need to meet certain ongoing financial obligations, such as the next payment due in relation to the desalination plant lease which is approximately $53 million.

Therefore the remaining statutory limits in the act are inconsistent with the strong financial governance framework which now applies more generally to government business enterprises. It is timely that these limits be repealed.

I commend the bill to the house.

Debate adjourned for Mr LENDERS (Southern Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 20 June.

APPROPRIATION (2013–2014) BILL 2013 and BUDGET PAPERS 2013–14

Concurrent debate

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — By leave, I move:

That this house authorises the President to permit the second-reading debate on the Appropriation (2013–2014) Bill 2013 to be taken concurrently with further debate on the motion to take note of the budget papers 2013–14.

Motion agreed to.

ENERGY LEGISLATION AMENDMENT (FEED-IN TARIFFS AND OTHER MATTERS) BILL 2013

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

Mr BARBER (Northern Metropolitan) — The legislation defines what a small renewable energy generating facility is and is not. It has to be 100 kilowatts or less to be considered small, and it can be solar, wind, hydro, biomass or any other type determined through a Governor in Council regulation provided that it is not fuelled by fossil fuels. Under this new definition that the bill proposes a future minister could declare any type of generator, including one that runs on coal, gas, oil or diesel, as a renewable energy generating facility. Is that right?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The minister might recommend it to the Governor in Council, but in that case the Governor in Council could, as Mr Barber describes, declare a fossil-fuel-fired generator of less than 100 kilowatt capacity to fit that definition of a small renewable energy generating facility.

Mr BARBER (Northern Metropolitan) — I am not sure how, by definition, coal, oil, gas and diesel can be called renewable. That seems to be what this bill provides for. I do understand there is a proposal by some to allow low-emissions generators, as opposed to renewable generators, to access some of the benefits of the legislation. Why is the government not bringing in a mechanism whereby low emissions could be defined? Why is it that in fact a high-emissions fossil fuel generator, or for that matter a 100 kilowatt diesel generator, could be plugged in and used to gain credits under what was meant to be a renewable tariff? Why is the government using this completely open-ended mechanism rather than the definition intended by the Victorian Competition and Efficiency Commission (VCEC) report?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Mr Barber argues, I think, that the definition and title of a small renewable energy generation facility is now inconsistent with that which it is meant to describe — that is, a broader classification of other than renewable energy — in his view. That particular argument has some logic to it, but as I said in

reply to the second-reading debate, the government is following a particular recommendation, 9.1 of the VCEC report, suggesting that the new feed-in tariff rate could apply to low-emissions distributed generators.

I also said in my reply to the second-reading debate that the Department of State Development, Business and Innovation is developing guidelines for the assessment of new types of generating facilities, and in that regard it will seek to give clarification, I think, to the issue raised here about what is meant by low emissions.

The government believes that through those guidelines to be developed by the department appropriate flexibility and regard can be given to the new expanded definition contained in the act describing or defining the small renewable energy generation facility.

Mr SCHEFFER (Eastern Victoria) — On behalf of the opposition I would like to put on the record that Mr Barber's proposed amendment came up suddenly. The opposition needed a bit more time to consider it, and I thank the minister for deferring the committee stage of the bill for some hours so that it could have that opportunity. I note the minister's response to this matter in his summing up of the second-reading debate. There are also only some 50 or 60 words in a very small second-reading contribution that refer to this matter. I understand the point the minister is making — that guidelines will be forthcoming — but from the opposition's point of view the departure from the provision which is contained in the principal act needs to be much more fully considered. On the basis of what the minister has said and what is included in the second-reading speech we are reluctant to support the amendment in the bill. Therefore the opposition plans to support Mr Barber's proposed amendment when it is formally moved.

Mr BARBER (Northern Metropolitan) — I move:

Clause 3, lines 27 to 31, omit all words and expressions on these lines.

The purpose of this amendment is not to remove the current prohibition on fossil fuel generators being defined as renewable generators through the Governor in Council mechanism. Submitters to the inquiry into distributed generation by the Victorian Competition and Efficiency Competition had various views on low emissions versus purely renewable forms of generation, including combined heat and power, and how they can be integrated into the grid. If the government had a proposed mechanism for implementing that in a way we were sure fitted with what was proposed by VCEC, then we would discuss whether we think that is a good idea. However, the provision here is completely open ended, and any future minister can, through the Governor in Council mechanism, designate anything as a renewable energy generator, even though it could be equally as polluting or in some circumstances even more polluting than the current average generator feeding into the grid. That was certainly not the intention of the VCEC recommendation.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I made the government's position clear before, armed with the knowledge of what Mr Barber's amendment seeks to do. We are not prepared to support it, given that with this particular provision there is a commitment that the department is developing appropriate guidelines for assessment of generators that would have low emissions. In accordance with the recommendation in VCEC's report, we believe that is an appropriate response. I add that it is certainly not the intention of this government to create a wholesale application of this assessment to generation facilities that create major emissions. We have said we are prepared to put this amendment in the guidelines to reflect the intent of the VCEC recommendation.

Committee divided on amendment:

Ayes, 18

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

Noes, 20

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

Pairs

Leane, Mr	Davis, Mr D.

Amendment negatived.

Clause agreed to; clause 4 agreed to.

Clause 5

Mr SCHEFFER (Eastern Victoria) — Clause 5 nominates 8 cents per kilowatt hour as the new feed-in credit rate that applies between 31 December last year

until 31 December this year, after which the rate will be determined annually by the Essential Services Commission. Some experts have said that the electricity generated by solar panels on homes and businesses, described as distributed energy, reduces or defers the need to replace network infrastructure and that this saving should be included in the assessment of the feed-in tariff. My question is: has the government assessed the value of this distributed energy in terms of savings that derive from deferred cost of network infrastructure upgrades, replacement and extension?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that with respect to building in the cost of distribution network provision it is more appropriate that it be dealt with by means other than the feed-in tariff rate. I am advised that this is discussed in the recommendations of the Victorian Competition and Efficiency Commission and that the report suggests a national approach should be taken, so rather than a specific state-based feed-in tariff rate reflecting the cost of a distribution or transmission network, that cost should be taken into account perhaps in the setting of general tariffs.

Mr SCHEFFER (Eastern Victoria) — If I understand that correctly, at some stage in the future, after that work has been done, that factor would impact on the setting of the tariff; it would be one of the considerations.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Again, as I understand it, the Victorian Competition and Efficiency Commission report suggested that the government do more work with regard to assessing the appropriateness of distribution infrastructure cost being reflected in the feed-in tariff. That is there in the report for consideration, and it certainly will be a future consideration of government.

Clause agreed to.

Clause 6

The DEPUTY PRESIDENT — Order! In calling Mr Scheffer on clause 6, I understand he also wishes to comment on clause 7. They appear to be related clauses. With the indulgence of the committee I suggest that Mr Scheffer, if he wishes, can deal with matters in both clauses 6 and 7, given the related nature of the two clauses.

Mr SCHEFFER (Eastern Victoria) — As I understand these clauses, they add provisions that deal with customers who sell electricity back into the grid and who increase their generating capacity after 31 December 2012, which is when the clauses in the bill came into effect. I am interested to ask the minister about the effect of that change on customers who are in the premium feed-in tariff scheme, the transitional feed-in tariff scheme and the standard feed-in tariff scheme. I note that the standard feed-in tariff and the transitional feed-in tariff schemes closed to new entrants on 31 December last year and that the premium scheme closed on 29 December 2011. Given that context, my question is: can the minister inform the house how many customers in each scheme have inadvertently been disqualified as a result of the change?

Hon. P. R. HALL (Minister for Higher Education and Skills) — When the member says customers have inadvertently been disqualified, my understanding is that people who have signed up and are customers within the premium feed-in scheme or the standard feed-in scheme will continue to be paid the feed-in rate prescribed under those two particular schemes, so long as there is no alteration to the capacity of the generation facilities. It is only if they change their capacity of generation that they would be required to move into the current feed-in scheme rate. Did Mr Scheffer specifically ask how many customers are in each of those two schemes?

Mr SCHEFFER (Eastern Victoria) — Mr Hall referred to it in his summing up, but my question is a bit more specific. We understand the architecture of it, but in relation to people who did not know that if they added more capacity to their photovoltaic cells they would disqualify themselves from the 60 cents or 25 cents and were therefore caught out, I want to know whether the government knows the quantum of them.

Hon. P. R. HALL (Minister for Higher Education and Skills) — The best advice I can give Mr Scheffer on this is that these provisions have been effective since 1 January 2013. Prior to and since that time customers have been written to, and I understand there have been notices on websites to advise people of the implications of increasing generation capacity as a result of the new feed-in tariff scheme. In terms of the numbers involved, there is no advice as to exactly how many people might not have known about this and every effort has been made to provide advice to people about the implications of this provision.

Mr SCHEFFER (Eastern Victoria) — The minister says that every effort was made. Can I then ask the minister whether the government approached the retailers to ask them if they could write to all their customers, because they would know what scheme they were on?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that one of the mechanisms of communication was through the Clean Energy Council. In its regular email updates to everyone who is on feed-in tariff schemes the council advised of the changes, but the advice I have received is that people were not written to specifically by their retailers. Notification through general advertising and consumer awareness campaigns, particularly by Consumer Affairs Victoria, were other routes by which efforts were made to keep people informed of these changes. Specifically my advice is that retailers were not required to write to their customers advising them of this impending change.

Mr SCHEFFER (Eastern Victoria) — My understanding is that a number of customers who bought photovoltaic panels bought them with larger capacity inverters, which would give them the potential to add units to the investment as they could afford to in order to increase their generating capacity over time. Can the minister tell me whether any work has been done to find out how many customers were in that position?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that tracking undertaken by distributors is based on the installed capacity of the existing panels rather than the potential capacity of the inverters to handle what might be the position in the future. I cannot tell Mr Scheffer with any accuracy how many customers may have installed additional-size inverters in anticipation that in future they would increase their generation capacity through the panels. As I said, the tracking by the distributors is based on the installed capacity of the panels.

Clause agreed to; clauses 7 to 22 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Foxes: control

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Agriculture and Food Security, Peter Walsh. Most people who have followed this in either the local papers in my electorate or on Channel 10, 3AW or 774 ABC will know the story of what the *Bayside Leader* headed as 'Nipped by a fox'. It is the story of Amelia Evans, a 10-year-old girl in my electorate who was actually bitten by a fox near Black Rock Beach. I spoke to Amelia last night and I have also spoken to her mother and grandmother. Amelia was jogging near the beach with one of her siblings and her cousin. It was a fairly clear area, with no scrub or anything. Suddenly she had an extraordinary pain in her leg because a fox had bitten her.

I raise the matter tonight for the minister in trying to get some clarity about who is responsible for this. In many ways it is a sorry story, but I must say that I take my hat off to Amelia, who is a very confident 10-year-old. She asked me to say in the house that she understands that the fox needs to be euthanased, but whatever happens she wants us to be conscious that it should be euthanased gently. I undertook to raise that in the house.

The issue here is not one of blame or anything else. It probably goes to this week's *Weekly Times*, in a sense, in which there is a bit of anxiety expressed about a lot of red tape in vermin management. I ask the minister to look closely at this case and hopefully find a way through — he probably needs to be like Solomon here — so that this does not happen again.

As I said, Amelia was jogging when the fox bit her. The matter that I ask the minister to look at is how the issue can be addressed in an urban area. Amelia is a member of the local surf lifesaving club and at roughly the same time as she was bitten she won a courage award. She is a very impressive young woman. Her issue, which is on the record in the local paper, is not an issue for the club. An aggressive, territorial fox was out there for a while, giving people grief and it bit a jogger — there were a few things going on. It probably becomes an issue for the minister, because people rang the local council and there was a debate about whether the fox was on Department of Environment and Primary Industries (DEPI) land or council land and about whether the council can do anything or it has to wait until something actually happens. From Amelia's perspective and that of some other people in the community, it is about the management of risk and they are trying to get some solution to it. There was a bit of

bureaucratic buck-passing, to be charitable, between the City of Bayside and DEPI.

The action I seek from the minister is that he provide some clarity so that when citizens spot a dangerous animal in the metropolitan area they can get some redress to the situation, rather than having to wait until somebody is actually bitten before authorities take action. From Amelia's point of view, the fox has bitten her and she has had the necessary injections. I repeat that she requests that as part of dealing with the problem the fox is dealt with humanely. I ask the minister to look at the matter and clarify things so that in future the risk is better managed.

South West Institute of TAFE: Glenormiston College dairy program

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Higher Education and Skills, the Honourable Peter Hall, and I note that the minister is in the chamber. The matter I raise is how best to maximise the use of the Glenormiston College campus. I was reminded of this truly tremendous asset of Glenormiston College and its grounds for the state of Victoria last month when I attended the south-west dairy awards presentation at the campus. The long, tree-lined drive up to the bluestone mansion, which was once owned by the Black family from Terang, the 200-bed accommodation complex, the sporting facilities, conference rooms and learning rooms, surrounded by a working dairy farm situated in some of the most fertile land in western Victoria, possibly Australia, make it both a rarity and a jewel in the south-west. I very much want to see it preserved and maximised to its fullest potential. It is true that I am biased and have an interest in this campus as I was a student there in the 1970s doing my diploma of agriculture, living and learning with like-minded students with a common purpose of becoming acquainted with new technologies and innovations that agriculture had to offer.

Given that dairy has such an important role in the south-west and that DemoDAIRY — a demonstration dairy farm — is only a few kilometres away and is using old and portable facilities in providing research work for the industry, I request that the minister engage in some discussion with DemoDAIRY managers to see if the assets of the Glenormiston College campus could be used for the dairy industry to continue its world-leading innovation, research, trialling and implementation works on this historic campus.

East–west link: planning

Mr MELHEM (Western Metropolitan) — My matter concerns the east–west link and the priorities of this government in its construction. I read with interest last week in the *Age* about the Treasurer's comments following a secretive industry briefing, where he is said to have poured scorn on the need to build a second crossing to the west before the eastern section. Despite the advice of the Linking Melbourne Authority (LMA), which clearly stated that a west link could be built faster and should be a priority, the Treasurer claimed that prioritising the western section before the east was half a plan for half a road. The comment by the Treasurer was not only wrong and went against professional advice from the LMA, but it showed contempt for commuters entering Melbourne's CBD and south-east from the west and places like Geelong, and it showed a willing ignorance of the situation.

The West Gate Bridge carries over 170 000 vehicles every day — 35 000 more than the Eastern Freeway — and this number is expected to rise to 235 000 by 2036. Bernard Salt, demographer and partner at KPMG, has observed growth in the western suburbs and has said that the most pressing traffic issue Melbourne faces is the crossing to the west. He is spot-on.

The former government spent $1.39 billion on the M1 upgrade and the West Gate project and did a great job. There is more work to be done. I call on the Minister for Roads and the Treasurer to tell the house when the West Gate section of the east–west link project will be built. We have seen the effect on Melbourne traffic of having only one crossing to the west when something goes wrong on the M1.

Honourable members interjecting.

Mr MELHEM — Those opposite should pay attention and start standing up. The Treasurer and this government do not care about commuters crawling from Werribee to King Street every day. They do not care about the tens of thousands of motorists who are forced to run a rat race through suburban streets every morning and night to avoid the pain of travelling across the West Gate Bridge, and they do not care about trucks on our local roads in the west.

Contrary to what the Treasurer has said, the plan to prioritise the western section of the east–west link and build a second motor crossing to the western suburbs came about from listening to experts like the Linking Melbourne Authority and Bernard Salt. Let us make the east–west link a true east–west connection project by ensuring that there is a deadline to build the western

section instead of it happening one day in the never-never, as promised by this government.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! As Mr Melhem is new to the chamber, he cannot be expected to know that the President has formerly ruled that adjournment matters are not to be used for set speeches. I counsel Mr Melhem on that.

Buses: Sanctuary Lakes

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport, and in doing so I would like to thank the minister for the many new bus services that have been provided over the last month or so in and around Point Cook, Laverton and Williams Landing in conjunction with the opening of the new Williams Landing railway station. Those who have travelled down Princes Highway of late would have to say that the railway station is a pretty impressive sight heading down towards Werribee or heading back from Werribee towards the city. It is a result of the attention of the Minister for Public Transport, and it is something that those in the local area can be very pleased with.

This area has missed out for many years. The Point Cook area, as I have discussed in this house many times, was ignored and neglected by the previous government. One has only to visit there now and observe the clogged roads in particular to get an idea of just how badly the people of Point Cook and surrounding areas were treated by the previous government. It is good to see that the Napthine coalition government is taking the problems of the western suburbs seriously and is providing for Point Cook, areas around Williams Landing and a whole range of new developments and suburbs around the city of Wyndham growth corridor. It is encouraging for everybody who lives there, and those of us who represent that area no longer feel that we are knocking our heads against a brick wall asking for these services.

There is one area, however, that appears to have missed out, and it is the subject of my adjournment matter this evening. That area is Sanctuary Lakes, an area that I quite like. The housing there is of a very high standard. It is home to a wide variety of people, many of whom I would call friends. I believe they are in need of a bus service, which to this point has been denied to them. I ask the minister to reinstate the bus service to Sanctuary Lakes. I believe it is necessary. At the moment there is a bus service to Sanctuary Lakes shopping centre, but the shopping centre is actually in Point Cook. The bus does not go near or into Sanctuary Lakes itself, so the people of Sanctuary Lakes miss out. I ask the minister to take this on board and give the people of Sanctuary Lakes a fair go on this matter.

Hospitals: waiting lists

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to bring my adjournment matter to the attention of the Minister for Health. It relates to a constituent of mine, Mr Clinton Cook. Mr Cook suffers from cataracts. He had them removed previously, but it took 12 months from the date of his original diagnosis for the surgery to be completed. Early in 2012 his local optometrist told him that he had another cataract and needed to be seen by a specialist. It took Mr Cook some 15 months to be assessed by a specialist at the Royal Victorian Eye and Ear Hospital, and he was told that it will be two years before he can get the operation done. He is suffering and needs the surgery. He is practically blind because of his cataracts, which are getting worse every day. He is desperate. The two-year wait is inconsistent with the category C guidelines, which state that 90 per cent of category C patients are to be treated within 365 days; it is clearly outside those guidelines.

My request is that the Minister for Health provide an explanation and outline what steps he will take to ensure that not just Mr Cook but the many others who are in his position are treated within the time frame provided for category C patients.

Western Victoria Region: ministerial visit

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Corrections and Minister for Crime Prevention, Mr O'Donohue. I ask that the minister visit two important towns in my electorate of Western Victoria Region — that is, Ararat and Stawell — to inspect the important work of Landmate crews and to tour the Ararat jail, also known as the Hopkins Correctional Centre.

Landmate has been a very valuable program in our regional communities for more than 20 years. As part of the program in my electorate, teams of prisoners from Ararat and Langi Kal Kal prisons go out into the community and carry out environmental and agricultural work. I often receive feedback from the community about the importance of the works carried out by these crews, particularly in the Stawell area and areas affected by the floods around Joel Joel in the Upper Wimmera catchment area. Landmate crews have also been on hand to assist in other emergencies that have devastated parts of Victoria over the past three years, especially around Horsham, Stawell and Ararat. As of 6 June I note that the minister has supported Landmate with continued funding through the

Department of Justice, and I thank the minister for that continued support.

Over the years Landmate participants have taken part in fencing and building repairs, large-scale tree planting, weed removal and other activities of benefit to nearby communities and the environment. In doing so those serving sentences in our prisons are given new life skills and a sense of purpose that can help them travel on a new path once they are released. In the Upper Wimmera catchment area 55 kilometres of fencing and 126 hectares of revegetation were completed, while over 70 000 trees were planted during 2011–12.

I also ask the minister to visit the Hopkins Correctional Centre at Ararat to inspect the progress of the expansion project. Currently many workers are engaged on the site, which has an expected completion date of 2014. These are important parts of our community, particularly Ararat which has had a long history with prisons and in fact a fairly sad history if one goes back to Aradale, J Ward and the history of what went on there.

However, it is a community that nevertheless has learnt to start to appreciate that history. I was involved in the granting of an important fund to prepare a video of the history of J Ward, and I note that Premier Napthine was out recently to announce important works to Alexandra Gardens to the tune of $200 000. That will assist the community to enjoy what is a jail precinct, to remember its history and to also look forward to a future. The Landmate crews that I have referred to for a substantial part of my adjournment matter are a very important part of that.

I congratulate the minister on his strong start in managing his portfolio responsibilities. I look forward to his visit to western Victoria, should he so wish to attend.

GlaxoSmithKline: job losses

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the Minister for Technology, Mr Gordon Rich-Phillips. In February last year the minister was promoting a $60 million investment by the pharmaceutical company GlaxoSmithKline (GSK) to expand its Boronia site in Melbourne's outer eastern suburbs. Before I quote from his accompanying press release, I note that it is entitled 'GSK injects $60 million and 58 jobs at Boronia site', and it says:

> The Victorian coalition government is investing in the life sciences sector to ensure that the right conditions exist in Victoria to support the growth of life sciences companies, such as GSK.
>
> We recently released Victoria's technology plan for the future — biotechnology — a $55 million plan to promote biotechnology-enabled innovation and support the growth of Victoria's life sciences sector.

The minister refused to answer the question I am about to ask at a Public Accounts and Estimates Committee hearing in May. The action I seek from the minister is that he outline how much funding the government had originally planned to hand over to GlaxoSmithKline as part of this deal, whether he can guarantee that no money was actually handed over to the company, and if there was a deal, whether the funding was linked to job-security clauses. In addition, can he explain why this company has decided to offshore its operations if in fact it had a deal with the government?

Snooker: Australian Goldfields Open

Mr DRUM (Northern Victoria) — My adjournment matter is to the Minister for Tourism and Major Events, Louise Asher, and it has to do with the Australian Goldfields Open snooker tournament, which is part of the world snooker championship.

When Minister Asher first awarded this event to Bendigo in 2011 it was the first time the event had ever been held in Australia. It has been built on from that first event in 2011 to the event they held there last year. Well over 3000 tickets were sold for the event last year. This was up 8 per cent on the previous year, and 44 per cent of all the tickets sold went to people from outside of Bendigo. This is a significant injection of outside money into the city of Greater Bendigo for this week-long event, with all the very best snooker players in the world vying for points in the world championship.

In 2012 the event had no less than 527 hours of broadcast coverage from around the world on Fox Sports, ESPN, Eurosport, Beijing and Shanghai television. The broadcast footage included a 90-second snippet of what life is like in the city of Greater Bendigo. This is invaluable promotion for both Australia and Victoria, and also Bendigo. In setting up this tournament the World Snooker league and IMG alone spent more than $156 000, and that was a direct injection of money into Bendigo. Bendigo won a three-year deal in 2011–12, and in about a month it will complete the last year of this current contract.

It is with that in mind and the amazing success we have had in Bendigo hosting the Australian Goldfields Open that I call on the minister to do everything in her power to make sure that this amazing event is retained in Bendigo. This was a great partnership between the state government, the City of Greater Bendigo and Bendigo

Stadium Ltd, which has the most amazing facility to host this world-class event. We hope not only that this will give Bendigo a tremendous promotion right around the world but that the event will be branded as a part of Melbourne's major tourist events. It is bringing people to Victoria. People go there not just from other parts of Victoria but also from interstate, and there are international snooker followers who follow the tournament in various parts around the Asia-Pacific region. As I say, this is the last event of the existing contract to come up this year. Again I call on Minister Asher to do everything in her power to make sure that this amazing event is retained in Bendigo for a further three years after this year's event.

Disability services: supported accommodation fees

Mr TARLAMIS (South Eastern Metropolitan) — The adjournment matter I raise tonight is for the Minister for Mental Health, Minister for Community Services and Minister for Disability Services and Reform, Mary Wooldridge. The action I seek is for her to abandon the proposal to increase by 50 per cent, and in some cases by up to 66 per cent, the contribution levies for board and lodging of disabled residents living in supported accommodation facilities operated by the Department of Human Services (DHS). These outrageous fee hikes target our most vulnerable community members and will result in supported accommodation becoming unaffordable for many residents.

Carers, parents and family members caring for loved ones with a disability struggle with the realisation that they can no longer care for their loved ones. They are then faced with the long and difficult task of finding suitable accommodation. It is a well-known maxim that a measure of society is how well it cares for its most vulnerable — and with actions like these, this government clearly fails that test.

The government, through these changes, expects those with a disability, through their commonwealth pensions, to contribute more towards the average annual cost of support in DHS accommodation, which is around $128 000. At the same time the government is almost halving the budget for physical aids and equipment such as wheelchairs, scooters, beds and hoists.

The government claims to have increased funding in the disability area by $224 million, but in reality it is lapsing $137 million in programs. What these cuts and fee increases will do is exclude disabled residents even further from participating meaningfully in the broader society. These measures will leave these residents with barely enough money for the simple pleasures we all take for granted. The minister is fully aware that medical costs for people with a disability are significantly greater than for the wider community, with regular physiotherapy and medical appointments, as well as expensive pharmaceuticals — never mind the cost of day programs and other activities.

The government says that the money raised from these fee increases will fund 720 new individual support packages for people with high support needs. This is welcome news. But I call on the minister to fund these packages not through the imposition of hardship on our most vulnerable citizens but by other means. Maybe the government could cut back on its spending on temporary and contract workers in the public service. An amount of $930 million is expected to be spent between 2011 and 2014 on temporary replacement staff for sacked public servants. This expenditure comes at the expense of funding other important programs, like individual support packages.

I therefore call on the minister to abandon this proposed increase in the contribution levy and fund the 720 new individual support packages, without imposing hardship upon Victoria's vulnerable but through other state revenue.

Disability services: Western Victoria Region constituent

Ms PULFORD (Western Victoria) — The matter I would like to raise in the adjournment debate this evening relates to a constituent of mine with an intellectual disability, Joan Kambourdis. I have been contacted by her sister, who is concerned for her sister's wellbeing. Joan is a 49-year-old woman who requires 24-hour support for managing her disability. She suffers from a number of conditions which exacerbate her intellectual disability.

Until reasonably recently Joan has been living in shared accommodation with other people living with similar disabilities. Following an incident at the residence, Joan has been forced to move into alternative accommodation. I am advised that this accommodation is not suitable for Joan and is essentially a nursing home — something for which, at 49 years, Joan is a bit young. It is not satisfactory for her needs, and it causes her to be left on her own for extended periods, which can make her condition worse. She missed her work placement because the nursing home was not used to her needs and her routine. She was sent to a placement without lunch because, again, the place in which she is located is just not ideally suited to her needs.

I am advised that Ms Kambourdis's sister has been in contact with the office of the Minister for Community Services, Ms Wooldridge, and that it is aware of the situation. My specific request on this occasion is that the minister meet with Joan Kambourdis and her sister with a view to exploring satisfactory outcomes for a better situation for Joan.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — Tonight I have four written responses to adjournment matters previously raised on the adjournment by Mr Scheffer on 27 November last, Mr Ondarchie on 16 April, Mr Finn on 16 April and Ms Tierney on 8 May.

Tonight we had contributions from 10 members on the adjournment debate. The first one of those was from Mr Lenders to the Minister for Agriculture and Food Security. He raised a pretty interesting topic for all of us to consider — that is, the issue of feral animals in urban areas, not only in Melbourne but also in other urban areas, which is a matter for serious consideration. Whether they be classified as vermin or whether they are still feral animals in urban areas is a matter for debate, but particularly the issue of control of such animals in built-up areas is one which I think is worthy of some debate. Certainly issues such as the needs of the constituent and the incident highlighted by Mr Lenders are matters which are brought to the attention of all of us from time to time.

Mr Drum interjected.

Hon. P. R. HALL — We are well aware that many foxes live in urban areas, and they are probably in every suburb. Someone once told me that wherever you are in Melbourne you are within probably 50 metres of foxes and many other such animals which may be classified as either feral or vermin. It is an important issue, which I will refer to the Minister for Agriculture and Food Security for some advice and consideration.

Mr Ramsay raised a matter for my attention concerning maximising the use of a fine organisation in Glenormiston in his electorate. He suggested that Demo Dairy, which is located nearby, might be suitable for co-location with South West Institute of TAFE's Glenormiston campus. I think the idea has some potential, and I will initiate some discussion through my department about the possibility of maximising training youth on the Glenormiston site.

Mr Melhem raised a matter for the Minister for Roads and the Treasurer. In so doing I think he indicated his support for the east–west link, or a need for the east–west link, and in particular his strong advocacy of making a defined start on the western end of the east–west link. I am sure the minister will welcome Mr Melhem's enthusiasm that this project get under way. We look forward to his continued support. I will seek a response for Mr Melhem in regard to when the western section of the east–west link might commence.

Mr Finn is a great advocate for his constituents. Tonight the subject of his advocacy was those good people who live in Sanctuary Lakes and their need for bus services. I will pass that request on to the Minister for Public Transport.

Mr Tee raised a matter for the Minister for Health concerning the waiting time for cataract surgery for one of his constituents. He asked that the Minister for Health look at the waiting time for the service being sought by his constituent, and I will refer that matter to the Minister for Health for his response.

Mr O'Brien raised a matter for the Minister for Corrections and the Minister for Crime Prevention regarding the good community work undertaken through the Landmate program. I will pass the matter on to Mr O'Donohue, the Minister for Crime Prevention, and also convey Mr O'Brien's strong support for that program.

Mr Somyurek raised a matter for the Minister for Technology regarding a life services company, GSK, which is located in Boronia. They were the initials he used; I did not quite catch the full title. He was seeking information as to whether the government provided any support for the establishment of that company, and I will pass that matter on to the minister.

Mr Drum raised a matter for the attention of the Minister for Tourism and Major Events concerning the future of the Australian Goldfields Open snooker tournament. As Mr Drum spoke about this matter I lamented the fact that the Parliament of Victoria no longer has snooker tables. I am sure we all lament the removal of those tables not so long ago. We often had a few newer members, including you, Acting President, who would meet in the Legislative Council meeting room — or the Knight Kerr room as we now call it. There was a snooker table located in that room that was often enjoyed by members during the dinner break, during which they would have a game or two. At the end of the year there was an annual tournament, which was enjoyed by members of Parliament from all sides. It was a good opportunity to mix in a social and

convivial environment. We lament the removal of the snooker tables from Parliament a couple of years ago.

I can therefore understand Mr Drum's enthusiasm for the continuation of the Australian Goldfields Open snooker tournament, particularly given the world-class ranking assigned to that tournament and the great benefit it brings to all of us in Victoria, particularly those in central Victoria, so I will pass on Mr Drum's strong advocacy for that tournament to continue to be held in the Bendigo region.

Mr Tarlamis raised a matter for the Minister for Community Services — under that title and a few others that she holds — regarding housing costs for those who are housed in community-supported accommodation. I will raise that matter for the attention of the Minister for Community Services on behalf of Mr Tarlamis and ensure that a response is forthcoming.

Finally, Ms Pulford raised a matter for the Minister for Community Services regarding the accommodation needs of one of her constituents who has an intellectual disability that requires 24-hour support and the need to find appropriate accommodation for her. I will pass that matter on to the Minister for Community Services.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! On behalf of the President I wish members and staff a safe and healthy week's break. The house will resume on Tuesday, 25 June. The house now stands adjourned.

House adjourned 5.42 p.m. until Tuesday, 25 June.