PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 18 April 2013

(Extract from book 5)

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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 13 March 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 Corrections, Minister for Gaming Regulation, Minister for Crime Prevention and Minister responsible for IBAC (resigned from ministry 16 April 2013)	The Hon. A. J. McIntosh, MP
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
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 Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

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

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, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

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

 # 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, Mr Ondarchie and Mr Pakula. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott.

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

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

Scrutiny of Acts and Regulations Committee — (*Council*): Mr 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	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	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

[1] Resigned 26 March 2013

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THURSDAY, 18 APRIL 2013

Thursday, 18 April 2013

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

ACCOUNTABILITY AND OVERSIGHT COMMITTEE

Membership

The PRESIDENT — Order! I inform the Council I have received a letter from Mr Edward O'Donohue. He wrote:

> I write to tender my resignation as a member of the Accountability and Oversight Committee with immediate effect.
>
> I wish the committee well in its future activities.

AUSTRALIAN CATHOLIC UNIVERSITY and MCD UNIVERSITY OF DIVINITY

Reports 2012

Hon. P. R. HALL (Minister for Higher Education and Skills), by leave, presented reports.

Laid on table.

PAPERS

Laid on table by Clerk:

Adult Multicultural Education Services — Report, 2012.

Bendigo Regional Institute of TAFE — Report, 2012.

Box Hill Institute of TAFE — Report, 2012.

Central Gippsland Institute of TAFE — Report, 2012.

Centre for Adult Education — Report, 2012.

Chisholm Institute of TAFE — Report, 2012.

Deakin University — Report, 2012.

Driver Education Centre of Australia Ltd — Report, 2012.

East Gippsland Institute of TAFE — Report, 2012.

Gordon Institute of TAFE — Report, 2012.

Goulburn Ovens Institute of TAFE — Report, 2012.

Holmesglen Institute of TAFE — Report, 2012.

Kangan Batman Institute of TAFE — Report, 2012.

La Trobe University — Report, 2012.

Monash University — Report, 2012.

Northern Melbourne Institute of TAFE — Report, 2012.

RMIT University — Report, 2012.

South West Institute of TAFE — Report, 2012.

Statutory Rule under the Victorian Civil and Administrative Tribunal Act 1998 — No. 38.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 38.

Sunraysia Institute of TAFE — Report, 2012.

Swinburne University of Technology — Report, 2012.

University of Ballarat — Report, 2012.

University of Melbourne — Report, 2012.

Victoria University — Report, 2012.

William Angliss Institute of TAFE — Report, 2012.

Wodonga Institute of TAFE — Report, 2012.

BUSINESS OF THE HOUSE

Adjournment

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

> That the Council, at its rising, adjourn until Tuesday, 7 May 2013.

Motion agreed to.

ACCOUNTABILITY AND OVERSIGHT COMMITTEE

Membership

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

> That Mr O'Donohue be discharged from the Accountability and Oversight Committee and that Mr Philip Davis be appointed in his place.

Motion agreed to.

MEMBERS STATEMENTS

Police: Mount Waverley station

Mr TARLAMIS (South Eastern Metropolitan) — I rise to speak on a notably undelivered and misrepresented election commitment by the government and the member for Mount Waverley in the Assembly regarding community safety in his electorate. Given the member's apparent confusion when it comes to getting the name of his own electorate right — it is 'Mount Waverley', not 'Waverley' — I can understand that he simply may not know the

difference between achieving an election promise and reannouncing it.

A recent post on the member's website describes the 24-hour staffing of and renovations to the Mount Waverley police station as 'closer with funding announcement'. I suppose it is understandable that the member became a little excited. He hopped on Twitter and proudly retweeted the Premier's announcement that the government had delivered 'yet another election commitment to improve community safety'. Bearing in mind that the 24-hour police station was already supposed to have been delivered, I imagine this would have led to a fair bit of confusion among Mount Waverley residents as the station, as it stands, is still only open from 9.00 a.m. until 5.00 p.m. Monday to Friday. Five days a week does not equal seven, and 9 to 5 does not equal 24 hours. Not that we should be surprised; after all, what other result might we expect from a government that ripped $65 million out of the Victoria Police budget?

Unfortunately using political naivety as an excuse will only get you so far, and the member for Mount Waverley should know better. This misleading entry on his website will not fool any of his constituents, who will be only too aware of the fact that he has been talking about this police station for a long time but has been very short on action. I dread to think what other cuts we will see in the forthcoming state budget from this government, which will invariably push other election promises to the side in the vain hope that Victorians will not notice.

Pound–Shrives roads, Hampton Park: safety

Mr SOMYUREK (South Eastern Metropolitan) — I rise once again to request the state government take action to improve the safety of motorists who use the intersection of Pound Road and Shrives Road in Hampton Park. As well as having received many constituents' complaints about this intersection over the years, I continue to have the misfortune of using this intersection occasionally. There are no traffic lights at this busy intersection, which makes turning right out of Pound Road a nightmare in peak hours, and the number of accidents at this intersection reinforces the dangerous nature of this road.

Dandenong Market: rental concession

Mr SOMYUREK — I would like to commend the Dandenong Market for giving its traders a $100 000-plus rental concession after a public campaign over their financial struggles. However, business is starting to look up for the Dandenong Market traders, as evidenced by increases in rentals at Dandenong Market outstripping increases at other major Melbourne markets.

Teachers: enterprise bargaining

Mr SOMYUREK — I condemn the Victorian coalition government for taking 18 months to resolve the teachers' pay deal. The former Premier made a promise that he had no intention of delivering. This caused significant disruption to the Victorian school system and the lives of students.

Environment: government performance

Mr BARBER (Northern Metropolitan) — This government is about to find out how fast you can lose votes when you proudly display your anti-environment colours. It has cut back solar support, made it nearly impossible to propose a new wind farm and set up tenders to sell as much coal as it possibly can. After banning protestors and the media from duck shooting opening day, an illegal massacre of endangered species ensued. On threatened species, the newly updated list shows more than 50 species moving up the list to a more endangered status. The government wants to bulldoze more trees when it should be planting them, and later today it will bring a bill into the Parliament to entrench woodchipping of native forests when nearly everyone in Victoria wants it to end.

Despite two Auditor-General reports saying the Department of Primary Industries failed to enforce environmental protections, the government has put the former Department of Primary Industries in charge of the environment. Transport now means massive new freeways and rail projects deferred indefinitely. The Minister for Environment and Climate Change is invisible but unleashes abuse when challenged. Then there is the group of radical climate change denialists within the government led by Mr Finn, and no member of the coalition has the guts to challenge him, contradict him or tell him to shut up.

An environmental protection plan is a must have for nearly every voter in this state. Leaving aside those vested interests making money out of destruction, almost no-one wants to vote for an anti-environment party. Since the Leader of the Opposition does not have a Green bone in his body, that leaves only one person capable of articulating a policy — that is, the new Premier. I look forward to debating him on the question of the environment, the biggest question of this century.

Holocaust: commemoration

Mrs KRONBERG (Eastern Metropolitan) — On Thursday, 4 April, I was privileged to join members of Melbourne's Jewish community at the commemoration of Yom Hashoah, the Jewish day of remembrance. We witnessed an extremely moving ceremony and were immersed in utterly beautiful singing in Yiddish marking the passing of 70 years since the Warsaw Ghetto uprising. The commemoration was named '70 Years after the Uprising — Voices of Warsaw and Beyond' and was organised by the Jewish Community Council of Victoria (JCCV), which is the peak body of Victorian Jewry, Australia's largest Jewish community. It is important for all Victorians to know about and support the aims of the JCCV, which seeks to attain a better society by promoting understanding between faiths, generating a greater respect for and understanding of the Jewish way of life, ensuring a safer Jewish community and acquiring a better knowledge and appreciation of the Shoah, or as we know it the Holocaust, and its lessons. It is important that a deeper appreciation of Israel's efforts to achieve peace and understanding is developed across the Victorian community.

Monash University: Ben-Gurion University of the Negev partnership

Mrs KRONBERG — On another matter, I attended a profoundly enlightening conference last week in Melbourne, which was conducted as a collaborative venture between Monash University and the Ben-Gurion University of the Negev in Israel. Having visited the Ben-Gurion university in 2009, I looked forward to the conference, and I was not disappointed. This was a splendid example of cooperation and a driving force in providing a practical and rewarding means of learning from each other and working together. The topic of the conference was sustainability; my area of interest is how sustainability is applied to urban design. I congratulate the organisers of this important milestone event, which also happened to shine a light on the contrast between the behaviour of those involved in this successful event and the appalling behaviour and the mindlessness driven by the boycott, divestment and sanctions movement that has been reported out of the University of Sydney.

Australia Lebanon Chamber of Commerce and Industry: gala ball

Mr ELASMAR (Northern Metropolitan) — On Saturday, 23 March, I was honoured to attend the second anniversary gala ball of the Australia Lebanon Chamber of Commerce and Industry. The night was a celebration of the bilateral relationship between Australia and Lebanon. The ball was a resounding success, and I congratulate the chamber's president, Mr Faddy Zouky, and the members of the board on a wonderful evening.

Victorian Lebanese Community Council

Mr ELASMAR — On another matter, on Thursday, 28 March, I attended a function organised by the Victorian Lebanese Community Council, which is comprised of policemen and women of Lebanese ancestry. I was pleased to address the gathering, and I am very proud of their achievements; they are an integral part of our Victorian community.

Victorian Amateur Football Association: season launch

Mr ELASMAR — On another matter, the Victorian Amateur Football Association were kind enough to invite me to attend their season launch on Wednesday, 3 April. It was a great night, and I am glad I was in attendance. The president of the association, Mr Michael Hazell, hosted the event. Guest speaker Mr Barry March, president of the Richmond Football Club, gave an inspirational speech. My congratulations go to all the recipients who received certificates of merit. It was a thoroughly enjoyable occasion.

Boston: bombings

Hon. D. M. DAVIS (Minister for Health) — Today I want to make a statement on what has happened in Boston. People across the world have been shocked by what we have seen happen at the time of the Boston marathon, a very well-established event that is an emblem across the world. Boston is a sister city of Melbourne and a city with which we have much affinity. I refer not only to our history, laws and language but also to a strong history of scientific and medical research and a history of strong universities.

The tragic events that have occurred in Boston in these last few days make it very clear that no peaceful society can take its security for granted. More than 150 people have been injured and there have been a number of deaths, and shock and a terrible horror has descended over the community in Boston. I know the people of Boston. I have visited Boston, and I was incredibly impressed by both the city and the people who live there. I know they will stand up to this sort of intimidation and attack, this great horror. The lesson for all of us is a strong one: we must be vigilant and careful with our security. I know the spirit of the people of

Boston will shine through. I also know that our sympathy as a community is with them.

Liberal Party: McEwen federal candidate

Ms BROAD (Northern Victoria) — I refer to the recent decision of the Liberal Party to endorse a member for Northern Victoria Region, Mrs Petrovich, as the Liberal Party candidate for the federal electorate of McEwen. Given that the Victorian government, led by Mr Baillieu and now Dr Napthine, is struggling to deliver on a multitude of Liberal-Nationals election promises made in 2010, it is not surprising that the Liberal Party has decided not to count on the re-election of the member in the third position on the Liberal-Nationals ticket for Northern Victoria Region. Those promises include the Wallan-Kilmore bypass to the Hume Freeway north of Kilmore, natural gas to Wandong, reducing the cost of living for families, not cutting public sector jobs, making teachers the best paid in Australia — and the list goes on.

While the Liberal Party is perfectly entitled to choose not to take its chances at the 2014 Victorian election in the third position on the Liberal-Nationals ticket for Northern Victoria Region, what it is not entitled to do is put its hands in Victorian taxpayers pockets to fund its campaign for the federal seat of McEwen — —

Mrs Petrovich — On a point of order, President, the member is reflecting on a member — me — and I ask her to withdraw.

The PRESIDENT — Order! I do not believe there has been a personal reflection on Mrs Petrovich in the remarks that have been made. Ms Broad has referred to Mrs Petrovich's selection as a candidate at a federal level, but the remarks that she is making are about the government.

Mrs Petrovich — If I may, President, the remark that I took offence to was that she said I had my hands on the taxpayers money.

The PRESIDENT — Order! Mrs Petrovich, she did not say that.

Mrs Petrovich — She did.

The PRESIDENT — Order! I have got pretty good ears, Mrs Petrovich. Ms Broad did not say that. She referred to the government, not to Mrs Petrovich as a member.

Ms BROAD — The Liberal Party should do the right thing by Victorian taxpayers and pick up the bill for all its candidates' costs from the date of selection.

Hon. D. M. Davis — On a point of order, President, the member is referring to a matter which is analogous to Mr Pakula's situation in the last sitting week in this chamber.

The PRESIDENT — Order! What is the point of order? This is a vexatious point of order. It is designed to try to disrupt the member from making a statement. Members are entitled in their statements to canvass — —

Mr Drum interjected.

The PRESIDENT — Order! I beg your pardon, Mr Drum.

Mr Drum — To say whatever they want.

The PRESIDENT — Pretty much, and indeed you do. In a members statement members are allowed to canvass issues that they regard as something that ought to be put on the record and that ought to be discussed. Ms Broad is talking about government commitments. She has made a reference to Mrs Petrovich, but I do not believe that reference was a personal reflection that was adverse to Mrs Petrovich's position. Her only commentary in respect of Mrs Petrovich's position was that the Victorian government's policies are likely to have some impact on voters' intentions at the next election. Ms Broad is entitled to make that assertion. I might disagree with that, but she is entitled to make that assertion. Mr Davis's point of order is not a point of order. The fact that the situation might be analogous to some other member's circumstances is not a point of order. It is not part of the process or the proceedings of this Parliament. Let us not have those sorts of points of order.

Ms BROAD — While it is at it, the Liberal Party should promise that it will not waste the public funds which were very recently spent on setting up a new electorate office in Woodend by guaranteeing the Liberal Party replacement will not require yet another new office somewhere else at further expense to the taxpayer.

Higher education: federal funding

Mrs PEULICH (South Eastern Metropolitan) — Most Victorians are horrified that the Gillard Labor government has made a decision to slash hundreds of millions of dollars of funding and support from Victorian universities and their students, including the most needy. The federal Labor government has cut over $6.7 billion from the education budget in just over six months, and Victorian Labor is silent on this. Locally in South Eastern Metropolitan Region the indicative

figures for the Labor government's cuts to Monash University total $48 million.

The needy students will be burdened with greater debt. Lower socioeconomic status students who get start-up scholarships will have to pay back the value of their assistance after they reach a defined income threshold. That will see this group of students hit with greater debt in their post-study years than other, higher socioeconomic students who were not eligible to receive start-up scholarships.

In addition, thousands of local families will be hit with higher study costs with the abolition of up-front fee discounts. Families that have saved to pay for their children's university fees up-front will now face an instant 10 per cent fee hike. Individuals investing in their own future will now get slugged by the taxman if they dare spend more than $2000 on further education.

This demonstrates Labor's contempt for people taking their future into their own hands. At a time when Julia Gillard is travelling around the country promoting her third or fourth education revolution she is in fact robbing Peter to pay Paul. In fact what the federal Labor government is doing is robbing the older brother or sister who is at university to pay for the education of younger siblings in primary or secondary schools. It is deplorable, and I urge Victorian voters to see through it.

Baroness Thatcher

Mr FINN (Western Metropolitan) — I rise to express my deep sorrow at the passing of one of the truly great leaders of the past century. Margaret Thatcher became Prime Minister of Great Britain when it was not all that great at all. In fact Britain was in a bad way. Years of rampant militant unionism had knocked the UK to the canvas, and it seemed there was no getting up. Mrs Thatcher, as she then was, knew differently. Here was someone with a vision of where she wanted her country to be. She set about instilling her values of hard work and reward for effort and transformed Britain from an economic basket case into a thriving modern economy. She was also determined to support freedom wherever she could and, along with President Ronald Reagan and Pope John Paul II, she helped create the environment in which the Iron Curtain would crumble and millions would know liberty for the first time. She was a strong leader who served her nation and the world in the way leaders should.

Just as Baroness Thatcher showed us the heights of human achievement, the rabble that has celebrated her death in Britain and elsewhere, including Australia, has displayed the depths to which humanity can sink. Short of the nutbags at the Westboro Baptist Church, I have never before seen anything like what we have witnessed from the extreme left over the past week or so. For the political left hatred is oxygen. Without something or someone to hate, there is no reason for its existence. To the rent-a-crowd boofheads protesting against a frail elderly lady who has left us, I can only suggest they take a lesson from Margaret Thatcher's book. It just might not be too late for those pathetic creatures to in some way make this world a better place.

Margaret Hilda Thatcher certainly did that. We are all the better for her having been among us. May God bless and keep her.

The PRESIDENT — Order! I remind members that there is a condolence book for Margaret Thatcher in the library for those who wish to avail themselves of the opportunity to sign it.

Baroness Thatcher

Mrs PETROVICH (Northern Victoria) — I express my deepest condolences to the family and friends of Margaret Thatcher, who died on 8 April. Margaret Thatcher served the British people as their Prime Minister from 1979 to 1990. She dedicated 11 years of her life to serving the needs of the British people and bringing life to the English economy.

Margaret grew up in a middle class family of grocers and attended Oxford University to study chemistry at an honours level. Margaret had a keen interest in politics from adolescence and a strong belief in the power of the individual and a strong economy. Never one to bow down to public pressure, Margaret Thatcher often faced polarised views and made difficult decisions, such as the primary school milk ban, the poll tax and the taking of the Falkland Islands.

Margaret Thatcher defied the odds by becoming the first female Prime Minister of Britain. She beat back inflation rates which were averaging 13 per cent and increased employment levels across the board. As a woman in politics she paved the way and inspired many women by busting through the glass ceiling, and she was always true to herself.

During this time the male-dominated politics of the British Isles had fallen victim to the unions, which were calling strikes that threatened the economy of Britain. Margaret Thatcher's strength as a leader not only brought successful economic reforms to the English people but was also key to ending the Cold War and bringing political stability to the international community. I commend Baroness Thatcher for her

service to the British people and send my deepest condolences to her family and friends. I remind them that her bravery and commitment to the people of Britain will never be forgotten. Her funeral was a fitting tribute to a wonderful woman.

Dementia and Driving in Victoria

Ms CROZIER (Southern Metropolitan) — I would like to acknowledge the work of Alzheimer's Australia Vic. in bringing the difficult issue of dementia and driving to the public's attention. On Tuesday I had the pleasure of launching the discussion paper *Dementia and Driving in Victoria* at the Victorian Parliamentary Friends of Dementia meeting. I would like to thank my parliamentary colleagues who attended the meeting, including Mrs Coote, Mr Philip Davis, Ms Broad and members from the Assembly.

Those present heard from a number of experts including Melinda Congiu from the RACV, who discussed the recently launched *Dementia, Driving and Mobility*; Associate Professor Mark Yates from Ballarat Health Service, who gave a clinical perspective of dementia and issues with driving; and Anne Fairhall, a carer who gave a consumer perspective. Anne shared her experience as a carer and described the difficulties for both families and carers when faced with having to manage the issue.

The discussion paper looks at the impact of driver cessation, the mobility needs of people with dementia, driver testing, education and information, support and the prevalence of dementia. In Victoria today there are 74 600 people living with dementia; by 2020 this figure is expected to be 98 000 and by 2050 it will be around 246 000. Dementia is a significant issue that all Victorian communities will face as the ageing of the population increases. Improving access to information and education on dementia and driving is an important initiative. Again, my congratulations go to Maree McCabe and all those at Alzheimer's Australia Vic. for the work they have done and continue to do in this difficult area.

SUSTAINABLE FORESTS (TIMBER) AMENDMENT BILL 2013

Introduction and first reading

Hon. P. R. HALL (Minister for Higher Education and Skills) introduced a bill for an act to amend the Sustainable Forests (Timber) Act 2004 and the Traditional Owner Settlement Act 2010 and for other purposes.

Read first time; by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. P. R. HALL (Minister for Higher Education and Skills) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make this statement of compatibility with respect to the Sustainable Forests (Timber) Amendment Bill 2013.

In my opinion, the Sustainable Forests (Timber) Amendment Bill 2013, as introduced to the Legislative Council, is compatible with the human rights set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Sustainable Forests (Timber) Act 2004 (the SFTA) and makes miscellaneous amendments to the Traditional Owner Settlement Act 2010 to reflect the amendments to the SFTA. The bill aims to simplify the operation of the SFTA with respect to the allocation and vesting of timber resources and the operation of timber harvesting operator licences. The bill streamlines the process by which timber resources are vested in and allocated to VicForests, and removes the regime of timber harvesting operator licences. These amendments do not interfere with the property rights of any individual.

Human rights issues

The bill does not engage any human rights protected under the charter act. I therefore consider that this bill is compatible with the charter act.

The Hon. Peter Hall, MLC
Minister for Higher Education and Skills

Second reading

Ordered that second-reading speech, by leave, be incorporated into *Hansard* on motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill amends the Sustainable Forests (Timber) Act 2004 and the Traditional Owner Settlement Act 2010.

The Sustainable Forests (Timber) Act 2004, or SFTA, is the key enabling legislation for native timber harvesting in Victoria. The SFTA establishes the framework for the state government to allocate and vest native timber to VicForests from Victoria's state forests. The SFTA also provides the framework for sustainable forest management.

This bill follows an extensive review of the SFTA conducted in 2012. The review was a key element of the government's timber industry action plan and proposed amendments to the SFTA that will deliver clarity, efficiency, security and sustainability to Victoria's native timber industry.

The bill clarifies the purpose of the SFTA, to recognise the role of the act in enabling long-term access to timber resources. To ensure its sustainable future, Victoria's native forestry industry requires greater resource security and certainty to facilitate long-term industry investment. Improving long-term resource security underpins the industry's ability to access finance for investments in processing infrastructure, value adding and product and market development.

The bill strengthens the allocation of timber to VicForests, which would enable VicForests to offer longer term contracts to industry and improve the industry's capacity to achieve competitive returns on investments.

The bill amends the current two-stage process of vesting timber to VicForests, through an allocation order and timber release plans. Timber assets will vest under an allocation order only. This will improve clarity and efficiency, provide resource security, reduce regulatory burden on industry and more clearly separate the process of transfer of timber resources from the process of operational planning.

The bill removes the time limit on the period of an allocation order. Removing the time limit will provide VicForests with the incentive to actively manage all of the area identified for timber production in the allocation order.

While the bill proposes an indefinite allocation order, the allocation order will be used as the mechanism by which maximum contract length is set and will specify that VicForests could only offer up to 20-year timber supply contracts. Contracts greater than 20 years will require the approval of the Minister for Agriculture and Food Security in consultation with the Minister for Environment and Climate Change and the Treasurer. However, contracts greater than 20 years are likely to form a very small percentage of VicForests total supply commitments and will be offered on a competitive basis.

The bill reforms the management of timber resources and harvesting by VicForests by placing responsibility for approval of timber release plans with the VicForests board. While the timber release plans will not play a role in vesting timber resources, they will remain a key planning, auditing and consultation tool for VicForests.

The bill removes the timber harvesting operators licence system and supporting regulations. The current timber harvesting operators licence system duplicates occupational health and safety and environmental standards governed by other legislation and regulation. This will bring the native timber industry in line with other industries with similar risk profiles, such as mining, that do not have similar regulatory burdens. The timber harvesting operators licence system will be phased out within 12 months of commencement of this bill.

The bill maintains current traditional owner procedural rights in relation to timber production on Crown land by making consequential amendments to the Traditional Owner Settlement Act 2010 to reflect board approval of the timber release plans. In addition, the bill ensures there can be no invalid effects on native title rights and interests.

The bill does not propose changes to Victoria's sustainable forest management framework. VicForests, and other forest managers, will continue to be subject to all current environmental standards.

I commend the bill to the house.

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

Debate adjourned until Thursday, 2 May.

RAIL SAFETY NATIONAL LAW APPLICATION BILL 2013 and TRANSPORT LEGISLATION AMENDMENT (RAIL SAFETY LOCAL OPERATIONS AND OTHER MATTERS) BILL 2013

Second reading

Debate resumed from 21 March; motions of Hon. P. R. HALL (Minister for Higher Education and Skills).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on these two bills. What they do is implement a Council of Australian Governments (COAG) agreement to pursue a national transport regulation scheme, particularly in relation to national rail safety and setting up a national rail safety investigator and national regulations for the heavy vehicle, rail and commercial marine sectors. That was the ambition of COAG, and these two bills seek to implement that ambition.

I will start off by referring to the Transport Legislation Amendment (Rail Safety Local Operations and Other Matters) Bill 2013, which really complements the Rail Safety National Law Application Bill 2013 by providing amendments to the Victorian Rail Safety Act 2006. It preserves large parts of that bill — the Victorian legislation — because not all Victorian railways are covered by the federal scheme; indeed there are seven heritage and tourist railways that have opted out of national regulation and are outside the national safety scheme. The second of the two bills effectively amends the state legislation, the Rail Safety Act 2006, so that there is the preservation of that legislation to allow the seven heritage and tourist railways to stay out of the national system.

That in itself raises a question about whether we actually have a national safety system when you have

the preservation of state legislation. In essence you have a two-tiered model, with some railways under the national scheme and others under the state scheme. While I respect the right of those seven railways to stay out of the national regulations, it raises questions about the effectiveness of that regulation. It raises questions about whether or not we are indeed providing a simplified national standard. Those are issues the government needs to consider and address as it goes forward, because it seems to me that if you are focused on safety and want to have a national standard and best practice, there is a question about why we do not have that across the board and why we have this group that is exempted.

The second-reading speech in relation to the Rail Safety National Law Application Bill refers to the fact that Victoria has been lucky in the sense that it has avoided major rail disasters. That is and has been the case thanks to much hard work and effort of many people. The second-reading speech also refers to the exception, which is level crossing tragedies, which continue to bedevil Victoria. The second-reading speech is explicit in its concern about the injuries and the deaths that occur at level crossings. It is for that reason that a document setting out the risks associated with each of those level crossings has been made publicly available. Everyone can see information on the most dangerous level crossings in Victoria. The Australian level crossing assessment model list has exposed the fact that this government has prioritised a level crossing at Brighton which is ranked at 223 on the list of the most dangerous and congested level crossings.

The minister's second-reading speech refers to the impact level crossings have on Victorian safety, yet we see the government's actions in prioritising a level crossing which is ranked at 223 on the Australian level crossing assessment model list. A number of promises have been made by the government in relation to crossings at, for example, Main Road, St Albans, which is fourth on the list. The government made an election commitment to provide $10 million for planning and construction in its first term, and again that has not been delivered. However, as I said, funding has been found for the crossing, which is ranked at 223 on the list. If you go through the list of level crossings, you will see that there is no commitment and no funding for any of the priorities until, as I said, you get to no. 223. The government needs to provide an explanation for this vacuum when it comes to level crossings, particularly when the second-reading speech is clear about the impact this has on community safety.

Another aspect of the bill I wish to draw attention to is the requirement for a service level agreement between the national regulator, the safety director and the Minister for Public Transport, as well as delegations from the national regulator to the safety director and the Transport Safety Victoria staff. In essence the bill sets up a framework, a lot of which will be populated by this service level agreement. The concern the opposition has is that we are signing off today on a framework without this service level agreement having been delivered.

It is surprising, given that Council of Australian Governments discussions commenced in June 2009, that some three or four years later we still do not have the underpinning service level agreement, and again this warrants an explanation by the government. What we have been asked to do is to sign off on a framework without actually seeing the substance of that framework. I suppose our other concern when it comes to the service level agreement is the fact that it appears the bill provides that the minister can unilaterally set aside the agreement. We are concerned at the power given to the minister to unilaterally set aside that agreement.

As I said, this is really framework legislation set up in order to give effect to national undertakings and agreements. The new authority that is set up under the bill will be based in South Australia. A number of other states have now implemented legislation to give effect to the bill. The opposition does not oppose the bill but asks the government to consider those comments.

We do note that rail patronage in Victoria has experienced significant increases over the last decade. We are concerned that in a broader sense the government has not responded by providing sufficient trains to meet that demand. Recent announcements, as we have seen with this government, will certainly not feed the demand in terms of patronage. We welcome the increase in patronage on public transport because if we can get more people on our trains, we will have less congestion on our roads. But you cannot get more people on trains unless you make those trains available. It is important to remember the priority that should be given to public transport as a way of promoting the environment and also as a way of reducing congestion.

As I said, the opposition will not oppose the two bills. We welcome the nationally consistent approach, but we are concerned that there will still be a two-tiered model under this approach. We are surprised that there is still a lack of agreement to provide a body for what is in essence framework legislation. But with those

observations, the opposition will not oppose the legislation.

Mr BARBER (Northern Metropolitan) — The purpose of this set of bills is for Victoria to adopt South Australia's piece of model legislation so that we can have a national rail safety law, after which that regulatory responsibility will be passed back to our own state-based transport safety regulator and we will be back to where we started from. However, I agree that it is good to have a national rail safety legal framework because increasingly we have interstate rail operations for the purpose of both passenger and freight movements. In Victoria they are mixed in with state-based operations. Perhaps we will soon have progress towards a high-speed rail up and down the east coast of Australia. We are the only continent, apart from Antarctica, to not have one. I am hoping I get to ride on one in Australia before the penguins are riding on one around Antarctica! Having said that, we support the framework that is here.

I should spend a moment talking about the issue of rail safety in Victoria. The first thing to say is that riding by rail is much safer as a mode of transport than getting in your car and taking the same trip. Our national rail safety bodies estimate that it is approximately six times safer to travel by rail than it is to travel by car when measured as a certain number of hours of travel or kilometres of travel. In fact, while we make good efforts on road safety here in Victoria, the best and fastest way to reduce the road toll would be through mode shift — that is, to move increasing numbers of journeys onto rail from our roads. It is disappointing that yesterday's Auditor-General report into traffic congestion noted that Public Transport Victoria is no longer working under any kind of target for mode shift. Without such a target it is pretty hard for the government to work out where it is heading — how many trains it wants to buy, how many rails it wants to build and, for that matter, how many services to offer on each set of tracks.

Assuming current levels of growth, we need a big expansion in rail capacity. The budget papers for this year indicate a target of 2 per cent growth in train passengers and very little growth in tram passengers. In fact in another report tabled in the Parliament on Tuesday we see that the December quarter rail patronage figure grew by 3.4 per cent, or to look at it another way, the government predicts 2 per cent growth this year, and I am sure Mr O'Donohue has been briefed on this notwithstanding that he is now moving on to another set of portfolios. In the first half of the year there has already been growth of 1.3 per cent, and last quarter seems to have been the quarter when patronage took off. This government has had it easy in fact because in its first two years of government there has been very little growth in train patronage, which is a function of the after-effects of the global financial crisis and the impacts we are still feeling on employment. This impacts on city centre employment, which is one of the major drivers of rail patronage.

In 2005 the previous government, which did have a public transport mode shift target, was nevertheless caught short when it got the type of patronage growth that its rail target anticipated. That government planned for 20 per cent of mode share to be by public transport, and when that kind of growth started happening around about 2005 it got the shock of its life and did not know how to cope. In some instances we saw growth of more than 7 per cent in rail patronage just in one year. That is how fast it can start to grow when factors such as city centre employment, petrol prices and inner city residential growth all come together in a fairly short period. This government could very well be caught short, and unlike in 2005 when there was a fair bit of room on the trains in the morning peak, now we know they are chock-a-block with anything from 800 to 1000 passengers still regularly on trains on some lines coming into Melbourne in the morning. That is a problem for the government.

In terms of safety, we should look at the incident statistics for both heavy and light rail — light rail being trams — as reported by Transport Safety Victoria for the 2012 calendar year. These statistics are on its website in quarterly and annual reports. They are very easy to follow. There is a clear definition of what is a reportable incident. It has to be a serious incident that would require public transport operators to give information to the government. The good news is that fatalities on heavy rail — mainly trains — have fallen from 17 in 2008 to 10 in the year just gone; however, the figure for last year was in fact an increase on the 2010–11 figures. While a significant number of these fatalities are listed as trespassers on the system, the figure also includes members of the travelling public, passengers and, in some years, employees. In terms of serious injuries, that number has also fallen from about 90 in 2008 to about 40 last year, but that is still up from a couple of years ago.

The road toll is reported on almost a daily basis. It seems to me that although these sorts of figures are available in quarterly statistical reports, they are almost never written up and the causes of these accidents are not looked into by the public and rarely by this Parliament.

Moving over to trams there is a slightly different story. Bearing in mind that the regime we are proposing today will cover rail at a national level while trams will be left to the state regime, both sets of responsibilities will be dealt with by our state transport safety regulator. There was one fatality involving trams in 2010, two fatalities in 2011 and one fatality in 2012. In terms of serious injuries in 2012 there were two collisions between a tram and a person and three between a road vehicle and a tram. There were many more collisions between the two types of vehicles, but this is referring to collisions leading to a serious injury — generally the type of injury that would see someone taken from the site of the accident directly to hospital under Transport Safety Victoria's definition. There were 7 slips, trips or falls on trams last year and 16 the year before that, and there were 2 falls getting onto and off trams last year.

I have to reiterate that travelling by train and tram is very safe compared to taking the identical trip by car, but we want it to be a lot safer. I have witnessed some accidents involving trams that I found quite horrific, and I can bring clear images of them up in my mind right now. Just a couple of months ago I saw a gentleman who was crossing Elizabeth Street near the GPO building step off the kerb, cross the car lane and, with absolutely no awareness of what was heading towards him from his right, be hit by a tram and thrown quite high into the air and for a long distance, after which the tram passed between me and him, so I could not see whether he had gone under the tram. After the tram stopped I saw passers-by walking him off the road, so he appeared to be ambulatory at that stage.

A couple of years ago I was on another Elizabeth Street tram and saw an elderly woman trip from the top of the three stairs — it was one of the older style trams — and fall headfirst into the so-called safety zone. That is the area that is about 1 foot wide with a tram on one side, vehicles on the other and a concrete and metal rail sticking up. She landed on the ground and simply did not move. The tram stopped, all the following trams had to stop and an ambulance was called.

There are things we can do to prevent these types of accidents. Members would have seen on tram stops the image of rhinos on skateboards as part of a Yarra Trams advertising program. That campaign seems to have been effective in terms of reducing collisions between persons on the road pavement and trams — we can see a decline there — but in terms of trips and falls inside trams and getting to and from trams we are not seeing a sustained improvement. In fact an article that was published in the *Australian Journal of Emergency Management* suggested that trips and falls inside trams and getting to and from trams were on the increase in a statistically significant way.

It is my belief — and there is some evidence for this — that that is due to the dramatic overcrowding we have seen on trams over the last five years. If you look back to the mid-2000s, on many tram journeys you would have seen most people seated and one or two people standing, although perhaps it was not so good during peak hours. Now what we are seeing is that at all times on a weekday, and on weekends as well, there are sometimes hundreds of people standing on trams, with very few getting a seat. It is not surprising that there has been a quite rapid rate of growth in trips and falls involving trams, because the number of people regularly standing on trams and having to cling to supports or force their way through crowds to move around trams, including getting on and off the vehicle, has risen quite dramatically, and that has created this effect that I am seeing.

I have not yet seen a specific program from Yarra Trams as to how it will make steady improvements to the slips, trips and falls aspect of this problem. To do that we need a rapid rollout of platform stops. It is certainly possible for people with disabilities and in wheelchairs to use trams; it is also easy and safe for the rest of us. It is possible to board trams faster now, and strong protection is provided for people who have to move out into the middle of the road to catch trams. The rollout of platform stops has been at a very slow rate. In fact the government has not complied with the requirements of the federal Disability Discrimination Act 1992 and shows no sign of moving to compliance in the near future.

Then there is the question of overcrowding, which needs to be reduced. The government is responsible for the tram procurement contract. It was signed by the previous government late in its term. The tender was supposed to deliver half a dozen trams prior to last Christmas and 10 per year for five years after that. I would call that a relatively small order of trams. In the next decade we will not be able to keep up if we see the same rate of growth that we have seen over the last decade. Nevertheless, that has now been delayed, and we are told that maybe some of those trams will be on the rails by June for testing purposes, after which the rest of the order will be delivered as per contract. I am waiting to see if that happens.

At the same time I am aware that the contract contains an option to purchase more trams, and faster, under a price that has not been made available to the public; it was blacked out of the version of the contract I

obtained. I believe the government should make that figure public. It should move to exercise that option and get us more trams, because the current situation is intolerable; it is driving people off public transport. In the interests of disclosure I should say my regular tram, at the point at which I board it, is the most overcrowded tram in Melbourne. People physically cannot get on the tram. They are left behind on multiple services. It is just dangerous. I find myself doing what tram conductors used to do, and that is looking out for people as they are getting on and off the tram.

My tram route goes past the hospitals, and I frequently see people on the tram who are on their way to a medical appointment who already have a broken arm or a bad leg. They find it hard to get on and off the tram and navigate their way through the vehicle. In the good old days the conductor used to monitor the whole length of the tram and ring the bell to signal the driver that all passengers were seated or in a safe position and it was safe for the driver to take off. Currently the driver has enough to worry about, including avoiding on-road collisions with pedestrians and other vehicles, without having to monitor the whole length of the vehicle, especially when it is very crowded.

That is another good reason for us to re-introduce tram conductors. They would be self-funding because they would reduce fare evasion. This could be commenced with a trial; before we rollout a conductor on every single tram, first to last, we could run a trial on one line to see the impact on fare evasion, collecting revenue and passenger safety, and to assist the driver on a small scale.

Sydney, for its one tram, has a conductor. It is only a short trip. It goes from the centre of the city — —

Mr Ondarchie — Paddy's Market.

Mr BARBER — To Paddy's Market and the casino, yet the conductor on that tram manages to more than collect his or her own wages back at the same time as offering a great service. Sydney, when it comes to the operation of trams, now has a more advanced attitude than Melbourne.

I urge all members to have a quick look at Transport Safety Victoria's statistics on heavy rail and light rail accidents to see how it is improving. Unfortunately it is the operators and the government that must take some responsibility in this area. In that field our transport system is completely Balkanised. We have the transport department, Public Transport Victoria (PTV), multiple different operators using the same set of tracks at different times, Yarra Trams, a safety inspector, a chief investigative officer, VicTrack, outsourced subcontracted maintenance — —

Mr Ondarchie — Have you been to the UK?

Mr BARBER — We will come to the UK in a minute if Mr Ondarchie likes; we could have a whole debate on that. There have been many tributes to Margaret Thatcher this week. But in the area of rail privatisation, members might like to know that Mrs Thatcher was a very reluctant convert. In fact they just got her over the line at the end of her tenure as Prime Minister. It was actually John Major who rolled it out, and it has been a complete disaster. There are still some regional rail franchise operations, but in terms of the bulk of rail passengers who come through the city of London, the public-private partnership (PPP), which involved both construction and operation, fell over. It was hundreds of millions of dollars in the red.

Mr Ondarchie interjected.

Mr BARBER — Mr Ondarchie has lost interest in this topic all of a sudden. He wanted to get into the question of rail safety.

Mr Ondarchie interjected.

Mr BARBER — It is of very real relevance, because there have been some serious failings in the area of rail safety in the UK, which led to the reversal of the John Major privatisation reforms in many areas. In the city of London the whole thing just literally fell over; the PPP just collapsed. In fact the House of Commons has had multiple inquiries into what went wrong. It is now back in public hands.

Somewhere in the middle of that history lesson the ideas of British rail privatisation were imported to Victoria. We split our rail into not really competing but separate geographic monopolies. Despite that arrangement falling over, the Bracks government decided to tender it out again. When the system all but collapsed under Connex the government tendered it out again, and now we have Metro Trains Melbourne. When the new government arrived there was a brief honeymoon when Metro appeared to be getting on with the job. After about 12 months Metro worked out that it is a lot easier to put pressure back onto the government, let the government pay and let taxpayers suffer the inconvenience of a whole series of operational changes that were designed for the convenience of Metro in running the choo-choo trains the way it wanted to, forgetting about the fact that you are actually trying to deliver a service for the passengers on those trains. We have seen this time and time again with slower running,

more changes, whole batches of services being cut out of the city loop and so forth.

Why it is that governments, Liberal then Labor and then Liberal again, despite all the evidence, want to keep privatising rail when public transport can only be run in the public interest? Private profit is never going to deliver the integrated and smooth running system we want here. This government and the Minister for Public Transport, Terry Mulder, love to stand behind Metro while Metro goes out there and not only takes the blame for anything that goes wrong but actually takes on the job of explaining to the public the vision for public transport. We saw it a couple of weeks ago. Metro, which has five years left on its eight-year contract, was explaining what the rail system will look like in 30 years time. Where was the minister? Shuffling around somewhere behind the Metro representatives and behind them was Public Transport Victoria.

PTV now has a rail plan, but it is not clear who owns the plan. It was a bid by a government agency to the government, but the government is yet to decide whether this is a plan that it is willing to fund and deliver. It is very confusing — almost as confusing as trying to make a complaint about public transport. You do not know whether you are going to myki, Metro, the Ombudsman, PTV, the Department of Transport or VicTrack at the interface of all of it.

Many of those matters, although they might concern the convenience of passengers, frequently come into safety decisions. As I said, rail travel is very safe, despite the best efforts of the government to make everyone scared about using it by showing ads on TV about how scary it is to be on a railway station platform at night. But it is all right: just in time around the corner come a couple of protective service officers (PSOs). Why was it that that station and its surrounds were so forbidding, unpopulated and unwelcoming in the first place? Because the government will not staff the system.

Mr Ondarchie interjected.

Mr BARBER — Mr Ondarchie should be aware that we had a vote in this place about expanding the PSO system. Despite the fact that Labor came out and said it was against it, Labor members voted with the government for the expansion. Only the Greens voted to oppose the expansion of the PSO program, because we argued that with private security guards, authorised officers, transit police and railway staff already out there and apparently responsible for different operations on the public transport system, adding PSOs to the mix would create more confusion about who is responsible for public safety, ticketing and other compliance. We know most public safety issues occur at a small number of railway stations and that half those issues happen before 6.00 p.m. For some reason we have two people standing on railway stations that barely see a few dozen people in a day doing not much. That same delivery of person power could be making things a lot safer; for example, on trams coming home late at night.

That is an area of rail safety that is not particularly covered by this bill. I was taken off onto one of my other favourite topics: the dehumanisation of the system and the relentless cutting of staff that Liberal governments have done over time and that Labor governments have failed to address, which is now creating a problem which I acknowledge is a problem. I think Mr Ondarchie's solution to it — that is, two guys with semi-automatic pistols — is not necessarily the most effective or well-considered solution.

Mr Ondarchie — The public like PSOs. Why don't you?

Mr Finn — Because they are police, and he does not like police. The Greens don't like police. They do not like authority or law — —

Mr BARBER — Mr Finn says the Greens do not like police, but the police — or at least the Victoria Police Association — apparently like the Greens, as we saw in the last Parliament. It was the Greens who were able to speak up for the industrial rights of police officers through the Police Regulation Act 1958.

Mr O'Donohue — The Police Association is very good at speaking for itself.

Mr Finn — I will give Greg a call and see what he says.

Mr BARBER — Give Gomer a call! The Police Association is very good at speaking for itself. If Mr O'Donohue would like to check out the edition of its newsletter that came out before the last election, he would not need to take my word for it as to what the Police Association thought about the Greens' policies going into that election. It is interesting, though, that at the previous election the Bracks government had a written election deal with the Police Association, but by the time 2010 came around the Police Association was saying it was only the Greens who understood the industrial rights of police officers as workers working in the public service.

Mr Ondarchie interjected.

Mr BARBER — I think the Police Association has been philosophical about the PSO program, but it would be aware, as most of us are, about the potential for rolling out the program the way it was dreamed up by the former Baillieu government — or the 'Baillieu experiment' as it is now referred to. Mr Ondarchie seems to have trouble acknowledging any pitfalls or problems, but as time goes on we will get a chance to scrutinise that program.

There is one other issue to address with this bill — that is, the question of Public Transport Victoria and the former Department of Transport. In a previous iteration of legislation governing those bodies, we discovered that there had been a long-running dispute between Transport Safety Victoria (TSV) and the department over whether the department was subject to regulation by TSV. The department, and apparently PTV, do not consider themselves to be rail operators; they franchise that responsibility out. Over a period of years Transport Safety Victoria tried and failed to get the Department of Transport to develop its own safety plan. Those bodies make safety decisions. During a brief committee stage on this bill I hope we can have a discussion with the government about how those bodies are covered under this legislation, and if they are not covered, why not?

Mr O'DONOHUE (Eastern Victoria) — I would like to respond to the positions of both the opposition and the Greens. I am pleased Mr Tee clarified the position of the opposition because during his contribution I heard him say he opposed the bill, then he said he did not oppose the bill. Finally, he clarified his position as not being opposed to the bill, which we welcome. The Greens support the bills, notwithstanding Mr Barber's lengthy critique of a range of matters that ultimately are extraneous to these two bills. The government welcomes the support from the Greens.

I would like to address some of the matters raised by both Mr Tee and Mr Barber. Mr Tee criticised the fact that seven heritage and small railway operations have chosen to stay out of the national regulatory framework. Mr Barber referred to this as a two-tiered system. The government makes no apology, and indeed the Minister for Public Transport, Mr Mulder, stood up for those smaller operations that had no connection to the broader national network. He gave them the choice of being covered by either a national regulatory framework or the state-based system. If Mr Tee is suggesting that very small heritage railways should be regulated by the national regulator based in Adelaide, I look forward to him making that case to those seven operations which, when given the choice by this government, opted to stay within the state-based framework. We make no apologies for that. The purpose of these bills is to create a national framework, and ultimately the major beneficiaries of that will be the larger networks, particularly those that operate on an interstate basis. We reject the suggestion that it makes some sort of confused two-tier system.

Mr Tee's second general proposition was about the failure of the government to address concerns about a number of level crossings. Mr Tee, as is the wont of the opposition, focused on an upgrade that is taking place in Brighton. This is not a level crossing removal; it is a safety upgrade. Mr Tee made the assertion that there is no investment in level crossing no. 1 on the Australian level crossing assessment model list while crossing no. 223 is being funded. The level crossing he referred to in Brighton is not being removed or grade separated; it is being upgraded with safety improvements. I am sure Mr Tee will be pleased to know, and I am happy to inform him, that in his own electorate the Mitcham Road and Rooks Road level crossings in Mitcham were fully funded in the last budget. He seems oblivious to this. The pre-construction process there is well advanced and is, as I said, in his electorate. I am sure he will welcome the news, which he was clearly unaware of, that the level crossings at Mitcham Road and Rooks Road will be removed. This is a very exciting, complex project.

Mr Tee will also be pleased to know that in the Liberal bastion or heartland of Springvale Road, Springvale, the government has invested significant funds to remove the level crossing. It was a significant bottleneck in your electorate, Acting President, in the Liberal heartland of Springvale Road, Springvale. The government is removing two level crossings in the Liberal heartland at Anderson Road in Sunshine. This is part of the regional rail project. Members will recall that the former Minister for Public Transport, Mr Pakula, took that crossing out of the scope of the regional rail link. It took a Liberal government and Minister Mulder to reinsert two level crossings at Anderson Road in Sunshine.

When Mr Tee makes these ridiculous assertions about some sort of pork-barrelling for Liberal-held seats, he is wrong. The coalition is investing significant resources to remove level crossings across the network. We had a very clear agenda in this space prior to the last election, and we are implementing that agenda. As I said, places like Springvale Road, Springvale, and Anderson Road, Sunshine, are not traditional Liberal territory. The notion that this is some sort of pork-barrelling exercise is absolute nonsense.

Mr Tee also raised the issue of there being no service level agreement finalised, and he said that somehow the act will give the minister the ability to set aside a service level agreement at any time once it is finalised. This claim is incorrect. The bill does not permit the Minister for Public Transport to unilaterally declare that a service level agreement is not in force. The minister may only make a declaration if the minister is of the opinion that no service level agreement is in force. That means the service level agreement must have been terminated before a declaration is made. The minister cannot just deem that no service level agreement exists. That would be unlawful under the basic principles of administrative law, because the minister would have no jurisdiction to make such a declaration. A service level agreement must have come to an end before a declaration is made.

I turn to the points made by Mr Barber during his contribution to the debate. Mr Barber is nothing if not consistent. In the world of green economics, introducing tram conductors would be a cost-neutral exercise. In the world of the Greens, and by Mr Barber's own recollections of his own travels, people commute three or four stops to the CBD. I have seen various news articles in papers that cover the areas of Dandenong, Berwick, Frankston and Lilydale and a range of other places on the edge of the suburban network, so I know that the reality is that people who commute to and from the city in the middle of winter leave work at 5.30, 6.00 or 6.30 p.m. and may not get to Berwick, Cranbourne, Dandenong, Lilydale or Frankston railway stations until 7.30 or 8.00 at night.

The feedback in the public commentary in the local papers, the feedback I have received as a member for Eastern Victoria Region and the feedback that the minister and other members of the coalition have received is that the introduction of protective services officers (PSOs) on the network is making the metropolitan railway system safer. The PSOs are making people feel safer and are encouraging a spread of travel at later hours. Notwithstanding the Greens' opposition to the PSOs, their introduction at railway stations has been a great initiative. I again make the point that at least the Greens are consistent in that they oppose the PSOs on the railway network.

However, with the Labor Party we have a hotchpotch of positions. When in government Labor mocked the coalition's policy, but now we are in government and it suits them, Labor members oppose having PSOs at railway stations. In a speech Mr Merlino, the Deputy Leader of the Opposition, and the member for Monbulk in the Assembly made he cited a commentary from England which referred to a similar officers over there as 'plastic police'. He mocked the PSO concept, but at the same time he asked, 'Where are the PSOs for Belgrave station?'. Let me say to Mr Merlino and members of the opposition that they cannot have it both ways. They cannot say on the one hand, 'This is outrageous; this is a waste of taxpayers money, and we oppose it', and on the other say, 'By the way, where are the PSOs for my station? Where are they for the station in my electorate?'. They cannot have it both ways. Again I give Mr Barber credit for at least being consistent.

Mr Barber also said that tram infrastructure needs to be upgraded. Obviously Mr Barber has not been to the Domain interchange recently, because if he had, he would have seen the recently completed Domain interchange works, and he would be amazed at just how much that interchange has been transformed.

Mrs Coote — An excellent job.

Mr O'DONOHUE — Absolutely. They did an excellent job. Let me take this opportunity to congratulate all those involved: the minister, Yarra Trams, the contractors, the various other stakeholders, including VicRoads with its management of St Kilda Road, and the residents — —

Mrs Coote — And the commuters.

Mr O'DONOHUE — The commuters and everyone else associated with that project. For that significant project to have been completed during the Easter break is a remarkable achievement, and it will deliver significant efficiency on the St Kilda Road corridor by giving the no. 8 tram a dedicated left-hand turn, which is an example of some of the significant infrastructure improvements happening across the network.

In response to Mr Barber's general assertion that there is no plan and no investment in future infrastructure or capacity, I am sure Mr Barber is aware that since coming to government the coalition has delivered over 1000 additional services on the metropolitan network. There are new trams and new V/Line carriages on order. Minister Mulder and Premier Napthine have announced that eight new trains are on order. In addition, the regional rail link project is progressing.

At a more micro level, I was very pleased to join with my colleague the member for Bass — the Speaker of the Legislative Assembly, the Honourable Ken Smith — to open the new bike cage at Pakenham railway station last week. We have a range of

significant investments on order to increase rail capacity, and we are also implementing micro projects, such as new bike cages that will encourage people to travel to their neighbourhood railway station and make public transport travel easier for them.

I also want to touch on the issue of the road toll and the investment being made in that space. Any death is a tragedy, and any accident or significant injury is most regrettable. The 10-year action plan released by the government and the increase in Safer Roads Infrastructure program funding to $1 billion over 10 years — $100 million per annum — will deliver significant infrastructure improvements across the road network over the next decade. That is very welcome and a very good investment made by this government.

These two bills are, as Mr Tee described, the product of a Council of Australian Governments arrangement that will establish a national regulator in South Australia. We welcome the support of the Greens and the 'not oppose' position of the opposition. I congratulate Minister Mulder for standing up for the heritage of tourist railways by giving them the choice of either signing up to the national scheme or staying part of a state-based regime. This is a sensible law that will improve efficiency and safety across state borders, and we welcome the support of the opposition parties.

Mr EIDEH (Western Metropolitan) — We are debating two bills concurrently, because they are related and it make sense to debate them together. I am deeply concerned about rail safety, given that one of the most dangerous rail crossings in the entire state is not that far from my electorate office. However, this government has preferred to fix smaller, less dangerous intersections in Liberal electorates. I do not wish to offend those opposite, but the rail crossing in Brighton, an electorate in the Assembly represented by Ms Asher, has not cost lives. However, the St Albans crossing remains unchanged due to this government's particular twist on priorities. Updating a level crossing in Brighton that is ranked way down at no, 223 on the Australian level crossing assessment model (ALCAM) list of the most dangerous and congested crossings is a high priority for a government that has not lost touch with the people because it was never in touch with them.

This is absolutely critical because the ALCAM list exists to ensure the safety of the public is given priority by addressing those areas of greatest need and greatest danger. The minister and government members have gone against the ALCAM recommendations by upgrading first and foremost rail crossings in their own electorates. All that I can say to the communities in St Albans, Coburg, Moonee Valley and elsewhere is: pray that you remain safe until we can put a minister and a government into office that cares. Those opposite do not like hearing what I am saying, but the minister's own priorities, as displayed in the budget papers, prove that this government has an unmitigated bias against electorates such as my own.

Our state's population is expanding. Public transport is becoming far more critical year by year, and with that comes concerns about safety — the safety of those on board and the safety of those who cross rail lines, tram lines or roads, whether on foot or using vehicles of whatever type. Yet to date this government and the Minister for Public Transport have barely been heard on this issue. I hope these bills may be followed by more action in the area of public transport, as our state's growing needs have taken two and a half years for this government to recognise.

I also hope the next state budget will start to make up for this miserable lack of attention to rail safety in electorates not held by conservative members. I respectfully ask those opposite who have an interest in the whole state — and there are some — to ensure that all Victorians have access to rail upgrades according to the ALCAM recommendations and not according to political party interests. My electorate, my community, deserves far better than this government has afforded them to date.

These two bills may force the government to act in a positive direction. The national laws that will be adopted with the Rail Safety National Law Application Bill 2013 are a step forward and have already been adopted by other states and territories. The Transport Legislation Amendment (Rail Safety Local Operations and Other Matters) Bill 2013 modifies Victoria's Rail Safety Act 2006 to bring the national laws into effect by amending the Victorian act where necessary. A few issues and a delay in the bills coming before us have been caused by the irrational and unreasonable demands by the minister and his department to be excluded from the national set-up in certain areas; they have secured exclusion clauses that anyone who loves reading contract law would find very amusing but also very disturbing.

The bills were presented to the Parliament in the other place before certain mandatory preparations were made, so I hope the government members who follow can satisfy the house that the government has finally sorted out the service level agreement. Very simply, this failure by the Napthine-Ryan government puts

Victoria's ability to actively and realistically support the national framework in serious doubt. Operators, the people involved in the network, have due cause to be deeply worried. However, it is true to form for this government for bills to be brought before the Parliament before all the related aspects are completed, with very little discussion and often the briefest of briefings for the opposition.

It is characteristic of a government that still has not sorted out a real agenda for government. Perhaps the new Premier should follow the lead of former Premier John Brumby who delivered an annual statement of intentions, which set out a clear agenda for the government's priorities and plans. If this government had followed Mr Brumby's excellent lead, we would not have experienced missing out on budget funding that will mean our state will be at least 47 trains short of the needs of the public in 2017. That is barely four years away. Our state deserves better.

Mr ONDARCHIE (Northern Metropolitan) — I rise this morning to join this cognate debate on the Rail Safety National Law Application Bill 2013 and the Transport Legislation Amendment (Rail Safety Local Operations and Other Matters) Bill 2013. It is a pleasure to follow my friend and colleague Mr O'Donohue in making a contribution about these two bills. Mr O'Donohue is the former Parliamentary Secretary for Transport and is now the Parliamentary Secretary to the Premier, and the advice we have all received is that next week he will be a minister of the Crown. We on this side of the house are extremely proud of Mr O'Donohue and his progression. I know the people of Eastern Victoria Region are very proud to have one of their local representatives becoming a minister of the Crown in the Napthine coalition government. I congratulate him, and I am proud of him.

The Rail Safety National Law Application Bill provides for a national safety regulation scheme, including a national safety regulator and a national safety investigator in Victoria in accordance with the state's intergovernmental obligations. South Australia will be the host jurisdiction, and the regulator will be based there. Members opposite and Mr O'Donohue have outlined a whole lot of clauses in these bills, and it is not my intention to revisit them now. There are some exceptions to the scheme such as the tramcar restaurant and Puffing Billy. The national scheme will adopt the US rail safety scheme approach which enables the national regulator to delegate powers back to the states, and we have already talked about that this morning.

I want to address the comments made by Mr Tee, Mr Eideh and members of the Greens this morning, because these are very efficient bills. The members opposite strayed far and wide, and it is beholden on me, on behalf of the government, to address the nature of their wanderings away from the bills. Mr Tee and Mr Eideh accused the government of pork-barrelling with some of our investments in rail safety improvement, but, as we have seen in this chamber time and again, Mr Tee was scant on facts. He has missed the point again; maybe he is still standing on the platform when the train has already departed. The government is making transport investments in all seats, not just Liberal-held seats. They include building level crossings at Springvale Road, Springvale, in a Labor-held seat, and Main Road East and Main Road West in St Albans, in a Labor-held seat; and two grade separations in Anderson Road, Sunshine, which is another Labor-held seat.

I know other ministers have made significant announcements in non-Liberal seats. For example, the Minister for Housing made an announcement about investment in youth foyers and public housing in Broadmeadows, which is in a Labor-held seat. For members opposite to get up in the chamber today and accuse the government of not acting for all Victorians is both disingenuous and false, and I condemn them for it.

These bills go to the fact that we are looking to improve the transport system for all Victorians. In April this year the Premier, the Honourable Denis Napthine, and the Minister for Public Transport, the Honourable Terry Mulder, announced a $176 million order for eight brand-new X'trapolis trains to be fitted out here in Victoria by Ballarat train manufacturer Alstom.

Mr Somyurek — It is the local content.

Mr ONDARCHIE — And that is what it is about. I thank Mr Somyurek for his interjection, and I will pick that up.

The ACTING PRESIDENT (**Mr O'Brien**) — Order! Mr Somyurek is out of his place.

Mr ONDARCHIE — This government is about supporting Victorians and Victorian jobs, and this is another example of that. We know the transport system needs improvement because we inherited it from the former government. Mr Eideh used the example of former Premier Mr Brumby and said he would be the act to follow. I have to tell Mr Eideh that if we were to follow Mr Brumby, we would be in trouble, because at the very least we know that in his capacity as the Premier of the state, with Mr Lenders as his Treasurer,

Mr Brumby botched the $3 billion that could have been taken from the electronic gaming machine auction. What could we have done with that $3 billion in this state? I would caution Mr Eideh on using Mr Brumby as an example of how to run a good government in Victoria. I can add to that the desalination plant, the botched myki ticketing system, HealthSMART and a range of projects that the previous government landed this generation and the next generation with. It is outrageous.

Ms Crozier interjected.

Mr ONDARCHIE — As Ms Crozier rightly points out, there are also the failings in the health system: the unfunded Olivia Newton-John wellness centre and the unfunded ICT project at the Royal Children's Hospital. The list of things that the former Bracks and Brumby and Lenders governments left this government to fix goes on and on.

I know there is more to do in rail, and I have been advocating very strongly for an increase to rail projects. Mr Eideh talked about things that need to be done, and I remind him of Labor's commitment to rail projects in this state. The people of South Morang, where I live in my Northern Metropolitan Region electorate, were promised a train station by the Bracks-Brumby government in 1999. In 1999 families moved into the South Morang area because they thought they were getting a railway station. It took 13 years to arrive.

Those young people, who were paying mortgages and bills and trying to educate their children and make sure they were well looked after, were expecting a railway station to turn up but had to wait 13 years. Those young children who grew up in these family homes were driving motor vehicles before the railway station arrived. That is outrageous. It was outrageous for the Labor Party to make those commitments and lift the expectations of people in that area and then take 13 years to deliver that project. It is another example of the Labor Party in this state, and federally, making commitments to Australians that it is not going to deliver on.

There are university students in Victoria today who are bemoaning the fact that the Gillard federal Labor government — led by a person who in her university days protested outwardly for more funding for university students — is now cutting funding from universities. I notice that these problems are being handed back to the state for people like the Minister for Higher Education and Skills, Mr Hall, to deal with. It is outrageous that ALP members can stand in this place today and condemn the failings they see in this government when they handed it the problems. They should apologise. These are two very simple bills. I urge their quick passage through the house.

Mr ELASMAR (Northern Metropolitan) — I will make a brief contribution to the debate on the Rail Safety National Law Application Bill 2013 and the Transport Legislation Amendment (Rail Safety Local Operations and Other Matters) Bill 2013. The Rail Safety National Law Application Bill 2013 establishes the national rail safety regulator and the national rail safety investigator. The framework for this was agreed at a meeting of the Council of Australian Governments in June 2009 after extensive consultation with the freight industry. The main object of the bill is to introduce a new national regulatory framework for rail safety. The national law essentially modernises the state's existing regulatory framework, and while major aspects of the local scheme remain unchanged, alterations and improvements are made throughout the bill relating to definitions, offences, penalties and other provisions.

A primary focus of the bill is to make sure that the drug and alcohol control provisions in the national rail safety law for workers, such as train drivers and signal operators, are properly integrated with the drug and alcohol control scheme in Victoria's existing legislation. Notwithstanding that fact, I understand that $2 million earmarked or set aside for rail safety personnel training has been reallocated to another non-training program. It is essential that sufficient money is allocated to ensure that staff will be trained properly and appropriately in their new roles and responsibilities. This is critical to the effectiveness of the provisions in the new bill, as the bill incorporates provisions to random breath-test or drug-test personnel.

Another purpose of the bill is to update Victoria's Rail Safety Act 2006 as a result of changes to rail safety regulations negotiated by Victoria and other jurisdictions during development of the national law. From what I understand, this is a complex bill which lacks clarity of application, given the number of heritage operators — seven in all — that have chosen, on the invitation of the Minister for Public Transport, to opt out of the national system.

The bill essentially attempts to divert freight carriers from our roads and onto our national rail system, and we do not oppose this. On the news we have all seen incidents of horrific rail derailments and fatal level crossing accidents. The bill is an attempt to put in place a uniform standard of safety for all rail workers and

passengers. The capacity to have an investigation of these all-too-frequent occurrences — and frankly one is too many — by a chief investigation officer who is empowered to facilitate and coordinate agency-wide personnel across the transport department has to be an improvement on the current situation where there is no consistent formula of demarcation.

RAIL SAFETY NATIONAL LAW APPLICATION BILL 2013

Second reading

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

TRANSPORT LEGISLATION AMENDMENT (RAIL SAFETY LOCAL OPERATIONS AND OTHER MATTERS) BILL 2013

Second reading

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr BARBER (Northern Metropolitan) — Under part 5 of the principal act, the Rail Safety Act 2006, both the Public Transport Development Authority and the secretary of the former Department of Transport are exempt from that act. I ask the Minister for Planning: does that mean they are both still exempt from the provisions of the new Rail Safety National Law Application Bill 2013 we passed a minute ago?

Hon. M. J. GUY (Minister for Planning) — I seek leave for Mr O'Donohue to join me at the chamber table.

Leave granted.

Hon. M. J. GUY (Minister for Planning) — I, firstly, say to Mr Barber that I am advised that Public Transport Victoria and the secretary of the former Department of Transport are specifically exempt under the current state framework because they do not run operational railways. They are, however, still covered by the general duties in the national law. The underlying principle of the scheme is that safety responsibilities should lie with the persons controlling the railway — and that of course is the operator. Nevertheless it is likely that Public Transport Victoria and potentially the former Department of Transport are caught up by the national law for the purposes of accreditation and may be required to develop a safety management system. That is subject to consideration by the national regulator. Some transitional regulations may be required to ensure a smooth transition from the current state-based framework.

Mr BARBER (Northern Metropolitan) — I thank the minister for his very satisfactory answer to my question.

Clause agreed to; clauses 2 to 129 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

COMPANY TITLES (HOME UNITS) BILL 2013

Second reading

Debate resumed from 21 March; motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Mr BARBER (Northern Metropolitan) — The bill gives effect to the government's commitment in its 2010 plan for consumer affairs — that is, to confer jurisdiction on the Victorian Civil and Administrative Tribunal (VCAT) to hear and determine disputes over neighbourhood matters affecting company home units. The aim is to promote lower costs and speedier access to justice. Currently residents of a company title building who are in dispute with other residents or the company only have recourse to the courts, including the Supreme Court. The government says it is interested in promoting lower costs and speedier access to justice; however, in the VCAT jurisdiction both the delays and the costs are rising, so we are not at all clear about the government's agenda in relation to increasing fees. It is

fair to say, though, that VCAT is a long way from its original philosophy of being a user-friendly jurisdiction where ordinary citizens could represent themselves.

We are talking about apartment blocks owned by corporations established under the Corporations Act 2001. A person becomes entitled to use or occupy an apartment by buying shares in the corporation, which then gives them a right of use and occupation for a particular apartment. The company title corporation's constitution typically contains the rules of the use and occupation in the block, so it is a very different mode of living to the experience all of us may have had where we live. These rules give the board of directors of the corporation the ability to control many aspects of the use and occupation of the apartments, including the approval of share sales, leasing of apartments and matters such as whether apartment owners can have pets.

Stratum title properties combine elements of both a strata subdivision, with land or building subdivided into individual lots, and company title, with a service company established under the Corporations Act managing the residual land. Rather than having a specialised owners corporation, unit owners under stratum title hold shares in the service company that manages the residual land. Service agreements invariably include schedules incorporating covenants on the registered proprietor which have effect as if they are rules — for example, not to park in a car space allocated to another owner, not to make structural alterations and additions, not to create a nuisance. Similarly, service agreements also include covenants on the service company — for example, to repair and maintain the residual land.

The bill gives VCAT the jurisdiction to hear and determine neighbourhood disputes which are defined as disputes that affect a company title corporation or a service company and relate only to a neighbourhood matter or matters. A schedule to the bill contains an exhaustive list of neighbourhood matters, including health, safety and security; residual land; units; design of residual land or units; behaviour of persons; dispute resolution; notices and documents. The exclusions include several types of dispute: disputes relating to the sale, transfer or forfeiture of shares; disputes relating to lease or licence of a unit; disputes relating to the winding up of a company title corporation; or disputes in which a party to a dispute claims relief from oppression under part 2F.1 of the Corporations Act 2001.

The Law Institute of Victoria (LIV) input to the Greens in relation to this bill was that whilst LIV supports the exclusions in clause 5 and that such disputes are more appropriately heard in the courts, not VCAT, there is a problem with a lack of consistency since VCAT's jurisdiction regarding owners corporations is not limited in such a way. Its submission says:

> VCAT should have the power to hear and determine company titles home units disputes without the above exclusions, and the provisions of the Corporations Act 2001 (cth) displaced to this extent; or
>
> the Owners Corporations Act 2006 … should be amended to limit VCAT's jurisdiction in a manner consistent with that proposed in the draft bill.

It would be good if we could hear a government speaker respond to LIV's position on this. Parties that are allowed to apply to VCAT to resolve a neighbourhood dispute include a shareholder or former shareholder of a company title corporation or service company, a company title corporation, a service company, a unit occupier or former occupier, and a unit mortgagee. The LIV queried whether there would be any circumstances under which a former shareholder could apply for a neighbourhood dispute to be heard by VCAT. The LIV also submits that managers and former managers of company title corporations or service companies should also be able to apply to VCAT to resolve a neighbourhood dispute if that is the way things are to work. This would be consistent with the position in section 163 of the Owners Corporation Act 2006.

In its submission, VCAT — and it is interesting to see an arm of the judiciary making a submission on a bill — states that it is not uncommon for a service company to engage a manager as an owners corporation does. Clause 7 does not, unlike the Owners Corporation Act, authorise a manager or former manager to be an applicant to VCAT, and the neighbourhood matters listed in the schedule do not include a manager's performance of the manager's functions. The bill not only does not allow for a manager to be an applicant but it does not provide a means by which a shareholder with a grievance against a manager can air that grievance at VCAT if the service company itself does not choose to do so. It has also been argued that the director of Consumer Affairs Victoria should be able to be an applicant.

An issue was raised by the Law Institute of Victoria in relation to clause 8(1)(c). The bill grants VCAT remedial powers to make any order it considers fair to resolve a neighbourhood dispute except for orders that would alter a person's shareholding or lead to the winding up of a company title, corporation or service company, or change the composition of the board of directors. These excluded orders could affect a person's

interest in the property or change corporate governance arrangements. The orders VCAT can make include an order that a person do or not do something, an order varying a term of a contract or agreement, and an order declaring a term of a contract or agreement to be void or not void.

The LIV has concerns about clause 8(1)(c), which allows for an order for the payment of a sum of money found to be owing by one party to another. It says this could allow VCAT to make an order in respect of overdue owners corporation fees and charges, and if that is the case, then the no-costs order provision under section 109 of the Victorian Civil and Administrative Tribunal Act 1998 would apply. The LIV argues this would be unfair in these cases. Effectively it hoists expense onto innocent third parties, being the other lot owners.

Clause 9 allows VCAT to impose a civil penalty of up to $250 if a person has failed to comply with a rule of a company title corporation or service company.

Clause 10 lists the factors VCAT must consider when making an order.

Clause 11 confers flexibility on VCAT with respect to orders relating to money, enabling it to specify the proportions each shareholder must pay. Strata Community Australia (Vic.) in its September 2012 submission expresses the view that clause 11(c) lacks clarity in terms of reference to a person who is not a shareholder. From reading its submission, instead of it stating that there is a prohibition of the corporation or company from levying a contribution from another party to the dispute, there must be reference to a shareholder and not just to a party under this proposed section since a company or corporation has no power to levy any person who is not a shareholder. So Strata Community Australia's suggestion, and it would be good to hear from a government speaker in response to this, is that the clause 11(c) should be amended to state:

> prohibit a corporation or company from levying a contribution from a shareholder who is a party to the neighbourhood dispute.

In relation to clause 12, if a dispute relates wholly to neighbourhood matters, a court must stay proceedings if VCAT can hear the matter and if the court is satisfied that the proceedings would be more appropriately dealt with by VCAT. If a dispute does not relate wholly to neighbourhood matters, VCAT will not have jurisdiction to hear the dispute.

In relation to clause 16, all penalties, including civil penalties, payable under this act must be paid into the Victorian Property Fund (VPF) established under the Estate Agents Act 1980. Strata Community Australia in its submission states that the Victorian Property Fund is too broad for it to be established under the Estate Agents Act 1980 without the VPF giving proper recognition of appropriate purposes related to the strata sector. I believe that in earlier debates there have been some disputes about what these funds should best be used for.

The bill will also amend the Estate Agents Act to bring in VCAT's jurisdiction and, as I said earlier, the schedule sets out a range of matters to be considered as neighbourhood disputes, including the adequacy of measures to ensure the safety of children in units, which I imagine could bring in a whole range of complicated matters, possibly even in the jurisdiction of family law.

One of the matters listed as a neighbourhood matter is the design, construction and landscaping of residual land or units. The Law Institute of Victoria questions whether that relates to the pre-construction phase. In a separate submission Strata Community Australia wanted to know why clause (4) of the schedule — that is, units forming part of land owned by company title corporations — should be confined to company title properties and not be extended to properties with service companies; for example, repair and maintenance of units. It said that there is invariably a covenant by an owner in the schedule to a service agreement to keep the unit in good and tenantable repair and maintain all services on and servicing the owner's units. This dichotomy is reflective of a distinction pervading the list of matters whereby a company title corporation is taken to have more control over units than a service company. Strata Community Australia questions that distinction.

Among another set of concerns raised by VCAT is whether it would be adequately resourced to deal with additional matters arising from this legislation. Like all our judiciary at the moment, VCAT feels it is bearing an increasing burden and that the amount of funds it is receives is not similarly increasing. There has been a steady increase in the number of cases dealt with under the owners corporation list since 2010, and there is a significant amount of resource pressure there. At the same time funding from the Victorian Property Fund went from $1.2 million to $1 million, an 18 per cent reduction. The lodging of proceedings under the legislation will add to the case load associated with that list. As we know, when resources are cut from the judiciary it affects the timeliness with which the matters are dealt. Alongside this new legal mandate, VCAT is asking for additional funds.

VCAT also notes that there is no amendment to the way money from the Victorian Property Fund can be used to take account of company title corporations and service companies as well as owners corporations for the purposes of dispute resolution and advocacy, for example. This matter does not affect VCAT, but VCAT draws the government's attention to it.

The Greens are happy to support the bill. It has caused significant difficulty that people have had to go to higher courts to deal with this uncommon if not unique arrangement covered by the legislation, so we are happy to support the bill.

Mr SCHEFFER (Eastern Victoria) — The opposition will not oppose the Company Titles (Home Units) Bill 2013. The explanatory memorandum states that the bill confers an additional jurisdiction on the Victorian Civil and Administrative Tribunal (VCAT) to hear and determine disputes affecting company title corporations and service companies for building subdivisions.

The minister's second-reading speech indicates that the legislation gives effect to the government's election commitment to enable VCAT to hear and determine neighbourhood disputes involving residents who live in company title home units. The minister explained that company title home units are apartment blocks owned by corporations established under the federal Corporations Act 2001 and that buying a share in the company confers the right to use and occupy an apartment.

The bill indicates that a service company is responsible for the part of the estate that is common property and that the service company manages and maintains these common areas. The board of directors of the corporation operates under rules that require it to control the overall use of the apartments, and the separate service company — in which unit-holders also own shares — will have committees or chairpersons to manage the residual land.

Currently people involved in company title corporations and service companies have recourse only to the Supreme Court and other courts to resolve any dispute that may occur between members of the company and the company itself. As has been observed, this is onerous and expensive, and as many of the disputes are not complex they do not warrant the attention and consideration of a court. That is why it is sensible, as the bill provides, to confer a new jurisdiction on the Victorian Civil and Administrative Tribunal to hear simple and legally straightforward neighbourhood disputes.

The bill therefore provides a schedule that lists the neighbourhood matters that comprise the jurisdiction of neighbourhood disputes that VCAT may hear and determine. Clause 5(3) identifies those matters that are not neighbourhood disputes and that therefore are not matters that can be heard or determined by VCAT. These relate to the sale, transfer or forfeiture of a share or shares in a company title corporation or service company; a lease of a unit of the property; a licence to use a unit; and the winding up of the company title corporation or service company. It is clear why these matters cannot be considered to be neighbourhood disputes.

Part 2 of the bill sets out the jurisdiction that VCAT has over neighbourhood disputes, including who is entitled to apply to VCAT. Clause 8 details the orders that VCAT can include as part of a determination and those that cannot be made — basically, orders that affect a person's shareholding and matters relating to the constitution of the company. Clause 10 identifies the considerations that VCAT must factor into its determination. Clause 11 aims to cover off on how VCAT should manage orders that involve the payment of money.

As we know, the government issued an exposure draft of the bill last year and received a number of submissions, including from the Law Institute of Victoria, Strata Community Australia (Vic.) and the Victorian Conciliation and Administrative Tribunal itself. Mr Barber commented on some of the issues that were raised in those submissions, and I also wish to put some of those matters on the record on behalf of the opposition. Each of the submissions identifies concerns relating to the drafting or substantive provisions of the bill. While the opposition raised these matters in the Legislative Assembly, so far as I know the government has not responded, and the opposition believes it should.

In its submission on the exposure draft of the bill, the Law Institute of Victoria says the bill is a positive development, and it is, but it also raises a number of concerns to which the government should respond. The first amongst these is that the bill at clause 5(3) lists categories of dispute that are not neighbourhood disputes that VCAT cannot hear or determine. The Law Institute says that in fact VCAT is not limited by this provision because it has this power under the federal Corporations Act 2001 and that the Victorian Owners Corporations Act 2006 and Subdivision Act 1988 should be amended to be consistent with the Company Titles (Home Units) Bill 2013 we are considering.

The law institute also queries whether VCAT should hear applications from a company title corporation or service company regarding overdue fees. According to the law institute, this power appears to be unintentionally inconsistent with VCAT's powers in relation to owners corporation matters. The law institute notes that applications for the restitution of fees are not listed in the bill as neighbourhood matters and therefore cannot be neighbourhood disputes that fall within VCAT's responsibility.

A further matter is raised in the law institute's submission relating to part 2 of the bill, which is headed 'VCAT jurisdiction over neighbourhood disputes'. In particular the submission draws attention to clause 8(1)(c)(i), which states that in determining a neighbourhood dispute VCAT may make any order it considers fair, including an order for the payment of a sum of money found to be owing by one party to another party. The law institute reminds the government that if VCAT is to be given the power to hear applications on overdue charges and fees, steps should be taken to ensure that other lot owners who are not liable for any arrears in fees and charges are not involved. The opposition has made it clear that we do not offer a view on these matters but places on the record that the minister should respond to them.

The opposition has also encouraged the government to respond to matters raised in a submission from Strata Community Australia. The first of these is explained on page 1 of its submission under the heading 'Drafting deficiencies' where it questions why the definition of 'rule' in the bill, is restricted to a clause of the constitution of the company title corporation or service company and can also refer to a by-law, rule or regulation made by the company title corporation or service company in accordance with its constitution.

Strata Community Australia thinks that the meaning of 'rule', under 'Definitions' in clause 3, should extend to a term of a service agreement, which is specifically excluded. Strata Community Australia makes the point that service agreements invariably include schedules incorporating covenants that have the same effect as rules. The submission cites examples such as the requirement to 'not park in a car space allocated to another owner' and 'not to make structural alterations and additions'. It also says that service agreements also include covenants by the service company to repair and maintain residual land.

Strata Community Australia also makes the point that the schedule to the bill that lists neighbourhood matters is unclear and that the matters listed in item 4 are confined to company title properties, whereas they could be extended to properties with service companies. The submission says that owners invariably have a covenant in the schedule to a service agreement to keep a unit in good order and repair and maintain all services for an owner's unit.

The opposition believes that the point made in the Strata Community Australia submission on clause 11 warrants an answer from the government. Strata Community Australia suggests that clause 11, headed 'Monetary orders', must have been incorrectly drafted because as the wording stands the bill empowers VCAT to prohibit a corporation or company from levying a contribution from another party to the dispute. Strata Community Australia believes that there has been an error and that clause 11(c) should clarify that the prohibition would apply to a shareholder because a company or corporation has no power to levy anyone who is not a shareholder. The opposition believes that the government should clarify these matters.

The opposition has also drawn attention to the submission of the Victorian Civil and Administrative Tribunal on the exposure draft of the bill, which was prepared by Justice Garde. The submission says that clause 7 of the bill does not authorise a manager to be an applicant to VCAT. It points out that under the Australian Consumer Law and Fair Trading Act a dispute between a manager and the service company that has engaged the manager constitutes a consumer and trader dispute that falls under the jurisdiction of VCAT.

By contrast, under the bill before us today a dispute between a shareholder — a unit holder — of a service company and a manager will not be a consumer or trader dispute because the manager supplies services to the service company, not to a shareholder. The VCAT submission points out that the bill does not enable a shareholder to take his or her grievance against a manager of a service company to VCAT unless the service company does so. Again the opposition does not take a position on this but believes the government should provide an explanation.

We have also drawn attention to the funding implications of the bill, which were raised by Mr Barber, and we urge the government to take into account Justice Garde's appeal in VCAT's submission. VCAT has provided evidence that the number of applications that are being lodged in the owners corporation list is increasing markedly and posing considerable resource challenges because there has been no corresponding increase in the level of funding. On this basis VCAT says that proceedings under the new act will be comparable to the proceedings of other

kinds lodged in 2011–12. It estimates that the costs will be significant. VCAT states that the situation is serious and that it is incumbent on the minister to explain how VCAT is expected to manage it.

The opposition raised a number of these matters in the Legislative Assembly. As far as I am aware the government has not responded to either the issue of funding or to the other matters. We seek an explanation from the government to bolster the bill.

Mrs COOTE (Southern Metropolitan) — It gives me great pleasure to rise to contribute to the debate on the Company Titles (Home Units) Bill 2013. I was hoping that we would be able to resolve this before lunch, but I have quite a lot to say in answer to the questions raised by Mr Scheffer and Mr Barber, so I will commence my contribution now and then complete it after question time.

In the *Liberal Nationals Coalition Plan for Consumer Affairs*, released in 2010, the now government made a commitment to provide the Victorian Civil and Administrative Tribunal (VCAT) with jurisdiction to hear company title home unit disputes relating to domestic issues in order to promote lower costs and provide speedier access to justice. This bill gives effect to that commitment.

As others have said, a public consultation process was held, throughout which the public was generally supportive of the bill. Some technical issues have been raised in today's debate, and I will detail them at some length later on. However, submissions providing comment on the exposure draft of the bill were received from the Law Institute of Victoria, VCAT, Strata Community Australia, the Australian Institute of Conveyancers Victorian division, the Real Estate Institute of Victoria and a small number of individual stakeholders.

In addition to this, both Ms D'Ambrosio, the member for Mill Park in the other place, and Ms Pennicuik took up the offer made by then Minister for Consumer Affairs, Michael O'Brien, of a detailed briefing, at which they asked a number of questions. I believe this has enabled us to speed this bill in the direction we are taking it today. I would like to take this opportunity to thank both the opposition and the Greens for their support and understanding and for taking up the minister's offer of an in-depth briefing, because I think that has made this an expedient bill. We will be able to deal with the bill today as well as the issues raised in that briefing.

In the time remaining to me prior to question time I will explain for the benefit of the chamber that company home title units are apartment blocks owned by corporations established under the Corporations Act 2001. A person becomes entitled to use and occupy an apartment by buying shares in the corporation, which then gives them a right of use and occupation of a particular apartment.

A company titles corporation's constitution typically contains the rules of use of and occupation in the block. These rules give the board of directors of the corporation the ability to control many aspects of the use and occupation of the apartments, including approval of share sales, leasing of apartments and matters such as whether apartment owners can have pets. It might be an easy thing to say, but each of those examples is fraught with challenges.

Stratum title properties combine elements of both a strata subdivision, with land or buildings subdivided into individual lots and company title, with a service company established under the Corporations Act 2001 to manage the residual land. Rather than having a specialised owners corporation, unit owners under stratum title hold shares in the service company that manages the residual land.

Finally, residents in company title and stratum title properties have similar issues regarding access to justice to resolve disputes that arise with their company title corporation or service company. The Corporation Act and the Supreme Court and other courts are the only forums to deal with disputes between members of a company and the company itself. In their contributions Mr Scheffer and Mr Barber both noted how unduly expensive it is in the current regime. This bill goes a long way to enabling a much more streamlined and cheaper approach to what to date has been quite a complex issue.

It is interesting to note there are currently about 950 Victorian home unit companies registered with the Australian Securities and Investments Commission, comprising both company title corporations and stratum title service companies. As has been said, the bill confers jurisdiction on VCAT to hear and determine what are defined as neighbourhood disputes that affect a company title corporation or service company in a building subdivision, and these relate only to neighbourhood matters. As Mr Barber pointed out, there is an extensive list of what this relates to in the schedule to the bill. Some of those are worth noting here — for example, neighbourhood matters include health, safety and security, residual land, units in building subdivisions or forming part of land owned by

company title corporations, units forming part of land owned by company title corporations, design, behaviour of persons, dispute resolution, and notice and documents. It is actually quite comprehensive and is detailed in the schedule. It is all quite well laid out.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Technology sector: broadband-enabled innovation program

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Technology, Mr Gordon Rich-Phillips. I refer to the broadband-enabled innovation program and particularly to the regional cystic fibrosis e-health and telemonitoring pilot program that he launched last month. In his press release of 27 March the minister said that the program:

> … would leverage the high-capacity broadband being rolled out across regional Victoria —

and that the program:

> … will free clinicians to see the growing number of patients with this chronic disease and improve equity and access to health-care services, particularly for those in rural and regional Victoria.

What advice has the minister received from his department about the domestic upload and download speeds required for this project to be viable?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Somyurek for his question, which is a very specific question about upload and download speeds required for the cystic fibrosis broadband-enabled innovation program (BEIP), which I was very pleased to announce last month. It is a fantastic project. I am not sure how Mr Somyurek thinks these projects come together or if he thinks I have been briefed on the technical speeds required to deliver that project, but I can say to Mr Somyurek that this is a project that the Victorian government is very pleased to support. We have put in place the broadband-enabled innovation program, which is an $18 million commitment by the Victorian government to harness the potential of high-speed broadband. This government has been very clear that it is supportive of the rollout of high-speed broadband.

I think I know where Mr Somyurek is going with his question and his interest in this issue. The fact is the Victorian government is supportive of the rollout of high-speed broadband. That is not to say that the Victorian government believes the way in which the national broadband network (NBN) is being rolled out by the commonwealth currently is the best way in which that infrastructure can be provided. The government has been very clear about that. There are a number of shortcomings in the rollout of the NBN; however, that does not mean the Victorian government does not support the rollout of high-speed broadband. Our broadband-enabled innovation program is specifically designed to create the applications to use the rollout of high-speed broadband, whether it is fibre, wireless or satellite broadband, to actually harness the potential of that. We are delighted to support that program and delighted to support the cystic fibrosis trial.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — The minister referred to high-speed broadband continually throughout his answer. Can the minister define high-speed broadband? For example, does high-speed broadband mean download speeds of 25 megabytes and upload speeds of 5 megabytes? As the minister well knows, telemonitoring requires very fast upload speeds.

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Somyurek for his supplementary question. I do not think Mr Somyurek will find any point of difference between the position he is taking and the government's view on this. Of course high-speed broadband is required for high-speed broadband programs, and that is why the government is supporting the BEIP program. Where we might differ with Mr Somyurek and his colleagues in Canberra is whether that same degree of high-speed broadband is required in that same way into every residence. There is a difference between rolling out high-speed broadband to deliver productivity benefits through projects such as the cystic fibrosis project that I was delighted to launch last month and using high-speed broadband to download movies in residences late at night. There is a difference in the use of that technology, and there is a difference in the benefits from that technology.

Teachers: enterprise bargaining

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Minister responsible for the Teaching Profession. Would the minister explain to the house the basis of the claims by the Australian Education Union that teachers will receive salary increases of up to 20.5 per cent under the enterprise bargaining agreement (EBA) agreed to in principle yesterday?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — I thank my colleague Mr Dalla-Riva for the question and certainly his interest in matters associated with enterprise bargaining agreements (EBAs). The first thing I have to say is I am delighted that the government was able to reach agreement yesterday with both the Australian Education Union and the Australian Principals Federation regarding a new EBA. It is an in-principle agreement because, as members will well know, it needs to be ratified by a majority of the membership of each of those organisations and also with the Fair Work Commission. It will be a few more weeks before that evolves, but the expectation is that this is an accepted — —

Mr Viney interjected.

Hon. P. R. HALL — If Mr Viney has a couple of questions, I will welcome questions from him. We are at question two; we have another eight to go yet.

Mr Viney interjected.

Hon. P. R. HALL — As I said, I am happy to answer that question, and I hope he is next with this particular question.

The agreement that the government reached with those unions yesterday clearly provides for a 3 per cent salary increase in the year 2013 and a 2.75 per cent increase in 2014 and 2015. If we also take the rollover provision of the previous EBA of 2.75 per cent in 2012, that makes a total of 11.25 per cent. Therefore, referring to the question asked by Mr Dalla-Riva, how do you explain the difference between 11.25 per cent and the 16 to 20.5 per cent claim by the union?

An honourable member interjected.

Hon. P. R. HALL — It is an important question and is important to understand this. The larger figure quoted by the Australian Education Union is true to the extent that it is an accumulative figure for a teacher who benefited from the government's 11.25 per cent increase under the EBA, plus it assumes satisfactory progression through various salary levels. It is true that if a teacher progresses each year under the terms of the agreement and also benefits from the salary increase offered by the government, they will achieve those figures, and I would say deservedly so. We have always said from day one that good performing teachers should be well rewarded, and they will be under this agreement.

What also needs to be clearly stated, though, is rather than an automatic progression through each of those salary levels, as has been the practice in the past, there will be a rigorous assessment of performance, and people will need to deserve their promotion to the next salary level. Therefore if a teacher performs well, as we expect the majority will — perhaps not the great majority, but the majority — then they will progress through the salary levels. They will benefit from the increases provided for in the agreement and therefore will receive increases of the order of 16 to 20 per cent.

It is an excellent outcome for teachers and principals, and I might add for school support staff as well. We are pleased an agreement has been reached. We think it is a fair and reasonable agreement that will ensure that good teachers in the system are well rewarded and that will retain and attract teachers to the system. I thank all the people involved, particularly the departmental negotiation team who have slavishly worked over this now for a long period of time. We have achieved an outcome which I think all Victorians will benefit from.

Austin Health and Northern Health: merger

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. Earlier this week the minister and the Premier were asked questions about the government's plan to amalgamate the Northern Health and Austin Health services. Can the minister confirm the accuracy of the Premier's statement in the Parliament on Tuesday that the health services themselves asked the government to pursue this course?

Hon. D. M. DAVIS (Minister for Health) — What I can say to the member is that there have been discussions with the health services and board members of both health services have had discussions with me about ways of integrating services and expanding services into the northern region. As the member will understand, there is significant population growth in the northern region of the state, and I think he understands that, although his colleague the federal Treasurer does not believe the population of Victoria is growing; he believes it is falling. However, I can assure Mr Jennings that if he is prepared to take a short trip to the northern part of metropolitan Melbourne, he will understand the enormous growth in population and the specific challenges that are faced there.

That is why last year the government put in place additional funding of $25 million for an expansion of the emergency department at Northern Health — and that construction has commenced. That is a significant step towards dealing with some of the demand in the north. That is why in this chamber I recently referred to additional money being supplied for refugee help to a

number of our networks, particularly in the southern, northern and western areas, which face significant challenges. The challenge is to make sure sufficient resources are available. The point is that we need to find ways to make sure additional resources are put into those networks, that capital requirements are in place and there is resourcing to meet the demand. Discussions with staff from the health services are occurring. There are options for greater expansion and greater cooperation and collaboration between the two health services.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Reflecting on the minister's answer, I can confirm that I trained in certain disciplines that enabled me to understand demographic trends, and I also visit the northern suburbs regularly. I can confirm his assertion that in fact it is a growing population and continues to grow. What I would like the minister to confirm is whether the Premier was correct in his report to the Parliament of Victoria that it was the intention of the boards of these health services to commence this amalgamation, or was it the government's idea?

Hon. D. M. DAVIS (Minister for Health) — What I can clearly say to the chamber and the community is that for a number of years there has been discussion about the need to manage demand and to ensure that there are sufficient services in the northern region. I can confirm that discussions with health services have occurred over a lengthy period, and I can confirm very clearly that a number of people in those health services have raised the idea of greater collaboration and greater coordination between the health services and the need to have additional resources — both capital and recurrent resources — available for the northern region, particularly as that area goes forward. I can indicate very clearly that this is an ongoing discussion, and I have had significant input from board members.

Planning: Geelong activity centre

Mr RAMSAY (Western Victoria) — My question without notice is to the Minister for Planning, the Honourable Matthew Guy. Can the minister inform the house what action the government has taken to facilitate greater housing choice in central Geelong?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Ramsay for his question; it is the second one I have had this week on this most important topic, which is Victoria's second-largest city and Australia's twelfth-largest city — that is, central Geelong — and about the Napthine government's commitment to central Geelong and how this government is ensuring that Victoria's population is going to grow sustainably and sensibly and across all parts of the state rather than just building a city state out of Melbourne, as was the Melbourne 2030 plan's initiative.

I can inform the house that I have introduced a very significant zoning change to central Geelong — that is, the activity centre zone for central Geelong. That is very important. It means that we have, for the first time, the equivalent of a capital city zone sitting over the central business district of our second-largest city to ensure that central Geelong can develop with certainty and with much greater density in the future than it has in the past.

This government sees Geelong as having an enormously bright future ahead of it. Mr Ramsay, Mr O'Brien and Mr Koch have been incredible advocates in this chamber for zoning changes and greater density in and around the Geelong area, and importantly Mr Andrew Katos, the member for South Barwon in the Assembly, has been an incredibly powerful advocate for greater Geelong and for Geelong in itself.

Mr Somyurek interjected.

Hon. M. J. GUY — Mr Somyurek, it might pay you to buy a VicRoads directory and head down to Geelong yourself. You might want to actually visit Geelong. Not many of your members in country seats actually live in regional Victoria, but on this side of the chamber we are proud to say that all of our regional members were either born in or are of the country and are proud to be of the country.

Honourable members interjecting.

The PRESIDENT — Order! I think the minister invited some of that cacophony of sound by addressing his remarks fairly widely rather than through the Chair as he had started out. I think that is the better practice. There was far too much volume from Mr Somyurek, and it is well beyond interjection when it is a barrage of comment.

Hon. M. J. GUY — The activity centre zoning for central Geelong will go a long way to building that city a much greater dense urban core. That is backed by the mayor, Keith Fagg, and the City of Greater Geelong. We want to see greater Geelong develop with a much denser city core and indeed build a city with a university in it — Deakin is to the north of the central business area — which has student accommodation. It brings vibrancy. It brings education.

Mr Ondarchie — And jobs.

Hon. M. J. GUY — It brings a whole range of jobs, as Mr Ondarchie says, to central Geelong. This activity centre zone change will ensure that that can now happen. It is something that is grossly overdue. This government got to work from day one to ensure that that activity centre zone could be put in place to realise that real change in central Geelong.

Importantly it balances off what the G21 regional growth plan initiative has for other areas of Geelong, and that is what I announced last week: developments around Lovely Banks to the north and of course the rebuilding and building up of the Armstrong Creek precinct structure plan areas. They are incredibly important to building a sustainable Geelong where we have outer urban growth but we mix it with greater density around the city core, and we do that sustainably and in a way that can encapsulate jobs and livability in Victoria's second-largest and Australia's twelfth-largest city.

Let me say again, on this side of the house we are proud supporters of regional and country Victoria. We are supporters of building a state of cities, not just a city state. That is so important for the future sustainability of Victoria. It is something that this government is getting on with and doing the planning work to see that Victoria builds and develops sustainably.

Australian Health Practitioner Regulation Agency: parliamentary review

Mr VINEY (Eastern Victoria) — My question is to the Minister for Health. On 23 October 2012 the minister moved for a review of the Australian Health Practitioner Regulation Agency (AHPRA) to be conducted by the Legal and Social Issues Legislation Committee. As the minister knows, this agency was established as a result of an agreement signed by every state and territory government and the commonwealth government in March 2008. Under that agreement a review of the organisation is to be initiated by the ministerial council following three years of the scheme's operation. In evidence given at a public hearing of the committee last night it was confirmed that the three-year period does not expire until 1 July this year. Is it appropriate that as Victorian health minister the minister initiated a parliamentary review of AHPRA in breach of this agreement?

The PRESIDENT — Order! Do I understand these were public hearings last night? They were not closed meetings, and this evidence was led in public?

Mr VINEY — Correct.

The PRESIDENT — Order! Obviously the concern that I express is matters treated by committees need to be carefully visited in terms of any further comment, including in this place.

Hon. D. M. DAVIS (Minister for Health) — I can confirm that the agreement was for a three-year review of AHPRA. I can also confirm for Mr Viney and the house that the Victorian Parliament's responsibility is to the Victorian people. My responsibility as Victorian health minister is to the Victorian people, and I believe there are problems with the functioning of AHPRA. I have said this publicly, I have said it to AHPRA and I have said it at a number of the meetings of health ministers that I have attended. In fact that view is shared by a number of other health ministers around the country.

I sought at the Standing Council on Health to bring the three-year review forward, but I was unsuccessful in the first instance on that. I know the review will begin in due course, but the interests of Victorian patients, Victorian practitioners and the Victorian community are foremost in my mind. A national review will not necessarily get to all the issues that are significant for the Victorian community.

Let me instance a number of those. We had a situation in Victoria where we had a doctors' health program and we had a nursing and midwifery health program. At the time the scheme was put forward and agreed by the states Daniel Andrews — Mr Viney's leader and the member for Mulgrave in the Assembly — was the health minister. What he did not do in that agreement was establish a secure and ongoing funding source for the nurses' health program or the doctors' health program. I humbly suggest that a key aspect the committee in Victoria look at is the matter of the — —

An honourable member — It is not funded.

Hon. D. M. DAVIS — I have got to say it is not funded beyond 30 June in a secure and sustainable way. The nursing and midwifery funding is not secure and sustainable. I make the point that the security and sustainability of those programs is very much at the front of my mind, and that is in the interests of Victorian practitioners, it is in the interests of the Victorian community and it is in the interests of the Victorian health system.

It is my responsibility. The reason that I suggested the reference in the first place is that there are a number of problems with the functioning of the AHPRA system and a number of problems with Victoria's position

within that system. My view is not alone. I know for a fact that a number of ministers in other states share similar, and in some cases different, concerns. Many of those concerns will be dealt with in the national arrangements. I am not confident that there will be a full airing of all those matters in the national review.

However, I indicate that I regard it as my responsibility to make sure that there is a mechanism for those matters to be reviewed in Victoria by Victorians in the interests of Victorian patients and practitioners. I welcome the input of the Legal and Social Issues Legislation Committee, because I think it is well placed to look at matters that are in the interests of Victorian patients. I can indicate to the member that, as a member of that committee, he can do very good work in making sensible suggestions and working forward to get a better outcome.

Let me instance one other key matter. The cost of registration fees for doctors, nurses and other health practitioners has gone up significantly since we moved to a national system. One of the claims about the national system was that it would be more efficient. In fact the system has been more costly, practitioners have to pay more for their registration fees and those costs are ultimately paid by consumers. This is an important point about the efficiency of the system.

Supplementary question

Mr VINEY (Eastern Victoria) — It is interesting that the minister has confirmed that on failing to get the ministerial council to bring the review forward, he went out on his own frolic. I will just say in response to the comment that the minister made about the Victorian focus that in fact the reference is to review the annual reports of AHPRA, which are national reports, and members from his own side on that committee pursued questions last night in the public hearings on the basis of submissions from national medical bodies. We are pursuing national matters on this committee, not simply Victorian ones. I ask the minister: is it Victorian government practice to ignore binding agreements signed by every federal, state and territory government whenever it so chooses, and what does this say about his attitude to the important principle of sovereign risk?

Hon. D. M. DAVIS (Minister for Health) — I think the member misinterprets what sovereign risk is. I indicate that there will be a national review. There is nothing in the agreement that says there cannot be an earlier review by the Victorian Parliament. The Victorian Parliament is responsible for the legislation it enacted, and it is responsible ultimately for ensuring that we get good value and good outcomes for patients in Victoria and for the Victorian health system. I make absolutely no apology for standing up for Victorian practitioners and for standing up for Victorian patients. What I do find offensive is Mr Viney's tendency to toady up to his Labor mates in Canberra. He has done it on matters of funding of health services, where he was prepared to support cuts to Latrobe hospital and cuts to key hospitals across Gippsland. He voted in favour of those, and he should hang its head in shame.

Mr Lenders — On a point of order, President, I draw to your attention that the minister is clearly debating the question and not answering Mr Viney's question on state administration and sovereign risk.

The PRESIDENT — Order! I uphold the point of order. This is in the area of debate. The minister has concluded.

I will make a short comment on this, and it is to the effect that I am a little concerned about matters that are on the agenda of committees and in the purview of committees that might present themselves as questions in this house. If the committees wish to pursue with ministers issues that are relevant to inquiries before committees, then it would be better to ask those ministers to appear before the committee, the reason being that in questions without notice there is a limited time frame in which a minister can answer. Perhaps the answer that is given will not always be the most considered answer, because it is an answer to a question without notice. Therefore, where committees have concerns or where they might seek information from a minister, it would be better to invite the minister, as I said, to appear before that committee and allow a fulsome examination of those matters and the questions that members of a committee might have.

In the circumstances Mr Viney has been responsible in the way he has presented that today, given the direction he is coming from and the fact that he is perhaps seeking to explore a wider area than is actually part of the committee's reference. Nonetheless, as I said, I have some discomfort about this process if it were to continue at other times. Members of committees might bear that guidance in mind in these matters in future.

Technology sector: government initiatives

Mrs PETROVICH (Northern Victoria) — My question is to Mr Gordon Rich-Phillips, the Minister for Technology, and a very good minister he is too. How is the government supporting the uptake of broadband, and what are the challenges in doing just that?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mrs Petrovich for her question and for her interest in broadband in regional Victoria and for the opportunity to again talk about the Victorian government's broadband-enabled innovation program (BEIP). Mr Somyurek in his first question of the day asked about the cystic fibrosis trial that the Victorian government is supporting through the BEIP program. When that project is implemented fully it will allow sufferers of cystic fibrosis to receive more convenient consultations as well as receive more convenient treatment from their medical practitioners. That is a great project that really highlights the potential of high-speed broadband when it is supported by applications such as the ones that we assist through the broadband-enabled innovation program.

Last week I was delighted to be in Northern Victoria Region, Mrs Petrovich's electorate, with Ms Lovell at the centre for rural health in Shepparton for the launch of the latest broadband-enabled innovation program project, which is the UniTV project. This is a project which has been partnered by the University of Melbourne along with Ericsson, AARNet, Panasonic and of course the Victorian government to provide for the rollout of a high-speed broadband telecommunications television network between the Melbourne Dental School at the University of Melbourne, located in central Melbourne, and the centre for rural health in Shepparton.

This project allows students at the centre for rural health in Shepparton to view lectures, demonstrations and course material that are being delivered live in the classroom in Melbourne. During the course of that launch, which has been piloted particularly at the Melbourne Dental School at the University of Melbourne, we saw a demonstration of dental procedures being performed in Melbourne with students being able to critique, question and examine those procedures in Shepparton. Not only does it bring together the capability created by the broadband which is being made available, but it also brings together new technologies such as three-dimensional cameras which allow, in many instances for the first time, for very close examination of dental procedures.

It was interesting to hear from the head of the Melbourne Dental School about the contrast between the way in which dentistry was formerly taught with students basically needing to crowd over the shoulder of a dentist to experience procedures, whereas now the three-dimensional cameras are basically mounted on the tools that the dentist is using to allow an image to be created and beamed to students at that school in Shepparton. We also heard from some of the dentists who now work at the hospital in Shepparton who, as a consequence of having been trained at the centre for rural health in Shepparton, have elected to be based as clinicians in rural and regional Victoria. It really highlights the potential and the importance of making those programs available throughout our regional centres, and that is why the Victorian government is delighted to support that.

One of the shortcomings Mrs Petrovich asked about was in the rollout of high-speed broadband. What we have seen with the national broadband network (NBN) is that, firstly, the commonwealth government has not allocated to Victoria our fair share of that rollout. Of the allocations for the three-year rollout program that NBN Co has announced Victoria only receives around 20 per cent of that allocation versus its 25 per cent population share. We also see that the rollout planned by NBN Co is in fact focused on inner suburbs in metropolitan Melbourne. One of the areas receiving the NBN is actually the CBD. Melbourne's CBD already has the best broadband in Victoria, but it is now getting NBN while regional areas and rural areas are not. We call on the federal government to ensure that we get an appropriate allocation into rural areas.

The PRESIDENT — Order! At the beginning of Mr Rich-Phillips's answer to that question, I heard — and I am not sure who actually said it — a comment which reflected on Mrs Petrovich and her motive for asking that question. I indicate very clearly that I take a tough line on this, because when Mr Pakula was mooted as a potential candidate for a lower house seat I did not entertain any interjections or commentary on Mr Pakula's possible ambitions and progress to a by-election for a seat in another house. Whilst Mrs Petrovich has been selected by her party to contest the federal election on, so far as we know, 14 September, the fact is that she is a member of this house and there is no responsibility on her to leave the house until quite close to that election. Mrs Petrovich has given me some indication of when she might be leaving the house, but until such time as she does I will protect very vigorously her right to participate fully as a member of this house, and I will not entertain inferences as to why she might be participating in particular debates or using questions or suchlike as a member representing her region at this time and being quite entitled to do so.

Wind farms: health effects

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. The minister may be aware that last week the Premier said at an opening of a new wind farm in the south-west that he

thought the turbines were magnificent and that Victoria's south-west was the perfect place for renewable energy production. We were particularly concerned about Mr Ramsay's representation on behalf of his constituents which he has raised on a number of occasions. One comment he made in the Parliament on 13 December 2012 was that his constituents were:

> suffering a living hell as a result of the callous, insensitive and ad hoc plethora of wind farm planning permits handed out like confetti …

In light of the concern expressed by Mr Ramsay on behalf of his constituents, is the minister in a position to be able to assist him or his constituents on the basis of the advice he has received about the health effects of wind farms?

Hon. D. M. DAVIS (Minister for Health) — I will confine my commentary — rather than express some expansive mode that Mr Jennings has outlined — to my portfolio responsibilities of health. I will make it clear that there are legitimate points to be made and to be discussed in a scientific way about the health impacts or otherwise of wind farms. I know that there have been a number of studies in the past, and I am aware of a large study that has the support of the University of South Australia.

Mr Lenders interjected.

Hon. D. M. DAVIS — These are very important studies, so I am just trying to make the point that the University of South Australia, which leads that national study, will have an important role in assisting Victorians and national bodies in understanding the impacts. My department has certainly been discussing those issues with those researchers. We are very interested to see good, quality scientific research that seeks to put on an empirical basis, so far as is possible, decisions and understandings about the health impacts of wind farms and indeed the health impacts of a range of other environmental health factors across the community. In that sense I understand the basis of Mr Jennings's question.

I can indicate that my department has viewed this on a number of occasions with close scrutiny. We have had discussions with relevant universities about taking some role in some of that research. I can also indicate to Mr Jennings that the National Health and Medical Research Council has looked at the impacts of wind farms. Indeed at an early point it came to one conclusion and later came to a set of different conclusions. What I would say is that there are legitimate scientific questions to be answered on the basis of properly conducted research and trials to establish the impacts of wind farms.

The responsible way forward here is to support and seek better scientific information. In the meantime decisions about wind farms are made by the planning minister, as Mr Jennings will understand. The coalition obviously made decisions at the election about setbacks and buffers to protect properties, and I will leave Minister Guy to answer the details of the planning aspects of these matters. However, I am certainly interested to pursue further steps that will elucidate and inform the community and government policy in a scientific way how we can best manage any health effects or otherwise of wind farms.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I thank the minister for his answer. It does not seem to me that he is in any position to act with the certainty of Solomon in relation to determining the balance of evidence before him. Can the minister take the opportunity to confirm whether he believes there is overwhelming scientific evidence that his department has collated and provided in advice to him?

Hon. D. M. DAVIS (Minister for Health) — I believe the member is seeking an opinion from me. Notwithstanding that, I am prepared to respond. I am happy to respond on what I regard as a significant community point. It is clear that there is some evidence on one side of the equation and some on the other side of the equation.

Mr Jennings — It's like climate change, isn't it? It's like climate change!

Hon. D. M. DAVIS — I am actually trying to be sensible and generous in this respect. I have sought advice from my department on these matters. What I can indicate is that there are significant gaps in the knowledge about the impact of wind farms on health and communities. That is why, on departmental advice and departmental discussion, we are seeking collaboration with some of the university projects, led out of South Australia, to get to a better understanding of these health effects. It is an entirely responsible position to look at the national arrangements — —

The PRESIDENT — Order! I thank the minister.

Early childhood services: teacher training

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Minister for Children and Early Childhood Development,

Ms Wendy Lovell. Can the minister inform the house of efforts being taken by the Napthine government to increase the availability of qualified early childhood educators?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for her question and her ongoing interest in all things education but particularly the quality of the teachers we have available to teach our children in Victoria, both in the education system and in the early childhood area. As we know, a strong and available workforce of qualified early childhood educators is essential to the future of early childhood education in Victoria. According to the most recent report on government services Victoria has the highest percentage of kindergarten staff with a qualification, at 94.6 per cent. That is something we can all be proud of.

However, with all the quality improvements we endeavour to instil into the early childhood area we cannot just sit on our laurels. We must continue to train more and better qualified early childhood educators to service Victorian families. This is why I am pleased to inform the house that 169 applications received through round 1 of the Early Childhood Qualifications Fund for 2013 have been approved. This $1.3 million round includes funding for 94 early childhood teaching degrees and 39 diplomas of children's services. This builds on the 1992 scholarships we have already supported since coming to government. Another scholarship round will open later this year.

Victorian children deserve access to the best qualified early childhood educators, and I will continue working to ensure that every Victorian family has access to a quality early childhood program delivered by the best qualified early childhood educators.

Albury-Wodonga: air quality

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Health. Over the last few weeks I have spoken to residents of Albury-Wodonga who are experiencing quite poor air quality as a result of burn-offs that appear to be occurring under permit on both private land and on public land, presumably relating to fuel reduction and regeneration activities after woodchipping operations. This has been featured on the nightly news up there. People have experienced sore and itchy eyes, and one gentleman with asthma reported that for the last 10 days he has been shut inside next to an expensive air filter in the lounge room and has been wearing a mask with a filter when in bed. He said he made the mistake of going out to a friend's funeral last Friday, and as a result he had several rather severe episodes on Friday night. Does the minister have a responsibility to ensure human health in this area?

Hon. D. M. DAVIS (Minister for Health) — I first of all want to thank Mr Barber for his question and indicate that he gave me some advance warning of this. I thank him for that. What I will indicate is that I do have some responsibility for air quality if there is a health impact. Monitoring of air quality is primarily the responsibility of the Environment Protection Authority (EPA) under the national standards. In terms of the burn-offs Mr Barber is referring to — and I presume this is the prescribed burning ahead of time to ensure proper safety outcomes and fuel reduction outcomes in — —

Mr Lenders — That is not what he asked; he was more specific than that.

Hon. D. M. DAVIS — No, let me get there. I note Mrs Petrovich and the work she has done as Parliamentary Secretary for Sustainability and Environment and the responsibility the Deputy Premier, Mr Ryan, has for that area in general. Obviously this is a point of balance. A number of points have to be balanced. There are industry concerns — and we have heard on a number of occasions about relevant industry concerns — and there obviously has to be a balance of safety and ensuring the right outcomes there.

I accept Mr Barber's point that there may well be a health aspect, and I will seek some formal advice on this and come back to him on this matter. I will seek some formal advice about any health impacts that may be generated and what ought to be done to manage those. However, this is obviously a balance between industry, the safety concerns that legitimately see fuel reduction make our community a safer place and any particular untoward effects.

Supplementary question

Mr BARBER (Northern Metropolitan) — The minister referred to the EPA and its role in monitoring. In fact the EPA does very little monitoring of air quality around Victoria. However, the New South Wales government monitors air quality at Albury. Its data, which is freely available, says there are spikes of poor air quality — up to 200 parts per million of fine particles — on several days. I am asking the minister not as a matter of opinion but as a matter of scientific fact: does he believe that those levels of pollution are injurious to human health, and therefore does he believe that there is action that needs to be taken in terms of his responsibilities under the Health Act 1958?

Hon. D. M. DAVIS (Minister for Health) — I will seek formal advice on those particular levels. Again, I am not expert on the specific levels and I will seek that information. I will also, with the member's indulgence, pass the matter to the Minister for Environment and Climate Change — I am his representative in this chamber — for advice on the Environment Protection Authority's monitoring regime and how that operates. I will come back with some formal advice.

Carbon tax: health sector

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Health, Mr Davis. Can the minister update the house on the impact of new commonwealth taxes on Victoria's health system?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and compliment him on the steps that will occur next week which will see him take on new responsibilities. I particularly thank him for this question because it is one that needed to be asked in this chamber this week.

The commonwealth government in its wisdom decided to put a carbon tax on our whole system in Australia, including Victoria. That includes all the health services, public and private, in our community. This is a matter I have discussed in this chamber before and one that the community has discussed more broadly. What is clear is that Prime Minister Julia Gillard has put a tax on our health services by requiring every health service to pay more money for the energy it uses, whether it be electricity or gas. This tax on our health services means they have to pay more for their electricity and gas and that means there are fewer resources available to be used for treating patients, supporting clinicians and doing the basic work of our health services.

It would be correct to say that health services in a normal business environment have a responsibility to reduce their energy costs; it is just good business practice. I certainly encourage them to do that. Across several governments there has been encouragement to health services to reduce their energy costs, but for any level of energy cost or efficiency the carbon tax will make that energy more expensive. It is a simple but unfortunate fact that every health service will be forced to pay more money because of Julia Gillard's carbon tax, and that will impact on every health service, public or private, in this state.

I turn to some of the major health services. Monash Health has paid in the first six months of the financial year $684 830 in extra costs listed as carbon tax on its bills. Austin Health has paid $601 997 in carbon tax for the first six months of the year. This is a tax on health care by Julia Gillard and her ministers, Tanya Plibersek, the Minister for Health, and Greg Combet, the Minister for Climate Change, Industry and Innovation. It is a tax on health services. It is a dumb tax because it is not a tax that is reimbursed, unlike what happened when the Howard government brought in the GST and there was reimbursement for the costs of the tax to be paid by health services. A GST-free arrangement was put in place for health to recognise its special status. But that is not the case for our health services under the Gillard carbon tax.

Alfred Health paid $403 000 more in the first six months of the year because it had to pay $403 000 in carbon tax. For Ballarat Health Services it was $250 000, Melbourne Health, $234 000, Barwon Health, $225 000, and Bendigo Health, $220 000. These are significant imposts. Western Health, in Mr Finn's area, paid $383 000. That is what those health services actually paid in carbon tax on their bills in the first six months of the financial year.

Mr Jennings interjected.

Hon. D. M. DAVIS — Yes, they did. That is what it says: carbon tax on their bills.

Mr Jennings — On a point of order, President, there is an argument between the minister and me on this issue. My point of order is that there is no hospital in the country that pays carbon tax. They pay an attributed amount of money which is the equivalent of what the value of the carbon tax would be on their energy use.

The PRESIDENT — Order! I will determine the point of order because there is none. A point of order is about process. It is about a problem with our process. It is about a problem in terms of the standing orders of the Parliament. It is not about a member trying to get on the record a debating point, and Mr Jennings well knows this. Mr Jennings has taken the opportunity to get in his six pennyworth — a very old-fashioned term, I grant you — in terms of the minister's response. If Mr Jennings has concerns with the minister's terms in expressing his answer, there are processes available to him to explore those, including moving a motion that the matter be taken note of on the next day of meeting. At that point the facts can be discussed. This is not a point of order.

Hon. D. M. DAVIS — I advise Mr Jennings that $6.7 million is the amount of carbon tax actually paid by Victorian public hospitals in the first six months of the year. He and his party disgracefully and shamefully

voted in this chamber in favour of that tax. Mr Jennings voted in favour of it, as did Mr Viney and Ms Broad.

Ms Broad — President, I have a point of order to raise, and I assure you at the outset that it is a matter relating to process and to what I believe to be a reflection on me. This is the first opportunity that I have had to raise this matter. You will recall that yesterday in question time, in response to a question I directed to Ms Lovell about the access of public officials to government housing towers, that in her response Ms Lovell made statements about where I live. At that point, President, you also made some remarks about this matter; however, your remarks are not recorded in *Daily Hansard*. The statement which is recorded in *Daily Hansard* in part from Ms Lovell is 'Ms Broad actually lives in an apartment'.

As you will be aware, I live in country Victoria. I regularly make returns to the Parliament declaring where I live. Where I live was on the ballot paper at the last two elections. To allow a statement that I actually live in an apartment to remain in *Hansard*, given that I live in a house in country Victoria, which no reasonable person could compare with an apartment, is clearly wrong. I believe it reflects on me and my conduct, given that I swear undertakings to this Parliament, I think annually, about my residence. I raise this point of order in order to seek that the minister corrects that statement to the house.

The PRESIDENT — Order! Thank you, Ms Broad. I am obviously aware of the point you refer to from our proceedings at question time yesterday. I did ask Hansard staff to take into account the way in which Ms Lovell expressed her comment yesterday in her answer. I did so on the basis of a principle that I have about the security of members and the fact that I do not think it is appropriate that we have on the public record where members live, either by way of where they live as a principal point of residence or, in the case of country members, where they maintain accommodation in the city to allow them to pursue their duties here in Melbourne. As I understand the record, I am assured it does reflect that today, and I thank those people who took that into account.

We have some interesting issues now that occupy my mind from time to time, because what is said in this place actually goes out on the internet. What is said is already out there in the public and it is impossible to drag that back. In terms of the written record, we have some opportunities within reason to consider some matters.

I will read the passage as it now stands. I will come back and confirm my position on this, because I do not think it is fair to Ms Broad for me to make a final judgement on this at this time. It would be my view that the minister, in her comments, was not inferring that the accommodation in Melbourne that she requires to pursue her political responsibilities was in fact her principal place of residence. I do not think that the minister was entering that sort of debate at all. The minister was talking about apartment complexes and accommodation for people. She referred to her own arrangements, and it was in that context that she also referred to that. I do not think she was making any assertions or inferences on principal places of residence. She was simply saying that some members are in apartment blocks and they did not actually have some of the facilities that this particular development that she was referring to yesterday actually had.

I will look at the record again and make sure that what I have just said is an adequate explanation of the situation. If it is not, then perhaps I will have a discussion with the minister as well to ensure that the member's grievance is addressed.

Ms Broad — President, I thank you for agreeing to look at the record. Perhaps I could make a request that in looking at the record we not seek to interpret what may or may not have been in the minister's mind or what inferences may or may not be there, but simply stick to the facts and the factual statement about where I live as well as the statement made by Mr Guy earlier today about the fact that members do not live where they say they live. I am simply seeking that factual statements be accurate and that the question of second residences, which many members in this place, including Ms Lovell, maintain in Melbourne, are not relevant. Factual statements about where members live are about what they declare in their returns to the Parliament, what they declare in their returns to the Victorian Electoral Commission when their residence goes on the ballot paper, are very important matters and they should not be misrepresented in this Parliament.

Mrs Peulich — On a point of order, President, in view of the fact that you are actually taking the matters up and are going to give it some consideration on inspecting *Hansard*, could I also suggest that the matters Ms Broad has raised are not really matters that should be raised by way of a point of order. Members have adequate opportunity to make corrections, whether it is by a members statement or a personal explanation, where they feel that matters have been misrepresented. Many of us are routinely subjected to similar circumstances, both directly as members and also in relation to members of our own families. To

respond to this by raising a point of order the following day on a matter that is imputing, interpreting, attributing and stretching a long bow sets a very high benchmark for the level of debate in this chamber. The member certainly has all the opportunities to make the facts known if she feels that clarity is required. Related to that, there are inconsistencies also in the manner in which principal places of residence are reported in members returns, with some specifying the street, some even the number, others merely referring to the suburb. Perhaps that could also be looked at at the same time.

Hon. D. M. Davis — On the point of order, President, Mrs Peulich makes a very valuable point that it is a matter of fact and discussion as to where Ms Broad lives both substantively and when she is in Melbourne. They are legitimate points for debate, but they are not of themselves points of order.

The PRESIDENT — Order! I regard Ms Broad's raising this issue as a legitimate matter in terms of process, because she seeks my guidance on this matter from a process point of view and from the point of view of what is contained in the record. Some people in this place might consider that certain members might be fair game in terms of what is their principal place of residence and what are their arrangements in Melbourne that, as I said, are really quite important to them in pursuing their political responsibilities and representing their electorates. While some members might be seen as fair game, it cuts both ways, particularly for ministers, because ministers spend considerably more time at their residences in Melbourne than they do at their residences in country Victoria, which I dare say all of them would list as their principal place of residence. We need to be a little bit circumspect about this. I will look at the record.

Sitting suspended 1.03 p.m. until 2.07 p.m.

COMPANY TITLES (HOME UNITS) BILL 2013

Second reading

Debate resumed.

Mrs COOTE (Southern Metropolitan) — As I was saying prior to question time, this bill addresses an election commitment made by the coalition when in opposition, and now that we are in government the bill gives effect to that commitment to provide the Victorian Civil and Administrative Tribunal (VCAT) with jurisdiction to hear company title home unit disputes relating to domestic issues in order to promote lower costs and speedier access to justice. As I said earlier, I was pleased to hear both Mr Scheffer and Mr Barber acknowledge that the bill will achieve that. It will reduce costs significantly, and that is very important.

There have been some criticisms about VCAT, which is supposed to be a low-cost forum, and that the government's plans to increase VCAT fees mean that access to justice will be more expensive for some residents. I want to refute that and record exactly what is going to happen. It is expected that applications to VCAT to resolve a neighbourhood dispute will be heard in the owners corporations list. The current fee for an application to hear an owners corporation dispute in the list is $38.80. VCAT is currently reviewing its fees and last December it released a regulatory impact statement outlining the proposed changes. The preferred approach is to progressively increase the recovery of costs associated with running VCAT over the next three years from its current level of an average 14 per cent to 45 per cent in 2015. Under the proposed changes fees will vary according to the monetary value sought by the applicant. The proposed fees for 2013 under the owners corporation list are as follows: $116.50 where the amount sought is less than $10 000 or where no monetary value is sought; $364.60 where the amount sought is $10 000 or more but less than $100 000; $371.80 where the amount sought is $100 000 or more but less than $1 million; and $1462.30 where the amount sought is $1 million or more.

The proposed changes will bring VCAT's cost recovery targets in line with the revised targets for Victorian civil courts where the cost recovery levels have fallen significantly since 2001. These changes are designed to distribute costs between the users of courts and taxpayers more equitably. They also reflect the general increase in the number of complex and resource-intensive cases that VCAT has been required to hear since the fees were last revised. Those details should alleviate some of the concerns that were raised in the earlier part of the day.

I want to speak at length about some of the issues raised by Mr Scheffer and by Mr Barber. Many of them were dealt with in the briefing that Ms D'Ambrosio, the member for Mill Park in the Assembly, had and also in the briefing that Ms Pennicuik had. I want to address some of the concerns, and I will deal with them as they arose.

The Law Institute of Victoria's submission noted an inconsistency regarding VCAT's jurisdiction in relation to specific exclusions of disputes under the bill, noting that VCAT's jurisdiction regarding an owners

corporation is not limited in such a way. This was a concern that both Mr Barber and Mr Scheffer raised. The response is that, unlike owners corporations, company title corporations and service companies are registered under the commonwealth Corporations Act 2001, and the government has chosen to limit VCAT's jurisdiction under the bill because it wants to minimise interference with the consistent operation of the Corporations Law throughout Australia in accordance with the state's obligation under the corporations agreement of 2002.

As noted by the member for Mill Park in her contribution to the debate in the lower house, the exclusions under the bill, which limit VCAT's jurisdiction relate to corporate governance matters. I am very pleased to see Mr Tee in the chamber, because I know he is across a lot of this, and I hope the answers I am able to give will help to clarify some of the issues. I would also like to thank him for his support for the bill.

On another issue of concern Strata Community Australia (Vic.) made reference to clause 11(c), which relates to a company title corporation or service company levying a contribution from another party to a neighbourhood dispute. This was something that Mr Scheffer referred to as well. Strata Community Australia submitted that the reference to another party to the dispute should be a reference to a shareholder who is a party to the neighbourhood dispute on the grounds that a company or corporation does not have the power to levy a contribution from any person who is not a shareholder. The response I have received in answer to this is that Strata Community Australia's submission does not take into account the fact that a company title corporation or service company may have the power to levy a contribution from a person who is not a shareholder — for example, a tenant in a unit owned by a shareholder. Clause 11(c) ensures that the protection the clause affords can extend to any party to the dispute against whom the company may have the right to levy a contribution.

Another issue raised was in relation to clause 4 of the schedule to the bill, which lists neighbourhood matters relating to units forming part of land owned by company title corporations. Strata Community Australia in its submission states that it is not clear why the matters listed in clause 4 of the schedule should be confined to company title properties and not also extend to properties with service companies. That matter was alluded to by Mr Barber in his contribution and I think it was also raised by Ms Pennicuik in the briefing. The response is that the bill's schedule takes into account the differences between company title and stratum title, and I outlined that at the beginning of my contribution. It is also clarified by the bill under 'Definitions', as it was by the minister in his second-reading speech.

Clause 3 of the schedule deals with the external appearance of units and matters relating to units that affect the residential land or other units and applies to both company title and stratum title properties. By contrast, clause 4 deals with matters affecting the interior of the units. It applies to units in company title properties but not to units in stratum title properties. This is because under the stratum title a lot owner is the registered proprietor of his or her unit, and the service company only owns and controls the residual land. I am sure Mr Tee will get the details when we are able to give him this in writing, and obviously it will be in *Hansard*.

Another issue was raised in VCAT's submission — that is, that the bill does not provide a way for a unit owner or occupier to air a grievance about a manager or an office-bearer in the same comprehensive way that the Owners Corporations Act 2006 permits. I am advised that that act sets out what owners corporation managers do, so it is appropriate for VCAT to oversee disputes relating to those managerial functions.

There is already a mechanism for company title and stratum title unit owners and occupiers to air grievances against managers. Company title and stratum title properties are managed by either a board of directors or an external manager engaged to provide services on the company's behalf. Therefore a shareholder grievance against a manager's performance of these functions would be a grievance against the board, which the bill addresses.

Regarding grievances against office-bearers, the function of a company office-bearer will typically be dictated by the company's constitution, and a shareholder grievance about the performance of those functions would be considered a dispute relating to corporate governance. Such disputes are better left to the courts rather than to VCAT.

There are roughly three other areas of concern, and I will outline them to provide some clarification.

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

Motion agreed to.

Read second time.

Committed.

Committee

Hon. P. R. HALL (Minister for Higher Education and Skills) — I seek the committee's permission for Mrs Coote to sit at the table, given that she has done such a great job of providing explanations about some of the issues that have been raised.

Leave granted.

Clauses 1 to 5 agreed to.

Clause 6

Mr TEE (Eastern Metropolitan) — I thank Mrs Coote for some of the answers she has provided on this clause, which deals with the powers of the Victorian Civil and Administrative Tribunal (VCAT). I want to raise one aspect of that — that is, the expansion of the jurisdiction of VCAT to determine neighbourhood disputes, which the opposition supports. I wonder if the government has made any assessment of the numbers or indeed the impact that will have on the workload of VCAT and whether any additional resources will be provided to VCAT so that it can deal with these matters, bearing in mind that the VCAT list is a long one and it already takes a considerable amount of time for matters to be progressed.

Hon. P. R. HALL (Minister for Higher Education and Skills) — In reply to the matter raised by Mr Tee — and it was raised also by Mr Barber — regarding an estimate of workload and available resources for VCAT, I refer the member to the explanatory memorandum which says that clause 19 amends section 75 of the Estate Agents Act 1980 to enable costs and expenses incurred in relation to the administration of the bill and the fulfilment of VCAT's functions and duties under the bill to be funded from the Victorian Property Fund. It goes on to list the purposes of that fund. I know the Law Institute of Victoria commented on whether the Victorian Property Fund had sufficient moneys to cover that. I am advised that the government has earmarked funding from the Victorian Property Fund to VCAT to cover the costs relating to neighbourhood disputes, and that this allocation is in line with the recommendations of the New South Wales Law Reform Commission. It is recognised and acknowledged that the workload will be increased, but there is also a commitment to ensure that the resources are made available, primarily through the Victorian Property Fund, so that VCAT is properly resourced to carry out this function.

Clause agreed to; clauses 7 to 12 agreed to.

Clause 13

Mr TEE (Eastern Metropolitan) — I have a couple of questions about this clause. In particular, it refers to the rule of a company and essentially provides that a company's rules cannot be inconsistent with the act or unfair. My first question is: in the context of this bill, what is the origin of the power to make or amend rules relating to buildings?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I have some advice; but I am not sure if it goes directly to the question Mr Tee asked, which was about how the rules themselves are generated and how somebody could seek to have a rule adjusted or changed in some regard.

Mr TEE (Eastern Metropolitan) — Perhaps I should be clearer. There are various model rules floating around but none of them deals with buildings or the sorts of issues that laws will pick up here in terms of entry to a property or the making of repairs. My question is: is there a vacuum in relation to the power to make these rules, or indeed a process for amending these rules?

Hon. P. R. HALL (Minister for Higher Education and Skills) — These rules, as I understand it, are made by members of a company at a general meeting, pursuant to the Corporations Act 2001. Therefore if somebody sought to challenge whether a rule was appropriate or wanted to change or generate a new rule, they would do so by seeking to convene a general meeting of the company as constituted under the Corporations Act.

Mr TEE (Eastern Metropolitan) — I thank the minister for his response. Will a model clause or some guidance materials be provided to companies about the sorts of matters that should or should not be in these rules? I am concerned that we are essentially leaving it to individuals to try to muddle their way through.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that following the proclamation of this act staff from Consumer Affairs Victoria will make themselves available to or communicate with those with an interest in this matter to provide some guidance about model rules and the like that companies might then use as a basis for constituting rules particular to them.

Mr TEE (Eastern Metropolitan) — That leads to the issue of the prohibition on making sure that an agreement does not unfairly discriminate against a shareholder or occupier of a unit. Again this is a term that is not defined; it is vague. Will the definition of

'unfairly discriminates' be a matter for each company to decide? Will some material be provided in relation to that? Will any assistance or support be provided?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am happy to stand corrected if I am wrong — I will take advice if my advisers indicate I need to on this particular matter — but it seems to me that clause 13, as Mr Tee rightly says, will mean somebody makes a judgement as to whether something fairly or unfairly discriminates against a person. In the first instance I would imagine it is the general members of the company itself who make a judgement as to whether these rules are fair or unfair, but I am sure they would structure them in a way that is fair.

If somebody thought the rules were unfair, they would have a right to challenge them, initially I would have thought through a general meeting of the corporation. If they were still dissatisfied at that particular point as I understand it this section makes VCAT available to them, through which they might pursue a matter which they consider to be unfair. Ultimately it is VCAT that would make that judgement, as courts do every day; they make decisions about what is fair or unfair, reasonable or unreasonable.

Mr TEE (Eastern Metropolitan) — Finally, clause 13 does not appear to include a term of a service agreement of a service company. I am wondering why that is the case.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Clause 13 says:

> A rule of a company title corporation or service company or a term of a service agreement …

So this particular clause does include matters concerning the terms of a service agreement.

Mr TEE (Eastern Metropolitan) — I am looking at the explanatory memorandum clause notes for clause 13, where it says that a rule 'does not include a term of a service agreement of a service company'.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Clause 13 applies, as it says in the terminology, to both a service company and a service agreement. The explanatory memorandum component of that, from which Mr Tee quoted, applies to a rule.

Mr TEE (Eastern Metropolitan) — Clause 13 starts off by saying:

> A rule of a company title corporation or service company or a term of a service agreement …

I am unclear on this.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I appreciate that Mr Tee is seeking clarity on this. This is a technical issue. I would rather provide Mr Tee with a definitive written response to his exact question. If Mr Tee is happy for us to progress through the committee stage, I give him an assurance that I will provide him with a written response to this particular question, which I think is a matter of detail rather than principle.

Mr TEE (Eastern Metropolitan) — I am happy to proceed on that basis. Just to be clear in terms of what I am asking for, it seems to me that the clause talks about a rule or a term of a service agreement. The explanatory memorandum says that:

> … does not include a term of a service agreement of a service company.

I suppose I am teasing out that component of it and asking for an explanation of why that exclusion is there to the extent that it is. I am happy to proceed with the committee stage on the basis of the assurance I have received that I will get a written explanation dealing with those matters.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I repeat that I understand Mr Tee's dilemma. I do not think I am able to give him an adequate verbal explanation. That is why I am giving that commitment to give him a written explanation.

Clause agreed to; clauses 14 to 21 agreed to; schedule agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

> That the bill be now read a third time.

In doing so, I want to thank those who participated in the committee and the second-reading debate for their contributions and assistance. As I said in committee, I will follow up one matter in writing with Mr Tee.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! I am of the opinion that the third reading of this bill requires it to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in the chamber:

The ACTING PRESIDENT (**Mr Ondarchie**) — So that I am satisfied that an absolute majority exists, I ask members supporting the motion to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

CRIMES AMENDMENT (INTEGRITY IN SPORTS) BILL 2013

Second reading

Debate resumed from 21 March; motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Mr LEANE (Eastern Metropolitan) — I am pleased to rise to speak on the Crimes Amendment (Integrity in Sports) Bill 2013. From the outset I would like to say that the opposition does not oppose this bill. The only criticisms we have are that it was a long time coming considering that it was a national initiative. I would like to commend the federal Minister for Sport, Senator Kate Lundy, for her leadership in this area. It is disappointing that it has taken so long for it to come to this Parliament. It is not surprising, but it is disappointing that South Australia has already enacted similar legislation, which is a template. It is a sad day when Victoria follows South Australia.

As we would all agree, integrity in sport is very important and we all support that premise. In Victoria in particular, as a rule, we are all sports-minded people, sports fans and very passionate about the teams we follow. We would hate corruption involving betting on sporting events to affect our enjoyment of sport. This legislation not only covers corruption in sport and increases penalties for people who play a role in sports corruption, but it also covers events that can be bet on such as the Academy Awards and also elections, which is an interesting one. When you take into account — —

Mrs Peulich — What are the Gillard odds?

Mr LEANE — It is an interesting concept. When it comes to elections in the political sphere members of this chamber would be very aware what the policies and actions of government might be able to affect; they can very much affect the outcome of an election. One would have thought that soon after the 2010 Victorian election the new Baillieu-led coalition government would have been at very short odds — just about unbackable — as a one-term government to win the next election. But then as time went on the odds would have blown out quite considerably. The opposition's odds in terms of being able to actually win an election in 2014 would have decreased. The sort of scenario of government MPs at the time backing and putting a bet on the opposition winning is a possibility. Then government members could have gone out and tanked for two and a half years. I am not saying that is what has happened; I am just saying it is an interesting concept and could happen, and it is something to explore.

The shadow Minister for Sport and Recreation, Mr Eren, the member for Lara in the Assembly, did a forensic examination of the bill in his contribution to the debate on the bill in the other place, so there is no need for me to put on the record the opposition's position to that degree. There is no need for me to take up the hour allocated to me as lead speaker for the opposition. Even Mr Elasmar is looking at me in a certain way to tell me that maybe that would not be a good idea and is probably unnecessary.

There is obvious credit in what the bill aims to do. The government made an interesting announcement about it on 5 March, saying that it would act in this way and get tough on match fixers. A headline in one of the main papers, the *Age* of 5 March, was 'Baillieu gets tough on match fixers'. The then Premier was talking tough. Talking about cheats, he is reported as saying:

> … they will be caught and punished under these tough new laws …

But further on in the article the Minister for Racing — now the Premier, Dr Napthine — was quoted as saying he did not believe there was a problem with match-fixing or event fixing in Victoria. In that article the then Premier came out tough, saying there was a problem and that he was going to fix it up. In that same article Dr Napthine pretty much contradicted the then Premier and said that he did not necessarily agree with what Mr Baillieu said. That was on 5 March. We all know what happened on 6 March — Dr Napthine rolled Mr Baillieu. It was flagged the day before that Dr Napthine was undermining and white-anting the then Premier by contradicting him in a newspaper article, which would have been quite embarrassing for Mr Baillieu. No wonder Mr Baillieu pulled up stumps. He came out and said he was going to get tough on something, and then some bloke who was supposed to be in his cabinet, who all the while must have been

white-anting him and wanting to grab his job, came out and contradicted him.

I have to say it is lucky that this betting in politics is not extended to who is going to take over as leader at the state level, because I would have put my money on Mr Guy. I would have said Mr Guy was an easy favourite, or an unbackable favourite, but I would have easily done my dough. Who would have known that a rank outsider would come from nowhere and come over the top? Let us hope no-one puts a bet on anything — whether it be political, the Oscars, or a sporting event — that is affected and dudded by systematic corruption. It is a sad state of affairs.

As I said from the outset, the government should be applauded for eventually getting this legislation to this place. We do not oppose it and will be happy to see it passed today.

Ms HARTLAND (Western Metropolitan) — It is interesting to follow Mr Leane. I do not think I will talk about odds in politics et cetera; I might actually talk a little about the bill. The Greens support this bill, but we have some concerns. It is interesting to read the Attorney-General's second-reading speech to see his claims that this bill is closely modelled on the New South Wales bill. We note that both the New South Wales and South Australian bills on match-fixing created an offence for the use of inside information, yet there is no reference to the use of inside information in the Victorian bill. We are not quite sure how this bill can be modelled on the New South Wales bill when it does not actually do what the New South Wales bill does.

While this is clearly a bill we will support, the Greens have grave concerns about betting in general. One of those issues is the fact that the bill does not address issues around how betting on all kinds of things, as Mr Leane said, is tending to take over. Having grown up in Australia, I do not mind a bet every now and again myself — Australians are well known for wanting to bet on two flies going up a wall — but when you hear children talking about betting odds on football games rather than how good someone was or how much fun it was, you have got to start getting a bit concerned.

Quite recently an Australian Crime Commission report made it clear that there is a real concern about sport and the involvement of organised crime, especially when drugs are involved. I think we can presume that some athletes — I hasten to say I think it would be quite a small group of athletes — are being influenced by organised crime and possibly being blackmailed because of their use of drugs in sport. I think there are issues in this bill that have not been addressed at all.

I take up a bit further the issue of the way gambling is being directed at children. Recently Senator Richard Di Natale released an exposure draft of a bill to ban the broadcasting of betting odds during sports and sports-related programming. He has also written what I think is an extremely good opinion piece which appears in today's *Age*. In the article he makes a few points, some of which I will refer to. Richard has been campaigning around this issue, and he is particularly concerned about the appearance of Tom Waterhouse as an announcer and commentator when quite clearly Mr Waterhouse is a bookmaker. It seems that these lines have been crossed in the media.

In his article Richard said:

> But these predictable criticisms have been dwarfed by the overwhelming number of positive responses from the public. The issue has clearly hit a nerve.
>
> Some people argue that we don't face a real gambling problem and this is simply another moral panic. The statistics don't back that up. Turnover from online betting, of which sports betting is a major component, has risen from $2.4 billion in 2007 to almost $10 billion in 2012.

I do not think that is a statistic we want to encourage. The article also states:

> In recent years the explosion in sports betting advertising means that it's become impossible to watch a game of footy without gambling odds and sports betting advertisements being rammed down our throats. The number of betting ads on free-to-air TV quadrupled in the last two years — in 2012 there were 528 individual ads, collectively broadcast more than 20 000 times.

Rather than children experiencing the enjoyment of sport — who is going to win and how well it is all going — they are being bombarded with betting odds. One of the problems with this for children especially — we all know that children take in a huge amount from television — is that they are absorbing the idea that it is normal to bet, that it is normal behaviour. The Greens do not think it is acceptable for children to be continually bombarded with betting odds, or adults for that matter either.

With those few words, I indicate that the Greens will support this bill, but we would very much like to see the government, together with the federal government, actively looking at what can be done around the issue of sports betting and its implications for our society, especially children.

Mr DRUM (Northern Victoria) — I have great pleasure in rising to speak on the Crimes Amendment (Integrity in Sports) Bill 2013. The Attorney-General,

in conjunction with the Minister for Sport and Recreation, has put together a good piece of legislation. We in the coalition are confident that this legislation will enable sport, which has such an integral place in the lives of so many Victorians, to go forward with the integrity it needs.

Much has been said about integrity in sport over recent months. There was the Lance Armstrong fiasco when upon retirement many of his former team mates started to give him up one by one by writing books about his abhorrent behaviour during the time he won all those Tours de France. Cycling is always going to be in the gun because of the relevance of enhancing performance or increasing physical capacity. With cycling, there is a direct performance result when compared to the use of drugs in other sports. A whole range of factors can determine the outcome of an event, but cycling, long-distance running and weightlifting are all sports where there is a direct correlation between the ability to improve physical condition and the ability to be successful in competitive events.

That said, this bill goes more to the integrity of sports in relation to betting and, more specifically, to people who are going to cheat in the pursuit of personal benefit. Recent months have seen the banning of Damien Oliver from horseracing for 12 months following revelations that he bet on a rival horse in a race in which he was riding. In recent years some cricketers have been found to have acted in a manner likely to result in personal gain, such as by bowling no-balls at particular points in games. We have all read about or seen these types of actions. These behaviours can have the consequence of bringing a sport into disrepute, and they have also widely been found to be giving many people personal benefit.

With wagering and betting on sports events now taking a more mainstream place in our sporting events, we are seeing an ever-increasing awareness of the economic impact of our sporting events — we are all becoming much more aware of that — therefore it has become necessary for the government to act in a way that will protect the integrity of all our sports as well as inspire confidence in the wagering public. We need to make sure that every event is participated in on its merits for the entirety of the event.

Many stories float around, and some might call them bush tales. I remember a story about an old Victorian Football Association team, which apparently was two games clear on top of the ladder going into the last game. It did not really matter whether the team won or lost the last game, and the rumour was that they had paid for their end-of-season trip by throwing the last game and betting on the opposition. It is a nice little story, and we will never find out whether it is true; nevertheless a range of rumours continue to permeate through bush folklore.

There is also a story about the member for Gippsland East in the other house. Legend has it that Mr Bull once started himself in the ruck in a local grand final. At the opening bounce he charged the opposition ruckman and gave away a free kick. He promptly proceeded to badmouth the umpire and got a 50-metre penalty awarded against him. He then badmouthed the umpire again and got another 50-metre penalty. Legend has it that, before anyone knew, Mr Bull was standing on the goal line while the opposition ruckman kicked the first goal over his head. Obviously this went unnoticed for many weeks until, again as the story would have it, it was unearthed that a significant betting plunge had been put on the opposition ruckman kicking the first goal of the game. We know this story is totally impossible to believe, because the said member of Parliament would never have had the vertical leap to play in the ruck anyway, but this story shows that it is easy for any professional footballer to get in on the act of altering an outcome in a manner that will be illegal under this bill. I suppose that is what we are trying to work through.

As Mr Leane was saying, this goes to more than just sporting events. Political elections will be covered by this bill, as well as the Academy Awards and all the other awards that can be bet on with your local Sportsbet account. Last month I even found myself checking who was favourite to become our next Pope. I saw that Pope Francis started off at about 10 to 1 and firmed up to around 6 to 1 when, with the white smoke, he was finally given the job.

This legislation has been brought forward following a report by the Australian Crime Commission (ACC). As Ms Hartland pointed out, the report issued by the ACC highlighted the fact that organised crime is starting to have an unhealthy involvement in many of our professional sports, and this is causing serious concern to the ACC. The ACC mainly pushed on the issue of performance-enhancing drugs, which are not associated with this type of loss of integrity. However, the report is picked up on by this bill and is something that we need to be very aware of.

The ACC's report was able to highlight that there was one particular A-League game last year where there was a 40 per cent increase in the amount of money that had been bet compared to the average game. This caused serious concern. The ACC looked into it very carefully to find out why it was that that one particular

game, which seemed to be quite normal, which seemed to have a normal result, which did not have late changes of players in or out of the team and which was of no great consequence, had such an enormous betting plunge worldwide. The detailed investigation simply found that at on that particular Friday afternoon there was a void in the betting markets in world basketball, world soccer and American sport. For just a couple of hours there were very few contests around the globe for people to be able to bet on, and people found that an A-League soccer game in Australia could give them their weekly dose of wagering.

It is comforting to know that the authorities are looking into and checking where we are at with our respective sporting teams. I do have some concerns about some of the language that is used in the ACC report. To give an example of a sentence, the report says:

> The level of suspected use of peptides —

we are talking about performance-enhancing drugs —

> varies between some sporting codes —

so the language is quite loose and very broad in its target —

> however officials from a club have been identified as administering, via injections and intravenous drips, a variety of substances, possibly including peptides.

I find that a lot of the language in this report uses words like ‘possibly’ and ‘continually’. It goes on to say:

> Moreover, the substances were administered at levels which were possibly in breach of WADA antidoping rules.

I am very concerned that many people in sport have had their reputations questioned over a report that continually talks about ‘possible’ breaches and ‘possible’ products that ‘might’ be outside various codes. However, the report of the ACC has certainly given us impetus as a government to pass this legislation in a timely manner. Whilst we were well down the track of getting this legislation through anyway, it has turned out it is very timely.

I will provide some background. On 23 January this year the racing integrity commissioner, Sal Perna, released the report of his own-motion inquiry into race fixing. Significantly, Mr Perna found that there was no evidence of systematic race fixing in Victoria, but he made 11 recommendations to improve and strengthen racing integrity so that the racing industry is best equipped to deal with the new and emerging challenges. Recommendation 7 of his report states:

> That the government expedite the introduction of ‘cheating at gambling’ legislation as a major priority.

That is what we have done.

On 7 February the Australian Crime Commission report on organised crime and drugs in sport was released, and I have already spoken about that report. Whilst the majority of that report goes to drugs in sport, it does mention some of the complications and some of the challenges facing all professional sports as a result of the level of betting that is now seen as mainstream behaviour.

I also need to mention that in 2011 there was a review of sports betting regulation undertaken by Des Gleeson, the former chief steward at Racing Victoria. His recommendation was that the Department of Justice liaise with Sport and Recreation Victoria in relation to the development of criminal provisions to deter and deal with match fixing.

On 18 November 2011 there was a meeting of the Standing Council on Law and Justice at which all the ministers agreed to pursue a comprehensive approach to criminal offences in relation to match fixing. With the online betting that is available to everybody now and the number of events that go across the various states, it is now quite common for a person from Victoria to be in New South Wales placing an online bet with bookmakers in the Northern Territory on events that are being held in Western Australia. We therefore need to ensure that to deal with the major issue of irregularities impacting on a result the legislation is consistent across the states. Apart from looking after the integrity of the sport for the sport’s sake, it is also critical that we maintain the ability of the wagering public to have confidence. We have already spoken about the social and economic importance of sporting events to Victoria, and we must make sure that that is never understated.

The New South Wales government has amended its Crimes Act 1900 to include provisions that prohibit certain conduct that can corrupt the betting outcomes of events on which it is lawful to place a bet. The South Australian Parliament is currently considering a bill, the Criminal Law Consolidation (Cheating at Gambling) Amendment Bill 2012, that includes provisions similar to those in the New South Wales legislation. The Victorian bill before the chamber today creates provisions which are based substantially on those in South Australia and New South Wales, which should give us that consistency that we are looking for across the states.

In relation to some of the content of the bill, the definition of 'bet' is very broad to make sure that it encompasses the wide variety of legal gambling that is now available, and we have talked about some of those events on which you can now bet. Conduct that corrupts or could corrupt the betting outcome of an event or even a contingency is a key concept in this legislation. The event contingency provisions apply where there is conduct that, if it were engaged in, would be likely to affect the outcome of any type of bet on any part of an event or event contingency.

There must be a direct connection between conduct which is likely to impact on the outcome of an event and the outcome of the betting, and this is another very important aspect of the bill. Where there is an event in which many people are making decisions which could be seen to be detrimental to someone's betting outcome, it is critical that everybody involved in the event is secure in the knowledge that they can make decisions and they can behave however they want because they are not affected by the betting outcome. This will be critical for the integrity of the sport.

I want to touch briefly on the point raised by Ms Hartland in relation to the New South Wales legislation. We have not gone down the path of including accessing inside information, which is an offence under the laws of South Australia and New South Wales, primarily because that is an offence already. If it can be proven that you have by deceptive means gained financial benefit, that is already an offence. This bill is primarily about conduct that would alter the outcome of an event; for example, match fixing or cheating at gambling. In the purest sense Ms Hartland is probably right — gaining inside information is possibly cheating — however, the bill does not include the knowledge of tactics or form or other issues which may give you an advantage. We have put that into a separate basket to make sure that we can look at the actions which are likely to change the betting outcome — that is, change the outcome of an event for a specific personal gain. That is the best way I can answer the question raised by Ms Hartland.

With those few words, I will conclude my contribution. I know there are few other members who would like to talk about this bill. We are delighted to be doing our bit. Sport is such an integral part of our social make-up and so much a part of our existence, and we need to make sure that the integrity of all our sports is maintained and that members of the wagering public are able to place bets on races or sporting events in the full knowledge that all those who are involved are going to be trying their very best to win.

Mr ELASMAR (Northern Metropolitan) — I rise to contribute to the debate in this house on the Crimes Amendment (Integrity in Sports) Bill 2013. Excellence in sport in ancient Greece was for the health of the body and the glory of winning. However, today we have professional sport which appears to be all about money and power, and where there is big money involved sport becomes just another profit-making industry. Match fixing at the racetrack and at other sporting events is so commonplace we often shrug our collective shoulders and say, 'What can we do?'.

Sporting heroes are often seen in the media apologising to their fans after being caught out by scientific medical tests for using performance-enhancing drugs. Today the use of steroids and other stamina-enhancing drugs is an almost daily occurrence in the sporting industry, and this mentality of winning at any cost is ruining not only the lives of our young sportsmen and women but also the very foundation of Australia's reputation for good sportsmanship here and overseas. We now have the prospect of increased international criminal activity due to internet gambling.

The bill inserts new offences into the Crimes Act 1958 and puts in place mechanisms to ensure honesty by providing heavy penalties for these offences. New South Wales and South Australia are also legislating to clean up their sporting industries. This will provide a uniform approach to a serious problem that crosses all boundaries. The Australian Crime Commission report released last month highlighted major concerns about the use of drugs and the involvement of organised crime in sport. Corruption in sport is not new. Victoria's racing integrity commissioner, Mr Sal Perna, recently conducted an inquiry which found there is no systemic rorting of race fixing in Victoria. Although that may well be the case, we need to be vigilant to ensure that racing is a trustworthy activity for the many punters in the racing community.

All major sporting codes support the addition to the legislation of criminal provisions, and Mr Perna's 11 recommendations to improve and strengthen racing integrity are worthy of cross-bench support. Put simply, cheating-at-gambling legislation is the only way to protect our future economy and establish consumer confidence in the racing and sporting industry in Victoria. The penalties for offences under the bill are set at a maximum of 10 years imprisonment. This is in line with the other states I have mentioned and is appropriate in order to protect the integrity of the state's multibillion-dollar sporting industry.

I would like to point out that not every sportsperson resorts to cheating or performing under the influence of

drugs when they are not doing well. My nephew won a gold medal for clay target shooting in the Commonwealth Games, but the next week he could not hit the target. He shot 125 out of 125 one week, and the next week he could not hit 117. It is about how you feel on that day; it is not about cheating or taking drugs. As Mr Leane said, the opposition is not opposing the bill.

Mr RAMSAY (Western Victoria) — I rise to speak in the debate on the Crimes Amendment (Integrity in Sports) Bill 2013. I do so because I love my sports, both as a participant and as an observer. Although I never achieved the lofty heights of my parliamentary colleague Mr Drum, I did play for the Birregurra Saints, albeit briefly. I have also been a lifelong supporter of the greatest football team in the AFL, the mighty Geelong Cats, who I point out to Mr Guy demonstrated their winning skills again last week. It was a very satisfactory win.

Regardless of the sport they prefer, Australians have always viewed sport and competition in sport as an important part of the social fabric of life. In fact Victoria is considered to be the state that embraces sport and supports its competitions more per capita than any other state in Australia. Sport in this country is critical to our social, cultural and economic life. The wide calendar of sporting events, whether it be for the Australian Football League, the Australian Rugby League, soccer, tennis, basketball, racing, the grand prix or shooting, to name just a few, is a vital contributor to our state economy and brings world-class competitors to our stadiums and into the homes of the Victorian public.

Above all Australians demand that sport and sporting competitions are run and participated in in a safe, fair and ethical manner. In fact we have an obligation as a society to encourage our children, friends and others to be active in sport as our bodies are designed to move, not sit, and unhealthy diets and a lack of exercise are contributing to a significant rise in obesity and diabetes. I remember that when I accompanied the Minister for Sport and Recreation, the Honourable Hugh Delahunty, to openings and events related to his portfolio he always used the line 'Be active more often'.

Mr Drum — More people more active more often.

Mr RAMSAY — I thank Mr Drum: more people more active more often.

Australians always like a bet, or a punt, as Ms Hartland mentioned in her contribution. Sadly I believe we have moved from the spirit of the fun of betting on two-up, originally enjoyed mostly by our war veterans, to technologically advanced betting fixtures. Our lives are now being saturated with betting opportunities, and it seems that there is little in life that you cannot have a bet on. Even visual mediums are now saturated with betting competitions, and the lines are being blurred as to what is story content and what is blatant marketing and promotion for a betting agency. Together with this near frenzy by promoters for people to have a bet and the high financial stakes involved in running professional sporting events comes the increased potential for Australian sports to attract betting interest and an increased potential for criminal involvement from around the world.

We have created a situation that recognises the importance of sport to the culture and identity of this country, and we expect participants as professionals to achieve and compete at the highest level because sport is now a business with high financial stakes. If we mix this in with a growing culture of betting in this country and all that brings, it is even more important to ensure the integrity of sporting events and ensure that public confidence is not undermined. The government is therefore introducing this bill to address the threat posed to the integrity of Australian sports by the possible fixing of matches, races and other sporting events. The government is committed to protecting sport lovers all over Australia by stamping out unethical behaviour in sport. On that basis the government is a strong supporter of the national policy on match fixing in sport, of which a key part is the creation of criminal provisions for cheating at sport — something which is supported by all jurisdictions.

The bill also applies to racing. On 23 January the Victorian racing integrity commissioner, Mr Sal Perna, released his *2012 Own Motion Inquiry into Race Fixing* report. As Mr Drum said, Mr Perna found no systemic race fixing in Victoria, but he did make 11 recommendations to improve and strengthen racing integrity assurance so that racing is better equipped to address new and emerging challenges.

The bill will also deliver on a recommendation from the *2011 Review of Sports Betting Regulation* by Des Gleeson that encourages a closer relationship between the Department of Justice and Sport and Recreation Victoria. The bill is closely modelled on legislation introduced recently in New South Wales and presently before the South Australian Parliament.

The bill creates new offences in the Crimes Act 1958 to tackle anyone who corruptly seeks to manipulate the outcome of a sporting event for betting purposes. The offences in the bill apply to conduct that corrupts or would corrupt a betting outcome and/or compromise

standards of integrity. The bill also creates in specified circumstances an offence of a person encouraging another person to conceal from a relevant authority conduct or an agreement in relation to conduct that corrupts or would corrupt a betting outcome. The penalties for offences under this bill are set at a maximum of 10 years imprisonment.

The purpose of this bill is to send a very clear message that the fixing of sporting matches and other events will not be tolerated in Victoria. It is in line with the government's legislative framework to protect the integrity of sports in Victoria, which is vital to provide confidence in the passion of our sports-loving nation. I commend the bill to the house.

Ms TIERNEY (Western Victoria) — I also rise to speak on the Crimes Amendment (Integrity in Sports) Bill 2013, which deals with integrity in sport. I indicate to the house that the Labor opposition will not be opposing this bill. In summary, the bill seeks to amend the Crimes Act 1958 as a response to match fixing and cheating by introducing offences in relation to corrupting the betting outcomes of a sporting event. This bill implements a key objective of the national policy on match fixing in sport agreed to by commonwealth and state sports ministers to tackle match fixing in a consistent way.

It is unfortunate that we find ourselves in a situation where many cases have become public and have been featured in the media, which has described how match fixing has been undertaken in a range of different sports. That has led us to respond today in a legislative sense. This bill is designed to protect the integrity of sport now and into the future. I am a little bit perplexed, though, as to why it has taken nearly two years for this important bill to be brought before the house.

As we have heard from previous speakers, sport, whether we watch it or play it or do a combination of both, plays a major role in Australian culture and in the wellbeing of individuals as well as communities. Love of sport is synonymous with sporting success. Everyone likes a winner, and we are always pleased to have someone amongst us who has performed incredibly well in whatever sport they are playing. Last Monday morning many Australians would have been glued to their television screens or, as in my case, driving and listening to radio programs which were giving their listeners newsflashes as to where we were up to in terms of the play-off in the golf championship. It was fantastic to see Adam Scott win the US Masters Golf Championship, the first Australian to do so. Not only that but we had Warrnambool's Marc Leishman, a proud resident of western Victoria, in the play-off, together with Queensland's Jason Day. We saw three of our own in the top five at the tournament, and I think any country would be incredibly proud of that situation at any time.

It is from wonderful achievements like that that we see spin-offs of the benefits from sport, whether it be at a professional level or in encouraging the young ones amongst us to take up sport and be active. However, it is frightening that something as healthy and as pure as sport, which is accessible to most regardless of social or economic standing or physical or mental capabilities and is a very democratic activity, can be afflicted by bad behaviour — in fact criminal behaviour — that then threatens integrity in sport.

In terms of the particulars of this bill, it creates five new indictable offences. The first one alters the existing crime of obtaining a financial advantage by deception to include where it is connected with a betting event. The second is that a person must not engage in conduct that corrupts a betting outcome on an event. The third is that a person must not offer to engage in or encourage another to engage in conduct that corrupts or would corrupt an event. The fourth offence is that a person must not encourage another person to conceal from a relevant authority corrupt conduct. Finally, a person must not use corrupt conduct information for betting purposes.

The racing industry has had its fair share of issues in respect of this. On 23 January this year the Office of the Racing Integrity Commissioner released its report entitled *2012 Own Motion Inquiry into Race Fixing*. It contains three recommendations. The bill we have before us today implements just one of those recommendations. In the report the commissioner regularly mentions the importance of public trust and integrity in sport. As I mentioned earlier, damage and potential damage to integrity in sport and the outcomes of sporting events are the biggest threat to its existence. On a number of occasions in the report the commissioner mentions the number of times race fixing was mentioned in media stories leading up to last year's Spring Racing Carnival. In a 10-day period from 6 August to 16 August 2012 there were 153 mentions of race fixing in media reports, reaching a recorded circulation of around 14 million people. Understandably it was of concern that this cloud hung over what is traditionally a wonderful event for Victoria each and every year.

In view of the public interest and concern, on 16 August last year the Office of the Racing Integrity Commissioner announced publicly that it would conduct its own investigation into race fixing across the

three codes of racing. Unfortunately the same vigorous concern cannot be claimed by the Minister for Racing. In an article in the *Australian* of 21 November 2012 sports journalist Patrick Smith said:

> The politician in charge of racing in Victoria sadly acts more like the sport's mascot than its leader.

He goes on to say:

> The problem for Napthine and the men under him who run racing is that they appear to have placed Melbourne Cup carnival success as a more important objective than maintaining people's confidence that the sport is run uncompromised and without taint.

The racing industry is an incredibly important industry in this state. It requires the continued support of government and, most importantly, support from the people who watch and are involved in it. Western Victoria claims to be a significant home for the racing industry, which employs a lot of people in a range of different occupations. It provides great tourism events for us, and what flows from that is a boost to our local economies. It is also part and parcel of the social culture in western Victoria, from the very small racing tracks to the regional tracks.

The support of the public comes with a very important proviso to which we all need to adhere — that is, to ensure that everything that can possibly be done is done to protect the integrity of all sports. The now Premier of this state, in his role as Minister for Racing, failed the people of Victoria spectacularly during the Spring Racing Carnival last year by failing to step in when news of the Damien Oliver saga broke. The lack of action from the minister during last year's Spring Racing Carnival was regrettable and has undoubtedly damaged the reputation of the Victorian racing industry.

Labor is confident that very few people are involved in committing the acts that are described in the legislation. We believe that by far those who participate in sport do so in a proper way. But there are people who try to manipulate situations and gain financially from corrupt procedures when it comes to sport. We believe the bill, although it has been tardy in coming to us, should be supported. We look forward to a bipartisan approach to ensure that integrity in sport, in all of its facets and in all of its behaviours, is maintained in this state. I commend the bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the Crimes Amendment (Integrity in Sports) Bill 2013. Given Ms Tierney's contribution in support of the bill, it is nice to follow her down the fairway today.

The bill seeks to address the threat posed to the integrity of Australian sports by the possible fixing of matches, races or other sporting events. The bill creates five new offences, and members here have already addressed those, so I choose not to revisit them in my contribution. Some of the not-so-young members of the chamber remember the Fine Cotton affair in Queensland, and I am certain my colleague Ms Crozier will refer to that in her contribution.

The bill deals with racing in any legislation aimed at addressing corruption in sport. Sport is vital in terms of its social, cultural and economic impacts on communities. We want to make sure it is squeaky clean. Given the importance of sport to our community, it is really important that we maintain its integrity to ensure that public confidence is duly maintained.

During my cricket career I was given out LBW on a couple of occasions when I had clearly nicked the ball. To me that is a crime in sport, but I will let that one ride for the purpose of our discussion today. Match fixing not only undermines the confidence of fans but also defrauds honest punters and takes away the confidence of players and other people who are involved in sport. Sporting heroes should not be tainted by the potential of guilt by association. The Napthine coalition government strongly supports the national policy on match fixing in sport. We think it should include the creation of criminal provisions for people who are cheats.

Sal Perna, the Victorian racing integrity commissioner, launched an inquiry into race fixing and found no evidence of systemic race fixing; however, he made 11 recommendations to improve and strengthen the integrity of racing. The government has agreed in principle to each recommendation and is working towards achieving them. This bill further builds on and strengthens the world-class integrity assurance model in Victorian racing. It demonstrates a strong policy framework to protect the integrity of sport and highlights that match fixing will not be tolerated in this state.

I have been a player of sport, an administrator, a spectator, a coach and, of course, a parent of children who play sport, and for me it is all about fair play. It is all about making sure that people can embark on their sporting endeavours knowing that the playing field is level. Sport is an iconic part of our culture in Australia, and each of us in this place should make sure that it is never tarnished by corruption. Lance Armstrong has been mentioned today, and I choose not to revisit that matter. But what a tragedy it turned out to be — a

sporting hero who was admired by many but who right now has lost favour with people all over the globe.

I have a passion for cricket, and I recall the impact that match fixing has had on Pakistani cricket. Not only has Pakistan's reputation suffered but its team was decimated, and its performances have reflected that since. Match fixing impacts on everyone, as it did in Pakistan, from teammates, coaches and officials to spectators and children growing up and deciding which sports they want to play. Match fixing can turn them around, and corruption in sport can lead them away from the games they love.

Players in the recent match-fixing scandal included Salman Butt, who was a former captain and opening batsman for the Pakistan team, and 18-year-old Mohammed Amir, who was an up and coming and talented bowler and who was likened to Wasim Akram. There was also Mohammed Asif who was Pakistan's opening bowler. Everybody suffers when there is corruption in sport, and in this particular case teammates suffered, cricket in general suffered and the kids who saw their sporting heroes as role models have been deflated. I like Pakistan as a country; I like the people of Pakistan, but the match fixing that occurred there has had a dramatic result on the sport.

Our coalition government is introducing this tough new match-fixing legislation to Parliament to protect the integrity of the state's multibillion-dollar sporting industry. We love our sport here in Victoria, and there is no doubt that the sporting capital of the world, which Victoria really is, is doing its very best to make sure we protect our very vital industry. Anybody who attempts to manipulate professional sport for betting outcomes is a cheat, and they will be caught and punished, because these tough new laws will deal with them.

The bill will outlaw four key offences: engaging in conduct that corrupts or would corrupt a betting outcome; facilitating conduct that corrupts or would corrupt a betting outcome; concealing such conduct, agreements or arrangements; and the use of corrupt information for betting purposes. We do not want people inadvertently telling their friends and family that they might be playing up in the forward line. We do not want betting outcomes that affect the good nature of sport in this country.

I am privileged to barrack for one of the best AFL teams in the competition — the mighty Geelong Football Club. It survives on integrity, honesty and hard work, and we are delighted that at this stage of the season it is three and zip. In saying that, I wish Travis Varcoe all the very best for his recovery after a shoulder injury.

We are about sport in this state; we love sport. I am blessed to be involved in the world game — in soccer — in AFL and in cricket, and I follow my very clever and talented son in his life of hockey. I want my children to play sport — if you will pardon the pun, in the hockey term — on a level playing field. They get the best opportunity to do what they have to do. This is a very important bill, and I am glad it has bipartisan support. I encourage its fast passage through the house.

Mrs PEULICH (South Eastern Metropolitan) — I am delighted to record some remarks in support of the Crimes Amendment (Integrity in Sport) Bill 2013, which is a commitment that was made by the government in opposition to enact match-fixing legislation. I am aware the legislation has bipartisan support, and that similar legislation has been enacted in New South Wales and South Australia to address match and race-fixing behaviours that undermine the integrity of sporting codes. I am also aware that the reputation of our capital city, as the sports capital of Australia, rests on protecting integrity in sport.

As a mother I believe this begins at the grassroots level in the formative years when our children engage in various sporting activities. Like the children of any other Australian mum, at the age of five my child signed up to three different sporting codes: Little Athletics, tennis and what I think might have been Auskick, or a version of football. I cannot recall exactly, as it was some time ago. I was fortunate to live in a community where sporting involvement and participation was encouraged. My child was fairly uncoordinated, but he was encouraged and he managed to compete in international sporting events, including the junior Olympics in 2000. He also represented Australia at the world youth and the world juniors competitions in track and field. Even in that age group, it was a well-known fact that in track and field, where I attended regular training sessions — they were probably held five to seven times a week, week in, week out — that certain athletes used performance-enhancing drugs and that they had been used to set certain records.

Some of the records set in the 1970s and 1980s — some of the world records in particular, especially in the 1980s — are unparalleled, and regrettably in the case of many of them it is as a result of the use of performance-enhancing drugs by elite athletes, some of whom are sporting icons. Competition can bring to bear significant pressure on young athletes to dabble in and begin using performance-enhancing drugs. This is the foundation of a culture that is tolerant of match-fixing

behaviours, including the use of performance-enhancing and image-enhancing drugs, as was disclosed in the recent federal report *Organised Crime and Drugs in Sport.*

Let me say as a former schoolteacher that my son's greatest ambition was to wear the yellow and gold and represent his nation. As I said, he had the privilege of doing that as a junior and youth athlete, but never in the senior sporting competitions. I made it quite clear to him, as his mother, that I would take the greatest pride in him qualifying to represent his nation as a clean athlete and that there are far too many serious consequences, both in terms of attitude and in terms of his own health and wellbeing, to go down the path of using performance-enhancing drugs.

The way we shape attitudes about this important issue that impacts on the health and wellbeing of athletes — amateurs as well as professionals — begins with the attitudes that young people engaged in various sports are exposed to. It is important that key office-bearers, coaches and organisers of sporting codes retain and protect an antidoping and anti-drug culture. Although many of the people who are now in these key positions were probably involved in their sporting codes when drug use was prolific and commonplace — for example, in the 1980s when many of those track and field records were set — it is possible and necessary for them to adopt a different attitude. This piece of legislation is very important in terms of not only protecting Melbourne's reputation as a sporting capital of the world but also protecting our sports-loving nation, our community and our family members who are great lovers of all sporting codes.

Our city is like no other city in the world. With sporting infrastructure and transport options from the CBD, so many events are conducted within a short radius of the CBD. There is a plethora of sporting choices for people to engage in, both as participants and as observers. Melbourne hosts a range of world-class sporting events which demand worldwide attention. They include the Melbourne Cup carnival at Flemington, the Australian Open Tennis Championships at the National Tennis Centre, the Australian Formula One Grand Prix around Albert Park Lake — as a child I used to row a boat across that lake as a pastime on a Sunday afternoon — various cricket tests at the MCG, events conducted within the Melbourne Park and Olympic Park precinct at venues such as the new stadium established at AAMI Park and the athletic events that were formerly conducted at Olympic Park, our icon, which was regrettably given away by the former government in return for its relocation to a new track at the former home of the South Melbourne Football Club. Tournaments are held on sand-belt golf courses such as Royal Melbourne and Kingston Heath, which are part of my electorate. Melbourne also hosts triathlons of world standard along its coastline, such as the Ironman Asia-Pacific World Championship Melbourne much of which is held in my electorate. Yachting and boating events are held in Port Phillip Bay and a range of other elite events have been convened in this state.

We have much to protect. It is not only about protecting revenue-generating activities or our worldwide reputation. This legislation is the right thing to do. It is sending a strong message to everyone involved in all sorts of sporting codes, in all sorts of professional sports as well as amateurs and young participants — that is, game fixing and performance-enhancing drugs are just not on. This is not what Australia stands for and this is not what fair play and good sportsmanship is about. The bill protects our reputation. I commend the bill to the house.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on the Crimes Amendment (Integrity in Sports) Bill 2013. Other members have outlined the technical aspects of the bill. It is an important bill and I am glad that those opposite are also in support of it.

I grew up in country Victoria playing competition sports such as tennis and netball from the age of six and then went on to pursue other sporting activities, so I know how important sport is for children who grow up in both country Victoria and metropolitan Melbourne; it is part of our culture and psyche. It is very important that we encourage as many young people as possible to be involved in sport at all levels.

Nevertheless, this bill goes to the heart of maintaining integrity in sport. I commend the minister and those involved in bringing this bill forward to ensure that the coalition government's commitment to introduce tough new match-fixing legislation is fulfilled. Sport is a multimillion-dollar industry in Australia. Victoria prides itself on being the sports capital of Australia. With both Melbourne and regional Victoria home to many magnificent sporting facilities, it is little wonder we have that reputation. We need to hold onto that reputation by ensuring that we uphold that integrity.

I was surprised to find when conducting some research into this issue that at an international level the illegal betting industry runs to tens of billions of dollars. It is no wonder that organised crime syndicates want to be a part of that. That is why this bill is particularly important.

The bill also targets aspects of racing. Mr Ondarchie, in his contribution, spoke about the Fine Cotton affair. That prompted me to recall the Royal School ring-in

event, which occurred in Casterton, the country town in which I grew up in western Victoria. I am sure Mr Koch will also recall this incident.

Mr Koch — It was Regal Vista, wasn't it?

Ms CROZIER — It was Regal Vista; that is quite right. I quote from an article from the *Age* of 31 October 2004 that relates to this incident. I was a young girl at the time, and I remember it put Casterton on the map. I found this article on the internet when I was conducting my research. It states:

> While the Fine Cotton affair was low-tech, the Royal School scandal at Casterton, western Victoria, in May 1972, was meticulously planned. Owner Rick Renzella, a former used-car salesman, bought the gelding for $350 with a view to a ring-in. The main problem was that the horse that ran in his place at Casterton won with ridiculous ease. An inquiry revealed the winner to be Regal Vista, who had won the 1970 Liston Stakes at Caulfield. Renzella was jailed for two years.

I remember it because I think the horse's nose was painted.

This practice has been going on for a long time. It was certainly an enormous issue then. However, illegal betting and match fixing is much more substantial these days with the introduction of technology. That is why we need to be increasingly vigilant about match fixing. In recent times the media has highlighted many instances where this has become an enormous issue. We need to protect the sporting industry. This bill will enable that to be achieved. We need to protect fans and participants across sporting codes so that they also maintain their integrity.

With those few words, I say again that sport is very important to the cultural fabric of Victoria and any attempt to undermine the integrity of any of our sporting institutions should be firmly and speedily dealt with. This bill accomplishes that motive. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

> That the bill be now read a third time.

In doing so, I thank all members for their contributions.

Motion agreed to.

Read third time.

The PRESIDENT — Order! I have two items that I want to address very quickly. The first is that it is Mr Jennings's birthday, so if members see him at some stage during the day, they might like to wish him all the best.

The second item I wish to address is a matter that was raised with me at question time by Ms Broad in respect of an answer Ms Lovell gave yesterday. I have now had the opportunity to read *Hansard*, and it confirmed my opinion that the actual words used by Ms Lovell in no way represent any assertion of a principal place of residence for Ms Broad. In fact the remarks I made at question time stand on the basis of the record that I have now read.

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS AUTHORITY AND MISCELLANEOUS) BILL 2013

Second reading

Debate resumed from 16 April; motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Mr RAMSAY (Western Victoria) — I am pleased to rise to contribute to the debate on the Planning and Environment Amendment (Growth Areas Authority and Miscellaneous) Bill 2013. In my contribution I will be referring to the Growth Areas Authority as the GAA. The GAA is an independent statutory body reporting directly to the minister. This bill will enable the Minister for Planning to apply the GAA and its skill set more broadly. It will enable the minister to declare any area in Victoria to be a growth area and approve the giving of advice by the GAA to the minister or any municipal council on any matter relating to land in Victoria.

In essence this bill supports a planning policy that provides for flexible land use to cater for Victoria's population growth for the long term. The bill also offers strategic planning for growth in regional areas by using the skills and experience of the GAA anywhere in Victoria. At the same time it gives the minister the flexibility to support councils with the resources, skills and expertise they need for strategic planning. It is important to note that the bill does not remove or change the planning powers and responsibilities of municipal councils; rather, it enables the GAA to work in partnership with councils to provide them with advice.

The second part of the bill relates to permit applications referred to a minister. This clarifies that the responsible authority specified in the planning scheme will be responsible for administering and enforcing permits issued by the minister in called-in planning proceedings under division 6 of part 4 of the act. If the person or body specified as the responsible authority in the planning scheme changes, the new responsible authority will become responsible for administering and enforcing those permits. Having said that, the minister will remain responsible for certain matters relating to those permits, particularly in relation to time extension for developments.

In 2010 we made a commitment to reinstate local government as the responsible authority for wind farm applications — with good reason, given the debacle of the previous Labor government and the then Minister for Planning, now the member for Essendon in the Assembly, Justin Madden, issuing wind farm permits like confetti, with little consultation with local councils or appreciation of the longer term regional population growth corridors.

The bill will ensure that the responsible authority designated in the planning scheme will be responsible for administering and enforcing permits issued by the minister for called-in applications, including permits for wind farms.

I must say that some councils are not overjoyed at the prospect of taking on the responsibility of the enforcement of and compliance with wind farm permits that were issued under the previous government, given that there was little due diligence in the conditions that were applied to the permits for those applicants. I believe support should be provided to those councils that must now take on this new responsibility, given their previous lack of involvement with the issue.

The bill also makes amendments relating to directors liability. It reforms the existing directors liability provision in the Planning and Environment Act consistent with the principles and guidelines of the Council of Australian Governments (COAG). The bill is consistent with the reforms to the directors liability provisions in the Statute Law Amendment (Director's Liability) Bill 2012 which was introduced in the Legislative Assembly in December 2012 and passed on 5 March 2013. The new directors liability provisions will only apply to six offences under the act, and it reverses the legal onus of proof from the accused to the prosecution. These changes are supported by the Municipal Association of Victoria.

There are some other minor amendments, but in essence this bill provides for long-term strategic planning by the GAA in regional areas outside the seven growth areas within Melbourne's boundaries, drawing on its skills and expertise to support local councils. It is important that we preserve the ambience and lifestyle benefits of our regional cities and towns so that they appeal to new population growth and that we plan for the provision of infrastructure that will be needed as land supply and affordability are offered to the marketplace.

On that basis, and with those cautionary notes regarding councils and their responsibilities as relevant authorities for wind farm permits, I commend the bill to the house.

Mr VINEY (Eastern Victoria) — I am pleased to make a few brief remarks on this legislation. Essentially it has three divisions: one relating to the Growth Areas Authority, or the GAA; one which deals with the administration of permits; and a third division that changes the provisions in relation to the liability of directors and officers of bodies corporate. I will keep my remarks to the first division, relating to changes in the role of the GAA and the expansion of its functions, which I think are the substantive changes in the bill.

Unlike the Leader of the Government, who I have accused of this many times, I am not a conspiracy theorist, but I do have some suspicions about this legislation that have unnerved and disturbed me. The way the bill approaches solving the apparent problem in this division is rather convoluted. As you look deeply into that section of the bill and understand what it says in detail you discover that there is a considerable expansion of the powers of the minister, a considerable potential expansion of growth areas in this state and a number of consequences that could potentially flow from that, intended or unintended.

Mr Barber — We could be here for a while in committee.

Mr VINEY — Are you saying that if I keep going, this might take a bit longer than I thought?

Mr Barber — In committee.

Mr VINEY — I see. Unfortunately I will be chairing the committee stage and I will not be able to contribute, so I will try to make my points as briefly as I can now. Essentially my concerns with the bill are that what it purports to do is enact a simple proposition that the Growth Areas Authority should be invited where necessary to use its skills and capacities to assist municipal councils that are experiencing some degree of residential and presumably commercial growth to

plan for that future and for that growth. However, it achieves this in a fairly convoluted way. Essentially the legislation gives the minister the capacity to declare any place in Victoria a growth area, and that has a series of consequences.

It would have been a much simpler proposition to have amended section 46AS of the Planning and Environment Act 1987 in relation to the functions of growth areas. It says:

> The functions of the Growth Areas Authority are …

and then there are a series of functions listed including:

> (a) to make recommendations and report to the Minister on —
>
> (i) the planning, use, development and protection of land in growth areas …

All that was needed to achieve that simple objective — to give the Growth Areas Authority the capacity to use its resources to assist municipal councils in the management of growth areas — was to insert a new part of section 46AS in relation to the functions of the Growth Areas Authority allowing it to, for example, undertake the 'planning, use, development and protection of land' in any area where a municipality makes a request of the Growth Areas Authority and the minister agrees.

That would have been a fairly straightforward way — and I am sure there are others — of giving those powers to the Growth Areas Authority. But, no, instead we have legislation that gives the Minister for Planning the capacity to declare any area of Victoria or any place in Victoria a growth area. There are many things that go with that as once an area is declared a growth area there are many consequences of that decision. But interestingly what the legislation also does is go to quite extraordinary lengths to ensure that any such growth area declared by the minister in this way will not be subject to the growth areas infrastructure charge. The bill goes to considerable lengths to avoid that charge being applied.

What we now have under this legislation is a capacity for the minister to declare any area in Victoria a growth area and to effectively exempt that growth area from being subject to the charges that would otherwise apply for the provision of infrastructure in that growth area.

Mr Barber — Is it a growth area or isn't it?

Mr VINEY — Mr Barber is quite correct. Is it a growth area or not? If it is a growth area, why is the infrastructure charge not being applied to it? As I said at the beginning, I am not like Mr Davis in terms of being a conspiracy theorist, and I have sat in this place listening to his speeches many times.

Mrs Peulich interjected.

Mr VINEY — Mrs Peulich does not seem to believe me. I never expect her to believe anything I say, just as I do not believe much of what she says. However, Mr Davis does have that history.

I am somewhat suspicious when confronted with such convoluted legislation. As Mr Tee said, we are not going to oppose the legislation because we have no difficulty with the proposition that the Growth Areas Authority should be able to apply its skills to assist municipalities that are under some degree of development pressure. We agree that is a reasonable motive. What I would say is that the test of whether or not that is truly what this is about will be seen in the future. If it is actually about the Minister for Planning being able to massively expand growth areas in this state without the applicable infrastructure charge, if that is in fact what it is really about, it will become apparent fairly quickly. The power for the minister to declare any area he wishes to be a growth area needs to be treated with a great deal of caution. Whilst we are not opposing the bill, it is my view that this legislation needs to be observed and monitored with a great deal of care.

Mrs PEULICH (South Eastern Metropolitan) — I am delighted to see the Planning and Environment Amendment (Growth Areas Authority and Miscellaneous) Bill 2013 introduced into Parliament. I am also pleased to hear that the opposition will not be opposing the bill, despite an attempt by the previous speaker, Mr Viney, and no doubt others to generate some conspiracies. Firstly, the bill amends the Planning and Environment Act 1987, focusing on the expansion of the Growth Areas Authority (GAA) to any other parts of the state under the direction of the Minister for Planning, obviously working with local government; secondly, there are amendments relating to directors liability; and thirdly, there are minor transitional provisions and so forth. Notwithstanding the fact that there are basically three parts to the bill, like Mr Viney I would like to limit my comments to only the first part.

Having been involved in a number of all-party inquiries through the upper house committee system, as well as through the Economic Development and Infrastructure Committee, and also having read a number of other committee reports, a common theme that emerges is the need for strategic planning for the state. Some of the strategic planning identifies that land needs to be protected from various purposes or identified for

growth and development, but not to allow development to just happen willy-nilly. This was also a recommendation that emerged from the all-party committee, supported by all parties on the Economic Development and Infrastructure Committee, which looked at greenfield mine exploration. It strongly supported a recommendation that called on the state to put in place forward thinking and strategic planning of land use. This particular amendment goes some way to achieving that. I commend the minister for deciding to use the existing system to achieve that objective, rather than just generating new structures.

The ability to use the experience and expertise of the Growth Areas Authority more broadly makes a lot of sense, in particular when we consider that not all councils have the expertise, and I can speak from personal experience with the Kingston City Council. Some of the work that was done in 2003 on land technically deemed to be part of the Kingston green wedge happened after legislation was introduced by a former minister, Mary Delahunty, without any consultation with the community. It locked in conflicting land uses which had a negative impact on amenity and which prevented the council from working toward more positive outcomes in dealing with that conflict. That council and its predecessor council on which I served, the former City of Moorabbin, probably generated about six or seven studies of the same land. It had never been able to progress sensible outcomes which would protect land of real environmental value or identify those areas where there were problems which needed to be addressed through expanding the range of land uses.

I commend the minister for putting in place a mechanism which can help support councils such as Kingston, amongst others, which have had to pay hundreds of thousands of dollars for consultants to generate reports, some of which have had limited benefit and failed to deliver any supportable outcomes. The mechanism in this bill will help with the work councils need to undertake for the benefit of our communities and future generations, as well as providing certainty to all stakeholders. This amendment allows the minister or any municipal council on any matter relating to land in Victoria or an objective of planning in Victoria to use the expertise of the GAA. The bill continues to run out that vision for Victoria's economic future, and we know that certainty is needed in terms of Victoria's strategic land use plans. We hear that wherever we go, whether it is the regional centres, the City of Greater Geelong, the City of Greater Dandenong or the Shire of Mansfield, because irrespective of where they are, they are all calling for the same work to be undertaken. This is an exciting opportunity for the state to use this mechanism, the product of this amendment, to do the work that has been called for by everybody.

Planning policy needs to support the provision of flexible land use and economic adaptability in order to manage the population growth for the long term. That does not mean opening up all the land for development, but it does mean setting aside land for other purposes and other uses. For example, it might be the mining of sand for our construction industry and protecting that so construction can continue and valuable deposits can be reserved. It can also mean protecting areas of high environmental value or identifying prime agricultural land that needs to be protected. These are the sorts of tasks — strategic land use planning — that this authority could undertake on behalf of this state.

Mr Barber — I think you have given the game away.

Mrs PEULICH — No-one should be ashamed of the work that needs to be done. The Greens have been calling for this for a long time, so Mr Barber should be — —

Mr Barber — There must be something that is holding it up. I wonder what it is.

Mrs PEULICH — You should be supporting it, Mr Barber. Population growth occurring within 1 to 2 hours drive of Melbourne means that works need to be done and need to be done without delay, and I hope that local government will embrace the opportunity.

The Growth Areas Authority has built up considerable skill and expertise in preparing strategic land use plans and improving planning processes and this can reduce costs and inefficiencies for developers and local government. As I said before, the bill enables the minister to apply that skill to any area in Victoria. The bill also gives the minister the flexibility to support councils with the resources, skills and expertise they need to facilitate, coordinate and streamline strategic planning. I think any local council would be crazy not to avail itself of the depth of expertise that is available.

The bill does not remove or change the planning laws and the responsibilities of municipal councils, and I think the minister has struck the right balance. The aim is for the GAA to work in partnership with councils to provide advice requested by councils. This is something that could not be scoffed at, and that is reflected by the fact that the opposition is supporting the bill. I certainly hope the Greens support the bill; they have been calling for these reforms, and it would be hypocritical of them

to vote against it. With those few words, I commend the bill to the house.

Mr FINN (Western Metropolitan) — It gives me a great deal of pleasure to support the Planning and Environment Amendment (Growth Areas Authority and Miscellaneous) Bill 2013, and in doing so I commend the Minister for Planning who, in my experience going back some 21 years in this place, is the most outstanding planning minister we have had.

Mrs Peulich interjected.

Mr FINN — Outstanding indeed. As Mrs Peulich says, we covered that yesterday. There was a long list, and each one of those synonyms could be equally applied to Minister Guy, because he has shown a vision and an ability to get on with things that we have not seen in this state for a very long time. Coming to the role as he did after four years of Justin Madden, now the member for Essendon in the Assembly, the local government sector in particular and the development sector cannot believe their good fortune that we have somebody who wants to get on with the job. This bill will assist that task enormously. I warmly congratulate the minister on bringing this legislation before the house.

I will speak very briefly on this bill and in particular raise a matter that I have raised in this house before, but I think it is important enough to raise again — that is, what happened in Point Cook during its development phase under Justin Madden, which was very little in terms of planning. There was a situation where the then Labor government was very happy to take the land tax and stamp duty from new owners but was not prepared to put the money back into Point Cook to provide the roads, transport and other infrastructure necessary for modern living. If we ever needed to categorise how not to develop a suburb, Point Cook would be it.

Again I commend Minister Guy on the effort, time and work that he has put in to rectifying that situation. I was down in Point Cook on Monday announcing a new transport initiative in cooperation with the local council and with state government involvement. People were saying that they have noticed very much how the state government has taken a real interest in what is happening in Point Cook since the change of government. That is in no small way due to what Minister Guy has done. I would hate to think that we would ever have a situation in the foreseeable future when Labor would be returned to the government benches and we would again have a minister like Justin Madden, who was incompetent and indeed would be incompetent again. He would not have a clue about what he should and should not do. He does not have a vision or a bone in his body which would tell him what he should or should not do.

We in the west have felt that very strongly. Anybody who travels to Point Cook and tries to get out of Point Cook will now find themselves waiting a very long time. For example, as they travel down Point Cook Road they will find a situation where a suburb has been built with a road from it which goes through a shopping centre to get onto the freeway — you go over the freeway and then through a shopping centre to get onto the freeway. It is just absolutely insane. Any reasonable planning body would tell you that that is not the way to go and not the way to do things, but that is what Labor did. I am delighted to say that it will not be happening again whilst this government is in a position to oversee the planning of new suburbs. I certainly look forward to the planning of Finn-land, the new suburb down near Werribee, that will be providing — for the people of Point Cook as well — a new road onto the freeway at Sneydes Road. I believe that is going to be of major benefit to the people of Werribee and surrounds.

I support this bill, I hope the Labor Party supports this bill, and I hope the Greens support this bill — I assume they are supporting this bill.

Mr Ramsay interjected.

Mr FINN — We can never be sure, can we, Mr Ramsay?

Mr Koch interjected.

Mr FINN — But we can hope and pray, Mr Koch. I commend the bill to the house, and I commend the minister for the job that he is doing and for bringing this legislation to the house, and I trust — —

Mrs Peulich — He is outstanding.

Mr FINN — He is. He is doing a brilliant job as minister. As Mrs Peulich says, he is doing a first-class and extraordinary job as planning minister. I hope members opposite will join me in congratulating the minister on the magnificent job he is doing. I trust that this bill will have a safe and speedy passage.

Mrs KRONBERG (Eastern Metropolitan) — Like Mr Finn, I am very pleased to be making a contribution to the debate on the Planning and Environment Amendment (Growth Areas Authority and Miscellaneous) Bill 2013. I think it is also timely for me to begin my contribution by singing the praises of the Minister for Planning and his initiative in this bill, because this is a true recognition of the skills that the

Growth Areas Authority has on board. I have to say that the head of the Growth Areas Authority, Peter Seamer, is someone I have known for about 20 years. I have seen him — —

Mr Finn — At Moonee Valley.

Mrs KRONBERG — That is so true. He was the CEO of the City of Essendon. He had a distinguished career in engineering through the Gulf States and is a globally experienced and globally educated practitioner in the fields of engineering and local government administration. Peter was also the CEO of the City of Greater Bendigo and continues to make his contribution. We know the Growth Areas Authority is in very good hands. If we augment that with the visionary approach of the Minister for Planning, the Honourable Matthew Guy, then the planets are truly in alignment, and we have fantastic potential.

It makes a lot of sense that these skills are made available and, where necessary, deployed, because local government areas in regional Victoria and regional cities can draw down upon those skills. It is common sense, because it would be difficult for local governments to justify to their ratepayer base spending money on this. Some of these issues may be of an ad hoc nature. and local government would have to pay a premium for consultants, people who charge rates of hundreds of dollars an hour.

This policy has wisdom and makes a lot of sense. It does not have anything to do with the notion of a central planning ethos. The Minister for Planning has proven over and over again how responsive he is to what people want locally, and he is on a quest to uphold local amenity, while simultaneously bringing better infrastructure, better services, a better outlook and economic development to those areas. This is a common-sense development along the trend line. As the Growth Areas Authority accrues skills it will be able to deploy them, and Victoria as a whole will benefit from that.

We also know how important it is to ease the population growth pressures on Melbourne's urban environment. I find it very discomforting that people seeking affordable housing have to travel so far from their jobs, from the central business district and from where they can access a raft of services and have the opportunity for community engagement. This is a wonderful initiative. It is a signature initiative of the Napthine coalition government that will see a greater economic dividend in our regional cities and in the regions in general. This bill is a means to make sure that that happens and that there is not a second-class or ad hoc approach to the planning of the regions and regional cities. Why should people outside of the Melbourne metropolitan area have anything less than the best? Why should their futures be compromised? A tremendous learning curve was gone through in order to acquire the skills base that the Growth Areas Authority now has on offer.

It is imperative that planning policy supports the release of land, so that we can have affordable housing. We do not want to default to the position that I personally witnessed in Canada in the fine city of Toronto, where the city no longer has the capacity to provide affordable housing, so young families are trying to start family life in studio apartments or two-bedroom apartments in 40-storey condos right throughout the length and breadth of metropolitan Toronto. These visionary moves by our Minister for Planning have to be seen in that light. This is global thinking. It is advanced thinking. It is thinking towards the destination of 2050 or 2060 when Melbourne's population, if it continues to follow its growth gradient, is going to be much larger.

I commend the bill to the house and encourage members on the other side of the chamber to support it wholeheartedly. If members opposite are true Victorians, they will see the rationale behind this bill is a common-sense approach to delivering good outcomes for regional Victoria.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

ADOPTION AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. W. A. LOVELL (Minister for Housing) on motion of Hon. M. J. Guy; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. W. A. LOVELL (Minister for Housing), Hon. M. J. Guy 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 Adoption Amendment Bill 2013.

In my opinion, the Adoption 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 purpose of the bill is to amend the Adoption Act 1984:

to remove the requirement for obtaining an adult adopted person's consent before giving identifying information to the adopted person's natural parent;

to provide for adult adopted persons to make contact statements about their wishes for contact with their natural parents; and

to enable a birth certificate to be issued for a person whose adoption occurred under the Hague convention in a convention country and is recognised in Victoria.

Human rights issues

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

The bill positively engages and promotes the right to recognition and equality before the law, as it will enable the issuing of a Victorian birth certificate to all children adopted from overseas as part of Victoria's intercountry adoption program.

Where an adoption is finalised in the County Court of Victoria, including an intercountry adoption under a bilateral agreement, the court is required to notify the registrar of births, deaths and marriages (registrar). The registrar registers the adoption, and the child can be issued with a Victorian birth certificate. However, there is no mechanism for notifying the registrar about an adoption under the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (Hague convention), as the adoption is finalised in the convention country and automatically recognised in Victoria, without the need to apply to the court.

The bill corrects this anomaly by requiring the Secretary of the Department of Human Services, who is appointed the state central authority for Victoria for the purposes of the Hague convention, to notify the registrar about an adoption under the Hague convention. The registrar will be required to register the adoption, enabling a Victorian birth certificate to be issued in respect of the child.

2. Human rights protected by the charter act that are engaged but not limited by the bill.

The bill engages the right to privacy, by giving natural parents a right to be provided with identifying information about their adult adopted son or daughter, without the written agreement, or evidence of the death, of the adopted person. This could impact on an adult adopted person's right not to have their privacy, family or home unlawfully or arbitrarily interfered with.

The bill also engages the right to freedom of expression, by allowing an adult adopted person to regulate contact by lodging a contact statement specifying the type of contact, if any, they wish to have with a natural parent. These wishes about contact must be disclosed to a natural parent before providing them with identifying information, and it is an offence to breach a current contact statement where no contact is specified. This could impact on a natural parent's freedom to seek, receive and impart information.

These rights have been balanced so that a natural parent has a right to identifying information about an adult adopted child, but the adopted person can regulate contact. Thus privacy is not unlawfully or arbitrarily interfered with by the bill, and the right to freedom of expression is only restricted as reasonably necessary to respect the rights of others.

The offence for contact in contravention of a contact statement contains an exception which places an evidential burden on an accused person who wishes to rely on the exception. Accordingly, the presumption of innocence under the charter act is engaged. In my view the provision is compatible with the right to be presumed innocent, as the issue of previous contact is within the knowledge of the natural parent and it is reasonable for them to provide evidence. The prosecution retains the legal burden of disproving the issue beyond reasonable doubt.

Conclusion

I consider that the bill is compatible with the charter act because the rights which are engaged by the bill are unlikely to be limited. If any rights are limited by the bill in individual circumstances, to the extent that those rights are limited, those limitations will be reasonable and demonstrably justified in a free and democratic society.

Hon. Wendy Lovell, MLC
Minister for Housing

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. M. J. GUY (Minister for Planning).

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill makes amendments to the Adoption Act 1984 which will allow natural parents to access identifying information about their adopted adult child.

It also introduces the use of contact statements to allow adopted individuals to regulate or refuse contact if they wish.

On 25 October 2012, this Parliament formally apologised to the mothers, fathers, sons and daughters who were profoundly harmed by past adoption practices in this state.

We acknowledged that from early last century into the early 1980s but particularly between 1950 and 1975 at least 19 000 Victorian children were relinquished for adoption, the vast majority from young, unwed mothers.

In many cases the babies were forcibly removed and many mothers never saw nor held their child.

Adoptions which took place in the state of Victoria prior to 1984 were closed. This meant that no parties to the adoption were permitted to access information about the others.

The law was changed in 1984 and adoptions nowadays are open and transparent, with the child encouraged to understand their background and with a capacity to connect with their natural family.

The 1984 changes also allowed adopted persons full access to identifying information about their parents. It did not, however, extend the same rights to birth parents.

Birth parents currently require the explicit permission of the adopted person, or evidence of their death, to access identifying information. In practice, this means that some mothers and fathers, decades after an adoption took place, still do not know the name of their son or daughter.

This bill will change that and allow natural parents to access identifying information about their adopted adult sons and daughters.

In conjunction with this, and in line with the recommendations of the Senate Community Affairs References Committee inquiry into the commonwealth contribution to former forced adoption policies and practices, this legislation introduces a 'contact statement' which will allow adopted persons to regulate contact should they wish.

The contact statement will enable an adopted person to either regulate contact or refuse to allow another party to the adoption to make contact with them but it will not prevent the release of identifying information to birth parents.

Anyone registering a contact statement will be encouraged to leave a message to help the person affected by the statement better understand the reason for the statement should they seek information. They will also be encouraged to include some information about their current circumstances, for example, their health and general wellbeing.

The statement will need to be renewed every five years and breaching a contact statement will attract a penalty of 60 penalty units.

These changes will take effect from 1 July 2013.

This bill also implements a change to the act in relation to international adoptions.

Currently, section 70 of the act provides for the registration in Victoria of overseas adoption where an order to do so is issued by a Victorian court. However, adoptions finalised in countries that are signatories to the Hague Convention on the Protection of Children and in Respect of Intercountry Adoption are automatically recognised in Victoria without the need for an order by a court. As a result, the Victorian Registry of Births, Deaths and Marriages has been unable to issue a Victorian birth certificate for these children.

This legislation will correct this anomaly and allow these children to have their adoption registered and the opportunity to apply for a Victorian birth certificate.

On 25 October 2012, the Victorian Parliament apologised for the trauma, pain and loss that so many experienced, and continue to experience to this day, as a result of past adoption practices.

With this legislation, the government acknowledges that the current information restrictions have been a source of ongoing frustration and trauma for many mothers.

From 1 July 2013, mothers will have the right to know identifying information about their child and adopted persons will have the right to regulate contact for whatever personal reasons that may exist.

I commend the bill to the house.

Debate adjourned for Ms MIKAKOS (Northern Metropolitan) on motion of Mr Tee.

Debate adjourned until Thursday, 2 May.

CORRECTIONS FURTHER AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

Hon. M. J. GUY (Minister for Planning) 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 Corrections Further Amendment Bill 2013.

In my opinion, the Corrections Further Amendment Bill 2013 (the bill), 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 bill is to amend the Corrections Act 1986 (the act) to validate certain actions and decisions. Specifically, the bill:

validates actions taken and decisions made by the director-general or the Secretary of the Department of Justice (or a delegate or purported delegate of either) in the purported exercise of a power or function under s 17 of the act as in force before that section was amended by the Corrections (Amendment) Act 1994 (as if s 17 as amended was in force at the relevant time);

validates actions taken before or after the commencement of the amendment to s 17 in reliance on or in relation to an action taken or decision made of the type outlined above; and

provides that a right or liability conferred or imposed in relation to an action taken or decision made of the type

outlined above is to be regarded as always having been exercisable and enforceable.

The bill also makes specific provision to validate any charge or additional charge imposed or purporting to be imposed by or on behalf of the director-general, the Secretary of the Department of Justice, or the governor of a prison between 24 March 1993 and 8 April 2004 for the purchase of tobacco products in prison.

Human rights issues

The effect of the bill is to validate certain actions and decisions retrospectively. This validation in and of itself does not limit human rights. It does, however, have the result that interferences with human rights that may have otherwise been unlawful (due to being based on actions or decisions that may have otherwise been unauthorised) are now lawful in retrospect.

Interferences with several of the human rights protected by the charter act only require justification in circumstances where the relevant interference is 'unlawful', 'arbitrary' or 'other than in accordance with law' (see, for example, the rights to privacy, property and liberty in ss 13, 20 and 21 of the charter act). Where no such definitional limits apply, interferences with human rights are permissible on the basis that the interference amounts to a reasonable and justifiable limit (under s 7(2) of the charter act). It is not possible to assess the permissibility of all potential human rights interferences that were based on actions or decisions that this bill validates. However, interferences with those rights containing definitional limits that rest on lawfulness are likely to be permissible as a result of this bill. Moreover, the obligation on public authorities to act compatibly with human rights, as set out in s 38 of the charter act, commenced on 1 January 2008. The charter act therefore does not apply to most, if not all, of the actions and decisions that this bill validates.

To the extent that the retrospective validation of certain actions and decisions may be said to deprive persons of 'property' (being potential causes of action in relation to those actions and decisions), I note as above that an interference with property rights only requires justification in circumstances where the interference is 'other than in accordance with law'. Laws seeking to deprive persons of property must be confined and structured rather than unclear, be accessible to the public, and be formulated precisely. This bill meets these requirements. The bill clearly specifies and confines the actions and decisions to be validated. Clarifying the validity of these actions and decisions provides administrative certainty to aid the proper administration of the correctional system.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

The Hon. Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. M. J. GUY (Minister for Planning).

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

That the bill be now read a second time.

Incorporated speech as follows:

The bill amends the Corrections Act 1986 to provide that:

> inclusion of a charge or additional charge in the price of cigarettes and tobacco sold in prisons between 24 March 1993 and 8 April 2004 was valid; and
>
> any decision that the director-general or the Secretary to the Department of Justice (or delegates or purported delegates) made between 1 March 1988 (when section 17 of the act commenced) and 12 January 1995 (when amendments to section 17 commenced), that could have been made under section 17 after the commencement of the amendments on that date, is to be taken to have at all times been made in the valid exercise of power.

This legislation addresses a Supreme Court decision that calls into question the validity of certain decisions or actions taken in relation to prisons or prisoners, based on insufficient records.

In order to understand the reason for this bill, it is necessary to provide some background.

Prison authorities sell a range of products to prisoners, including cigarettes and tobacco.

Before 1993, cigarettes and tobacco were sold to prisoners at wholesale prices.

In 1993, in support of a smoke-free environment policy across correctional facilities, it was decided by the corrections executive that the price at which cigarettes and tobacco would be sold in prisons would be increased to 90 per cent of the recommended retail price.

The margin would be allocated to a fund to be used to promote smoking cessation and associated health-related purposes.

In 2004 the policy was updated and it was determined that the price of cigarettes and tobacco in prisons should be increased to the recommended retail price. The purpose to which the margin was put was unaltered.

In 2011 proceedings were commenced in the Supreme Court, testing the validity of both the 1993 decision and the 2004 decision.

The decisions relating to cigarette and tobacco pricing were found to be decisions with respect to the welfare of prisoners and the management of prisons, and were supported by sections 20 and 21 of the Corrections Act 1986.

The 2004 pricing decision, having been made by the acting commissioner of corrections pursuant to a delegation of the

secretary's powers under section 17 of the Corrections Act, was found to be valid.

However, the 1993 pricing decision was found to be invalid. This was for two reasons.

First, the records from the period show that the 1993 decision was made by the corrections executive, but no conclusive evidence of the actual decision-maker was able to be identified.

Secondly (and even if the evidence that suggested the decision had been made by the general manager, prison operations or the director of corrections services had been accepted), government archives did not contain a record of a delegation of the relevant powers to either of these positions under section 17 of the Corrections Act.

We certainly have no dispute with the court's findings — which of course included that the decisions in relation to cigarette and tobacco pricing in prisons were decisions with respect to the welfare of prisoners and the management of prisons, and were supported by the provisions of the Corrections Act.

Unfortunately though, the records of a relatively unexceptional administrative decision dating back over 20 years were not able to produce the information required by the court to find the 1993 pricing decision to have been validly made.

The finding that the sale of cigarettes and tobacco at a price higher than the wholesale purchase price between 1993 and 2004 was invalid has opened the way for prisoners or former prisoners to claim compensation for the additional moneys they paid for cigarettes during this period.

Although the amounts of money involved in any actual compensation claims would not be large and legal defences to any claim are available, the administrative and legal costs involved in resolving claims would be significant.

This bill therefore has the effect of validating the sale of cigarettes and tobacco products in accordance with the 1993 pricing policy decision.

The second element to this bill addresses a potential broader problem.

The court noted that the provisions of section 17 of the Corrections Act as they stood in 1993 only permitted the secretary to the department (at that time exercising the powers of the director-general) to exercise the powers of a prison governor in relation to the welfare of prisoners and the management of prisons, whilst actually at a prison and only where prison security or good order was threatened.

Section 17 was amended as of 12 January 1995 so that the secretary to the department is able to exercise all the functions of a governor of a prison — including the powers and duties in relation to welfare of prisoners and the management of prisons.

This observation suggests that the validity of any decision made by the then director-general or delegate (or secretary exercising such powers) in relation to prisons between 1 March 1988 (when section 17 commenced) and 12 January 1995 could potentially be challenged by a prisoner.

It is not possible to identify what decisions may have been made in relation to the welfare of prisoners or the management of prisons that could be impacted. However, they will include decisions relating to the separation and transfer of prisoners.

To avoid future litigation on this issue, the bill has the effect of validating the making of decisions by the director-general or the secretary between 1 March 1988 (when section 17 of the act commenced) and 12 January 1995 (when amendments to section 17 commenced), that could have been made under section 17 after the commencement of the amendments on that date.

I commend the bill to the house.

Debate adjourned on motion of Mr TEE (Eastern Metropolitan).

Debate adjourned until Thursday, 2 May.

GAMBLING REGULATION AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

Hon. M. J. GUY (Minister for Planning) 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 Gambling Regulation Amendment Bill 2013.

In my opinion, the Gambling Regulation 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 Gambling Regulation Amendment Bill 2013 makes a number of amendments to the Gambling Regulation Act 2003 to better facilitate the transition to the new gambling industry licences that commenced on 15 April 2012 and 16 August 2012, including changes in relation to the conduct of keno and the conduct of wagering and betting.

The bill will also make amendments to extend for four more years the existing arrangement whereby, each year, $45 million of gambling taxes that would otherwise be transferred to the Community Support Fund is retained in the Consolidated Fund to fund drug and alcohol treatment services.

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

The Gambling Regulation Amendment Bill 2013 does not engage the charter act.

Consideration of reasonable limitations — section 7(2)

As the bill does not engage any of the rights under the charter act, it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the charter because it does not raise any human rights issues.

Hon. Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. M. J. GUY (Minister for Planning).

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

That the bill be now read a second time.

Incorporated speech as follows:

In the lead-up to the 2010 election, this government released a comprehensive plan to restore integrity, probity and responsibility to the forefront of gambling regulation in Victoria.

Since the election, the government has demonstrated its commitment to these aims through a number of significant reforms to the regulation of gambling.

The government has established the Victorian Responsible Gambling Foundation, an independent body, one of a kind in Australia, with a mandate to foster responsible gambling, and reduce the prevalence and severity of problem gambling across Victoria through prevention, early intervention and treatment programs.

The foundation has been funded with a record $150 million over four years to undertake its role, demonstrating the government's clear commitment to its objectives.

Amongst other measures, the government has also overseen the removal of automatic teller machines from Victoria's gaming venues and banned the use of irresponsible technology such as earphones on gaming machines.

From August 2012, the Victorian gaming industry transitioned from the duopoly gaming operator system, to a new structure where venue operators have direct control over their gaming operations.

The government has worked closely with the industry to facilitate a smooth transition to the new gambling industry structure and the successful establishment of the combined gambling and liquor regulator. The issuing and commencement of new licences for the conduct of keno, monitoring and wagering and betting has also been successful.

The main purpose of the bill is to resolve operational issues that have arisen with the commencement of the new licences and industry structure.

I now turn to the provisions of the bill before the house.

The wagering and betting licence, held by Tabcorp Wagering (Vic) Pty Ltd, successfully commenced on 16 August 2012. The wagering and betting licensee is authorised to conduct wagering, approved betting competitions such as sports betting, and approved simulated racing events, such as Trackside, in Victoria.

The issuing of the wagering and betting licence required a new legislative structure which was introduced into the Gambling Regulation Act 2003 (the act) over a number of years. The bill amends the act to address issues identified in relation to the ongoing operation of the wagering and betting licence.

The existing legislation prohibits the wagering and betting licensee from accepting bets and paying winnings on approved simulated racing events by betting vouchers. There is no restriction on the use of betting vouchers for other types of betting conducted under the wagering and betting licence. The bill amends the Gambling Regulation Act 2003 to remove this prohibition. This will provide consistency across all products offered by the wagering and betting licensee.

The act provides that it is a requirement to verify a registered player's identity in accordance with the conditions of the wagering and betting licence. The commonwealth's Anti-Money Laundering and Counter-Terrorism Financing Act 2006 requires the wagering and betting licensee to undertake particular identification procedures. The wagering and betting licensee's business rules provide that account verification procedures will be consistent with that legislation.

This bill will amend the act to make it clear that the identification requirements that apply to its business are in line with the commonwealth legislation.

The bill will also amend the act to provide the Treasurer with the power to grant an exemption from tax on fixed-odds approved betting competitions run by the wagering and betting licensee. The purpose of the exemption is to ensure that the wagering and betting licensee can provide fixed odds betting book management services for operators in other states without incurring a tax liability in both Victoria and the other jurisdiction.

This amendment will assist the wagering and betting licensee in offering fixed-odds betting book management services to wagering operators in other states and territories.

The conduct of fixed-odds betting book management services by the wagering and betting licensee will benefit the Victorian racing industry through sharing of the associated fees under the joint venture arrangements.

The new keno licence, which successfully commenced on 15 April 2012, allows the keno licensee to conduct a number of keno games in accordance with the Gambling Regulation Act 2003.

While linked jackpots are not currently permitted across jurisdictions for keno games, they are allowed for public lotteries. Linking jackpots across jurisdictions allows keno operators to offer a linked prize pool, increasing the growth of jackpot prize pools.

The bill will permit linked jackpot arrangements with keno operators in other Australian jurisdictions, subject to compliance with the keno licence and any other approvals required from the minister for gaming and the Victorian Commission for Gambling and Liquor Regulation.

In approving linked jackpot arrangements, the state will ensure that keno tax revenue and agent commission rates are not negatively affected and that existing responsible gambling measures that apply to keno are not undermined.

It is an offence if a person listed on the roll of manufacturers, supplier and testers makes a payment to or confers a benefit on a venue operator. Persons listed on the roll undertake a range of functions including the sale of gaming machines to venue operators. It is a common commercial practice, permitted by the act, to provide a bulk purchase rate to customers. The bill will insert a provision to ensure that a person does not commit an offence merely by selling gaming machines in accordance with a bulk rate published in a price list, or by otherwise acting in accordance with the legislation.

Interaction between venue staff with responsible service of gaming training and patrons is an important measure to ensure a responsible gambling environment within gaming venues. However, an amendment to the act is required to ensure that the requirement does not apply to people who sometimes work in a gaming area but whose normal role does not include interaction with patrons.

The bill will therefore ensure that persons who work in a gaming venue who do not interact with gambling patrons as part of their usual employment are not required to undertake responsible service of gaming training. Employees such as cleaners and technicians should not be required to undertake this training before commencing work in a gaming venue.

The act currently provides that, every year, $45 million of gaming machine taxes that would otherwise be paid to the Community Support Fund are to be retained in the Consolidated Fund. That money is used to fund drug and alcohol treatment services. This arrangement was put in place by the former government in 2004 for a period of five years. In 2007 the arrangement was extended for a further four years. The funding arrangement is due to expire at the end of this financial year. The bill will amend the act to extend the arrangement by four years to 30 June 2017.

These funds will be used towards the 2012–13 Victorian budget decision that ensured recurrent funding for alcohol and drug treatment across the state.

This will ensure continued certainty of funding for drug and alcohol treatment services.

Finally, the bill makes a number of technical amendments to the Gambling Regulation Act 2003, to resolve inconsistencies or anomalies between the legislation and current practice. This includes the repeal of provisions that are obsolete.

In summary, this bill further strengthens the legislative framework and resolves operational issues that have arisen with the commencement of the new gambling industry structure.

I commend the bill to the house.

Debate adjourned for Ms PULFORD (Western Victoria) on motion of Mr Leane.

Debate adjourned until Thursday, 2 May.

INTEGRITY LEGISLATION AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Hon. G. K. RICH-PHILLIPS (Assistant Treasurer), Hon. M. J. Guy 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 Integrity Legislation Amendment Bill 2013.

In my opinion, the Integrity Legislation 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.

The bill will amend the Independent Broad-based Anti-corruption Commission Act 2011 and the Victorian Inspectorate Act 2011 to confer pension entitlements on the Commissioner for the Independent Broad-based Anti-corruption Commission and the Inspector of the Victorian Inspectorate. The pension will restrict the ability of these officers to be appointed to public office when in receipt of a pension. This amendment is relevant to the right to have access to the Victorian public service and public office under section 18(2)(b) of the charter act.

The amendments conferring pension entitlements on the IBAC Commissioner and the Inspector incorporate the same post-retirement restrictions as apply to Supreme Court judges under section 83(4) of the Constitution Act 1975. These restrictions also apply to other officers in receipt of constitutionally protected pensions, such as judges of the County Court, the Chief Magistrate, the solicitor-general, the Director of Public Prosecutions, the chief Crown prosecutor and senior Crown prosecutors.

The bill provides that the pensions of retired IBAC commissioners and retired inspectors cease if they accept appointment to a judicial office, are diminished if they have an entitlement to a federal or interstate judicial pension, and are suspended if they hold an office for profit under the Crown or are engaged in legal practice, unless the Governor in Council determines otherwise.

The constitutionally protected pension scheme is intended to enhance the independence of and public confidence in senior office-holders. The amendments contained in the bill reflect the longstanding policy that retired judges and other officers in receipt of a constitutionally protected pension should not engage in post-retirement activities which are incompatible with the dignity of the office they had previously held, or which could compromise the independence of the office.

The limitations on the right contained in the bill are direct, proportionate and balanced with the need to ensure public confidence in the offices of the Commissioner and the Inspector, and the need to ensure the independence of those offices.

The limitations are reasonable, as they are not an absolute prohibition on accepting other offices or engaging in legal practice. There will be many circumstances where the Governor in Council could determine that a post-retirement activity is consistent with the dignity of the particular office, and would not diminish the independence of the office or public confidence in it.

The limitations are reasonable and demonstrably justifiable having regard to the nature of the offices and their central importance to the state's integrity system. I consider there are no less restrictive means reasonably available to achieve the intended purposes of maintaining the independence and integrity of the offices consistently with other constitutionally protected office-holders.

Gordon Rich-Phillips, MLC
Assistant Treasurer
Minister for Technology
Minister responsible for the Aviation Industry

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. M. J. GUY (Minister for Planning).

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

That the bill be now read a second time.

Incorporated speech as follows:

The Integrity Legislation Amendment Bill further enhances Victoria's integrity system by amending the Independent Broad-based Anti-corruption Commission Act 2011 and the Victorian Inspectorate Act 2011 to provide a pension entitlement for the Commissioner of the Independent Broad-based Anti-corruption Commission (IBAC Commissioner) and the Inspector of the Victorian Inspectorate (Inspector).

IBAC sits at the apex of the state's integrity system. The inspectorate has important powers to oversee IBAC's activities, including the assessment of material gained through covert and coercive methods. The bill confers a pension entitlement on the IBAC Commissioner and Inspector following their retirement.

The amendments establish a pension entitlement which reflects the seniority and standing of the offices of the IBAC Commissioner and Inspector, and which further entrenches their independence.

The bill also amends the Constitution Act 1975 and the County Court Act 1958 to recognise service in the offices of IBAC Commissioner and Inspector for pension purposes where those officers are subsequently appointed judges of either the Supreme Court or the County Court.

These amendments are consistent with section 83(6) of the Constitution Act 1975 and section 14(5) of the County Court Act 1958 which recognise prior service in other constitutionally protected offices for judicial pension purposes. Prior service recognised for pension purposes includes the offices of solicitor-general, Director of Public Prosecutions, chief Crown prosecutor and senior Crown prosecutors.

The bill takes an important step in further entrenching the independence of the offices of IBAC Commissioner and Inspector. The independence of these offices is integral to ensuring public confidence in the state's integrity system.

I commend the bill to the house.

Debate adjourned on motion of Mr TEE (Eastern Metropolitan).

Debate adjourned until Thursday, 2 May.

PARLIAMENTARY COMMITTEES AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. D. M. DAVIS (Minister for Health) on motion of Hon. M. J. Guy; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), Hon. M. J. Guy 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 Parliamentary Committees Amendment Bill 2013.

In my opinion, the Parliamentary Committees 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 amends the Parliamentary Committees Act 2003 to merge four existing joint house committees into two new joint house committees.

Human rights issues

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

This bill does not engage any of the rights under the charter act.

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

As the bill does not engage any of the rights under the charter act, 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 because it does not engage any human rights issues.

Hon. David Davis, MP
Minister for Health

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. M. J. GUY (Minister for Planning).

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

That the bill be now read a second time.

Incorporated speech as follows:

The Parliamentary Committees Amendment Bill 2013 will amend the Parliamentary Committees Act 2003 by merging four existing joint house committees to form two new joint house committees.

The bill will merge the Law Reform Committee and the Drugs and Crime Prevention Committee to form the Law Reform, Drugs and Crime Prevention Committee.

The bill will also merge the Economic Development and Infrastructure Committee and the Outer Suburban/Interface Services and Development Committee to form the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee.

The new committees will have the same functions as the existing committees, thereby preserving the coverage of the existing committee system. If this bill is passed by the Parliament, the number of joint house committees will be 12, the same number that existed in 2005.

The bill will commence on 1 August 2013. This will enable the existing committees to complete their current inquiries. The bill will deem the new committees to be the same body as the relevant existing committees. Accordingly, the new committees will be able to complete any unfinished work of the existing committees, if necessary.

Members of the existing committees will not automatically become members of the new committees. Rather, members of the new committees will be appointed in accordance with the Parliamentary Committees Act 2003.

I commend the bill to the house.

Debate adjourned on motion of Mr VINEY (Eastern Victoria).

Debate adjourned until Thursday, 2 May.

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS AUTHORITY AND MISCELLANEOUS) BILL 2013

Committed.

Committee

Clause 1

Mr BARBER (Northern Metropolitan) — I depend on your guidance, Deputy President, as to which broader matters will be dealt with here, as opposed to the operation of individual clauses. I am interested in division 2 of part 2 of the bill.

The DEPUTY PRESIDENT — Order! Mr Barber has asked me to make a determination. Can I just clarify that Mr Barber wants to pursue elements in division 2?

Mr BARBER (Northern Metropolitan) — The clause-by-clause operation is not so much the issue, and therefore it may be better dealt with in clause 1.

The DEPUTY PRESIDENT — Order! That is fine, and we will proceed on that basis.

Mr TEE (Eastern Metropolitan) — I seek some clarity, because I have some amendments which flow up and down division 2 and my first amendment will test a number of them. I have a couple of questions about clause 3. Can we knock that off and then deal with division 2, which starts at clause 8? I am happy to deal with division 2 now, but I just want to know if I should deal with my matters as part of this discussion, including my amendments, or if we want to — —

The DEPUTY PRESIDENT — Order! Mr Tee's amendments are related to the issue Mr Barber wants to raise, as I understand it. Given that Mr Barber is happy to deal with his concerns in clause 1, I would suggest that if Mr Tee wishes to he should enter the debate on clause 1 on the issues he wishes to raise. Then we can come to Mr Tee's formal amendments in clause 8 if he is interested. He does not have to do that — he can hold back and wait until clause 8 and deal with all of them then — but that would be my suggestion for the ease of the committee.

Mr BARBER (Northern Metropolitan) — In the second-reading speech there is a scant paragraph on this issue, which seems to be a rather large issue, and that is the movable feast of who the responsible authority is. Can the minister confirm that this whole set of clauses relating to division 2 of part 2 arises out of the decision

the Victorian Civil and Administrative Tribunal (VCAT) made in *Woolsthorpe Wind Farm Pty Ltd v. Minister for Planning* [2012] and that the government is effectively seeking to change the state of affairs that that case uncovered?

Hon. M. J. GUY (Minister for Planning) — The answer is yes, and the government is seeking to provide clarity to what was a VCAT decision.

Mr BARBER (Northern Metropolitan) — I thought the VCAT decision was pretty clear. I think the government is seeking its own form of clarity — that is, that from now on the responsible authority for a planning permit that was created as a result of ministerial intervention will be the responsible authority listed in the planning scheme today, or on any given day in the present tense, not the one that was the responsible authority at the time of the minister's intervention. Is that effectively the whole purpose of this set of clauses?

Hon. M. J. GUY (Minister for Planning) — The purpose of these clauses relates to the fact that the previous minister, Justin Madden, now the member for Essendon in the Assembly, called in a number of wind farm permits — from himself, I might add — and in doing so made himself the responsible authority for those permits. This is not something which applies to every wind farm permit; it applies to eight of them. As a consequence the government needs to very consistently, as part of its 2010 election commitments, return powers to local government when it comes to enforcement of permits and responsible authority status. What we are doing in this clause is absolutely consistent with what we said we would do from the very start — that is, return to local government powers in relation to wind farm permits and enforcement and responsible authority status.

Let us be very clear. I heard some second-reading debate contributions suggesting a whole range of things, such as that there would be troops marching up the street and that I was causing some kind of war with a whole range of other people, but let us be very clear about what we are doing: we are clarifying a mistake that was made by the previous minister, Justin Madden, and we are returning these powers to councils, where they belong.

Mr BARBER (Northern Metropolitan) — Is it not the case that wherever the same set of circumstances arises as a result of a call-in from the minister by the minister and where the responsible authority has since changed this provision would operate in the exact same way? For example, the minister at the table has called in a number of matters over the last two years. Would this bill change the situation in relation to responsibility for any call-in he himself has done?

Hon. M. J. GUY (Minister for Planning) — No, this is only where the category of responsible authority changes, so that is a very specific permit. It is a very specific situation. These are being clarified, as you said, in response to what has come out of the *Woolsthorpe* decision in VCAT.

Mr BARBER (Northern Metropolitan) — In order to understand the impact of this bill on a whole range of planning permits, would I not need to go back and read every one of those planning permits and know who the responsible authority was at the time of the original call-in?

Hon. M. J. GUY (Minister for Planning) — Yes, that is correct. That is precisely what we have done.

Mr BARBER (Northern Metropolitan) — The minister says it is about eight particular wind farm permits, but in fact it could be a whole range of matters Mr Madden may have called in during his time where they fall into the same set of circumstances as Woolsthorpe did when it was put before VCAT.

Hon. M. J. GUY (Minister for Planning) — I am a bit unclear what I am being asked here. I will just simply say, as Mr Barber asked me previously, that we have obviously gone away and checked a number of permits — not just wind farm permits but other permits — to see where there is an issue, and we have identified them. This bill will clarify them.

Mr BARBER (Northern Metropolitan) — How many other instances of ministerial call-ins has the minister discovered would have their status — that is, the status of who is responsible for the administration and enforcement of the permit — changed as a result of the bill that is before us today?

Hon. M. J. GUY (Minister for Planning) — This bill is designed to ensure ongoing consistency through responsibility authority status in permits going into the future. When we have dealt with the permits we have done today, and I think that is 8 of the 36 wind farm permits that have been issued in Victoria, this will provide clarity to those going forward.

Mr BARBER (Northern Metropolitan) — What about call-ins other than wind farms? Have you discovered any that meet the same set of circumstances that were uncovered during the *Woolsthorpe* VCAT case?

Hon. M. J. GUY (Minister for Planning) — Not that I am aware of. I just had that checked. It is key just to note again why this clause is being put forward in this bill, and that is because the permit approval process for those wind farms — which, I might add, the Greens were very supportive of — was a mess, and we have to now bring this back into this chamber to clarify the responsible authority status for the enforcement of those permits.

Mr TEE (Eastern Metropolitan) — Can the minister, to use the buzzword of the day, clarify the concerns Moyne Shire Council has raised? Its concern is that under this bill it and a number of other councils might now be referred responsibility for permits that have already been issued. The question really is: is the bill retrospective for permits that have already been issued?

Hon. M. J. GUY (Minister for Planning) — The simple answer is yes, the bill is retrospective for those permits that were issued by Justin Madden.

Mr TEE (Eastern Metropolitan) — To clarify the point Mr Barber made, you are aware of at least 8 out of 36 permits that are affected by this bill.

Hon. M. J. GUY (Minister for Planning) — No, there are 36 wind permits that have been issued in Victoria, and I am aware that 8 of them have an issue which needs to be clarified.

Mr BARBER (Northern Metropolitan) — Referring to this so-called mess that the minister describes, the government solicitor as I understand it went into the *Woolsthorpe* case arguing that the council was wrong — in other words, that there was no lack of clarity over who was responsible. The government solicitor did not prevail at VCAT, and VCAT argued that in the instance where the minister called in a permit from himself and where the responsible authority status had since changed — that is the change Mr Guy referred to — and despite what everybody had assumed, which was that the council had become the responsible authority, the minister in fact still was the responsible authority. The minister no longer wants to be the responsible authority for the overall enforcement of the administration of these permits, and so he is bringing in this legislative provision that says that it does not matter who was the responsible authority at the time; what matters is what this law now says.

I am trying to get to the bottom of whether there may have been other instances that fell into the same category back in the history of ministerial interventions, which is very long — and there are a reasonable number of them that the minister himself has done in his two years — and whether a subset of those permits might fall into the same category.

Hon. M. J. GUY (Minister for Planning) — I want to say again that the point of this amendment is to ensure consistency, but I also want to make just an observation, because I know that Mr Barber said that I want to excuse myself from permit enforcement. As is the case now, I would continue to be responsible for enforcing aspects of matters in those permits that are specifically designated to be enforced by me as minister to my satisfaction, and some of those may be noise, extending the times within which the development must be started or completed, corrections to permits and amendments to permits. So in respect of what Mr Barber was referring to earlier, which is the *Woolsthorpe* decision, the effect of this bill will be that the Moyne Shire Council will be responsible for the ongoing administration and enforcement of the planning permit except for those matters which I am specifically designated to be responsible for.

Mr BARBER (Northern Metropolitan) — I have not read all eight permits, so I do not know which bits of each permit were originally written up as having to meet the satisfaction of the minister versus the satisfaction of the responsible authority, because what the bill does is change who is the responsible authority. For example, if we go to the former Department of Planning and Community Development website, there is a set of model permit conditions for wind farms which include things such as micro-siting of turbines, post-construction noise monitoring and the creation of a complaints register. Generally speaking this set of model permit conditions has been drafted using the words 'the responsible authority', but along the way it is entirely possible that versions of the permits were issued that say 'the minister' as opposed to 'the responsible authority'. Depending on which condition in which permit we are talking about, some parts of it will be changed and they will go back to the council; other parts of it will stay with the minister.

The only real way to know the impact of this bill on those permits, since we are not getting anywhere speculating about other permits from earlier years, is for me to actually stand here and ask the minister. I could ask the minister, for example, in relation to the Waubra wind farm: does the condition requiring a post-construction noise monitoring plan say 'to the satisfaction of the responsible authority' or 'to the satisfaction of the minister'?

Hon. M. J. GUY (Minister for Planning) — In relation to noise it is usually the minister; however,

Mr Barber might find in other instances, often traffic management, that it is usually the local government which enforces that permit. I point out when you are talking about calling-in powers that it is worthwhile to note while we are looking at section 97 of the bill that I have never used section 97 for calling in, as opposed to former Minister for Planning Justin Madden.

Mr TEE (Eastern Metropolitan) — In terms of the cost of councils implementing these permit conditions, a number of councils are concerned about this impost. I think the mayor of the Moorabool shire has said that there will be a 1 per cent rate increase per annum. I am wondering: is that something you have considered, and would you compensate councils for the expense they incur as a result of this bill?

Hon. M. J. GUY (Minister for Planning) — I think the advice is that if there are any enforcement issues, they will be minimal. Any 1 per cent rate increases that are being discussed by some councils are an overreaction. Councils could use differential rates on wind energy facilities if they desired; there are a whole range of mechanisms that councils have. It is not all about money; it is sometimes about principle, and the principle of giving these powers back to local governments we believe is important.

Mr TEE (Eastern Metropolitan) — The other principle of course is that if local governments do not want the power, it should not be forced on them. My question really relates to the issue of differential rates. Is the minister suggesting that once a permit has been issued and that responsibility is transferred on to councils, councils can then increase the rates for those wind farms in order to recoup the costs they have incurred as a result of having to implement those permits?

Hon. M. J. GUY (Minister for Planning) — Mr Tee asked me about councils that may not want them. I would say: what about councils that did not want wind farms imposed on them in the first place? And Moorabool, which he just mentioned, is indeed one of those councils. Importantly, Moorabool is one of those councils dealing with a permit which we are now dealing with in this chamber and which the Labor government approved, I might add, at the stroke of midnight just before the government went into caretaker mode prior to the last election. It forced a wind farm permit upon a council that did not want the wind farm in the first instance and which became the responsible authority while having no ability to give any feedback on that permit whatsoever. There should not be any crocodile tears about councils having wind farms in their backyards that they did not want in the first instance. What this government has done is give the responsible authority powers back to those councils. Importantly, and I will say it again, we are dealing with eight wind farm permits; we are not dealing with every permit. The scaremongering and this idea that some have expressed that all councils that have wind farms will need to increase rates to deal with them is rubbish.

I will say it again: we are dealing with eight permits. They are eight permits which were issued by Justin Madden as planning minister. They are here in this chamber having to be clarified today due to a VCAT decision which has provided some ambiguity about the previous minister making himself the responsible authority, calling the proposals in and then approving them despite every single council we are dealing with not wanting them. We should also remember that we are not even dealing with every condition on each of those eight permits. It is a specific number of conditions in a specific number of permits by a specific minister at a specific point of time which we are here to clarify. Anyone trying to make it any more than that is, frankly, misleading people.

Mr TEE (Eastern Metropolitan) — I want to understand the rationale behind the minister forcing these councils to have responsibility for permits when they do not want to have that responsibility.

Hon. M. J. GUY (Minister for Planning) — You are asking me why I would force something on a council. Why did you force on a community a wind farm it did not want? Why did you force all these permits — here they are here: Waubra called in, one in the Moyne planning scheme called in by the minister, one in the Pyrenees planning scheme called in by the minister — on councils that did not want them at all? Former Minister Madden called them in, and some of them were the last items considered by the Governor in Council before the government went into caretaker mode, to pass them through in the dead of night. Now there are crocodile tears and opposition members are asking why we are giving councils back responsible authority status for the enforcement of permits they did not want but which Labor forced on them. Unlike Mr Tee, we on this side of the house believe that councils should have a role in determining and enforcing these permits.

Mr Tee — Give them a choice.

Hon. M. J. GUY — We have given them a choice, Mr Tee. They can now reject a permit, they can now

give a permit over to me or they can now seek advice. You, Mr Tee, behaved disgracefully in government when it came to wind farm permits, and we are here to fix your mess up!

The DEPUTY PRESIDENT — Order! It would enable the committee to get through consideration of the legislation in detail a little more quickly if the minister did not provoke interjections and responses.

Hon. M. J. GUY — Or was not provoked.

The DEPUTY PRESIDENT — Order! I was coming to that. I do not need the minister's advice. I would prefer that, despite the provocation, Mr Tee take the interjections down a notch. It will all work much more smoothly if the minister addresses his remarks through the Chair rather than directly to a member in the chamber.

Mr BARBER (Northern Metropolitan) — There is no ambiguity, as the minister says. In relation to these eight wind farms, permit responsibility for administration and enforcement is currently in his lap, and the purpose of this bill is to take it out of his lap and put it to to the councils. I ask the minister to name which eight wind farms these are and which local government areas they are in.

Hon. M. J. GUY (Minister for Planning) — It is worthwhile noting while I answer this, Deputy President, that Mr Barber was in the media asking me to call in the Dundonald wind farm without an environmental impact statement. Mr Barber, you are asking me now to repeat with another wind farm the same kind of problem that former Minister Madden caused and which this bill will fix up.

The DEPUTY PRESIDENT — Order! I ask the minister to address his remarks through the Chair. When he directly addresses a member in the chamber in the way that he just has he provokes a response. If he goes through the Chair, it will work more smoothly.

Hon. M. J. GUY — They are Woolsthorpe in the Moyne local government area, Lal Lal in Moorabool, Crowlands in Pyrenees, Stockyard Hill in Pyrenees, Berrybank in Golden Plains, Mortlake in South Moyne, Ararat in Northern Grampians, Moorabool in Moorabool.

Mr BARBER (Northern Metropolitan) — I would not want there to be any confusion between myself and the minister, so let me just say that I never asked him to call in that particular wind farm he referred to for the yellow-bellied sheath-tailed bat sanctuary that he wants to establish out there. What I said was that the matter was before him under the Environment Effects Act 1978 for a referral, and my view was that it did not need an environment effects statement. Of course it would still have needed a planning permit, and it would have had to get that from the responsible authority.

In relation to the wind farms the minister has just named, a number of them have not been constructed and, depending on how the permits are written, issues such as the micro-siting of the turbines, noise, compliance, the maintenance of a complaints register, audio monitoring and all the rest of it may or may not become the responsibility of each of those councils he named. I noticed the minister waving some pieces of paper around quite theatrically, and I wonder if they are in fact the permits for each of the eight wind farms he has named, because if he has the permits at hand, then he can answer my particular question: which bits of the permit responsibility will be returned to the council and which will stay with the minister?

Hon. M. J. GUY (Minister for Planning) — They are approved permits that are on the website, Mr Barber, through you, Deputy President. If Mr Barber had sought a briefing, I would have given them to you. Can I just say that you are quite right, some of them are not built. That is why the passage of this bill is so important, because some of them are not built and that provides a good opportunity to have this discussion around an unbuilt facility now as opposed to post construction for those which have been built, when it obviously becomes more difficult for a council.

Mr BARBER (Northern Metropolitan) — It is my understanding the minister has established a wind turbine unit within the planning department. He has a group of people working for him who are specialising in the area of dealing with these permits and the various responsibilities that he currently has and may continue to have. Can the minister tell us how it is going?

Hon. M. J. GUY (Minister for Planning) — Terrific!

Mr BARBER (Northern Metropolitan) — Terrific? In relation to Waubra the minister seems to be confirming that the post-construction noise monitoring plan is a condition that attaches to the minister, not the responsible authority notwithstanding this bill or any other similar bill, it will still be his responsibility to ensure that they are complying and that they have made a satisfactory post-construction noise monitoring plan. As the minister knows, because I have asked him about it a number of times, there has been a lot of speculation that Waubra is non-compliant. In fact a motion was passed through the Senate which every coalition senator

voted for. Contained within the substance of the motion was the statement that Waubra was non-compliant. Following on from that logic, the senators up there — coalition and Democratic Labor Party — took the view that Waubra should have had its revenues through the form of renewable energy certificates taken off it. Would the minister like to tell us now, today, whether Waubra is compliant with the conditions of its permit?

Hon. M. J. GUY (Minister for Planning) — I am advised that Waubra has not had its compliance signed off. A very complex permit issue is being worked through.

Mr BARBER (Northern Metropolitan) — It is a very complex issue. I agree with that statement. It is complex in the sense that it involves noise meters and decibels and A-weightings and that kind of thing, which costs money for the company to monitor and requires a certain amount of technical expertise to interpret the outputs of. In relation to all of the eight permits the minister has in front of him, can he tell us whether, once the bill passes, he or the local council will have the responsibility for ensuring compliance with that section of those eight wind farm permits?

Hon. M. J. GUY (Minister for Planning) — It is nice of Mr Barber to do the bidding of an external company on noise compliance in the chamber of the Victorian Legislative Council. That aside, I note first of all when referring to the Waubra wind farm that Waubra is not one of the eight wind farms that would be impacted by the bill. I take it we are dealing with issues of wind farms in general rather than in relation to this bill.

Secondly, if Waubra had been approved under what this government brought forward in VC78 and VC82, we might not have the issues with the acceptance of the Waubra wind farm by the many local people who live around it. The local council would have been the responsible authority for the wind farm permit in the first instance. If it had not wished to be, it could have asked for me to be the responsible authority, or it could have used the flying squad, for instance, that this government established to assist it as being part of the responsible authority. The council would have had three choices; under the previous government it would have had no choices and the wind farm would have simply been approved.

Mr Tee interjected.

Hon. M. J. GUY — I simply say to Mr Tee again that we have put in place a system that I think is very good for local councils, which now have three choices. Previously they had no choice.

Mr Tee — That is not what they say.

Hon. M. J. GUY — Mr Tee needs to get his head out of the sand and actually read the bill.

Mr Tee — You have got their letter; they sent it to you.

The DEPUTY PRESIDENT — Order! I will call Mr Tee when Mr Barber and the minister have completed this component.

Hon. M. J. GUY — As I said early on in my presentation to the committee, the minister is more often than not responsible for compliance for noise. Some of those permits are approved and the minister remains the responsible authority for enforcing the permit when it comes to noise, I think, in just about all those permits.

Mr BARBER (Northern Metropolitan) — I understand that Waubra is not amongst the eight, but I asked the minister how his dedicated wind farm compliance unit was going, and he said, 'Terrific'. Then I asked him why in two years he had not been able to sign off on Waubra's post-construction noise monitoring plan, and he said, 'It's terribly, terribly complicated'. Can the minister give us any more indication as to what the issue is at Waubra that has prevented him from signing off on a post-construction noise monitoring plan that he has had on his desk for the entire time that he has been the minister, which the company says, notwithstanding a couple of early requests for further information, is essentially, as far as it is concerned, completed. What exactly is the problem in that instance?

Hon. M. J. GUY (Minister for Planning) — If Mr Barber wants to lead a delegation with Acciona and come and discuss the Waubra permit, I am happy to have that conversation with him. However, I will say it again. As Mr Barber correctly says, Waubra is not one of the eight wind farm permits that is impacted by the bill, and thus it is not relevant to discuss a condition of a wind farm permit that is not impacted by the bill. Therefore, I find the question not relevant to the bill.

Mr BARBER (Northern Metropolitan) — The minister does not need me to lead a delegation from Acciona. It has been dealing with a revolving door of different planning officers in the minister's department in the two years that this minister has been in charge.

The question is very relevant to the purpose of the bill, which is to take some of these incredibly complicated responsibilities off the minister, who is bogged down with just Waubra, and give them over to councils. There is a further set of responsibilities, and I am just going off the model permit conditions — for example, a noise complaint evaluation. In the model conditions it states that for the purposes of complaints evaluation the following requirements apply:

> Post installation sound levels shall, where practical, be measured at the same locations where the background sound levels were determined —

and so on and so forth. Also:

> If the complaint is not resolved through the processes outlined above, the responsible authority may request an independent peer review at the cost of the permit-holder and on/off shutdown testing to resolve uncertainty.

This is under another section of the model permit conditions, a section headed 'Noise complaints evaluation'. Can the minister tell me in relation to the eight permits whether it is he or the councils who will be responsible for the noise complaint evaluation process, including the ordering of extra monitoring?

Hon. M. J. GUY (Minister for Planning) — With great respect, I think I have answered this now three times. In relation to those eight permits, when it comes to noise conditions those issues predominantly remain with the minister.

Mr BARBER (Northern Metropolitan) — How about blade shadow flicker?

Hon. M. J. GUY (Minister for Planning) — On a number of those permits, when it comes to blade shadow flicker, that will relate to some of the environmental standards that need to be enforced, and most — although I do not think all — of those environmental standards on some of those permits issued remain with the minister.

Mr BARBER (Northern Metropolitan) — I presume that would apply to the 'blade shadow flicker complaint evaluation and response plan', which has to be prepared 'to the satisfaction of the responsible authority'. Remember these are wind farms that are not built yet. These are all hoops that these wind farms will have to go through during and after construction. Is it the case that the minister will continue to be responsible for that; for blade glint, for electromagnetic radiation, for television and radio reception and interference, and for lighting, including aviation obstacle lighting? The minister has referred to traffic management as something the local council will likely be responsible for.

There is also a whole range of environment management plans: a construction and work site management plan, to be approved presumably before the thing has been started; the sediment, erosion and water quality management plan; the hydrocarbon and hazardous substances plan; the wildfire prevention and emergency response plan; the blasting management plan; the vegetation management plan; the biosecurity management plan; the environmental management plan training program; the implementation timetable; the review of the environmental management program; and the bat and avifauna management plan. Operators of wind farms are required to go around and pick up any dead birds they find in the vicinity. If only coal-fired power stations were required to do a report on all the humans they killed as a result of the dreadful air quality in some coalmining areas!

In relation to the eight permits, can the minister tell me which of these different areas of responsibility will become the burden — given all these mad urban myths that get thrown around about wind farms — of the local council and how many he would like to keep in his lap so that he can continue to be the subject of controversy? I notice he is on the hate list of the Waubra Foundation, along with Christine Milne and Cam Walker, and I congratulate him on that at least. In relation to the eight wind farms, how many of these areas will the minister continue to hold responsibility for — including decommissioning, by the way, because there is a requirement to knock over your wind farm when you have finished using it — and how many will he now be handing over to the local council?

The DEPUTY PRESIDENT — Order! I appreciate that Mr Barber at the end of that contribution drew it back to the eight permits which are the subject of the provisions in this bill, but I am increasingly struggling with the connection between a number of broad debate issues he is discussing and the actual legislation before the committee, so I ask him to bear that in mind.

Hon. M. J. GUY (Minister for Planning) — It is an interesting revelation that the Greens have realised that wind farm permits are very complex. I am glad they have. In response to all the issues Mr Barber raised, without reading out the entire Waubra wind farm permit — Mr Barber might want me to do that, but I am sure the committee does not have the time — I simply point out that new section 97H of the Planning and Environment Act 1987 says I will remain the responsible authority where the permit explicitly states it. It is as simple and clear as that.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr TEE (Eastern Metropolitan) — This clause gives the minister almost unfettered power to declare via the *Government Gazette* any land in Victoria to be a growth area and therefore land where the Growth Areas Authority can work. Will there be any criteria on which the minister will base his decision in each particular case?

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

Mr TEE (Eastern Metropolitan) — Will he make those criteria public?

Hon. M. J. GUY (Minister for Planning) — When it is released, yes.

Mr TEE (Eastern Metropolitan) — Will that be before this bill comes into effect?

Hon. M. J. GUY (Minister for Planning) — No.

Mr TEE (Eastern Metropolitan) — Is the minister able to be any more specific? I suppose the concern is that what the minister is saying is the bill will come into operation but he will not release the criteria he will use to give effect to the bill prior to its coming into operation.

Hon. M. J. GUY (Minister for Planning) — I am a very forthright person. If people ask me a yes or no question, I will give them a yes or no answer. It is very simple. Common-sense provisions would certainly prevail. We will draw up a list of common-sense criteria, there will be a discussion involving the Growth Areas Authority and the metropolitan planning authority and there will be briefings from the department to councils as to what areas might be determined to be growth areas. It might be the Leneva Valley in Wodonga; it might be Armstrong Creek in the southern part of Geelong; it might be areas in Ballarat West. That will provide those councils with a great level of support in terms of getting those growth areas to market.

Mr TEE (Eastern Metropolitan) — The minister is saying there will be consultation with councils. I want to be clear that the yes or no answers suggested that there would be criteria on which the minister would base his decision and that those criteria will be made public.

Hon. M. J. GUY (Minister for Planning) — Mr Tee would be great with bureaucracy! It is very clear what is a growth area and what is not. Nobody in this chamber has difficulty in believing that the Leneva Valley, south of Wodonga, is obviously a growth area, given that it is going to house 30 000 people in the future, as opposed to half a dozen lots on the north side of Nhill. It is very clear which of those two is a growth area and which is not. However, in order to address any ambiguity we will put forward the criteria which the Growth Areas Authority — which it will develop, I might point out — will use when dealing with councils.

Mr TEE (Eastern Metropolitan) — Will they be publicly available?

Hon. M. J. GUY (Minister for Planning) — I think I answered this with a yes or a no. I am not sure how clear I need to be. The answer was yes, they will be publicly available.

Clause agreed to; clauses 4 to 7 agreed to.

Clause 8

The DEPUTY PRESIDENT — Order! Mr Tee, to move his amendment 1, which is a test for his further amendments 2 to 13 to various clauses in the bill. I point out, however, that this is actually a consequential amendment in its nature, but it is the first one to be tested, and therefore I invite Mr Tee to address the substantive matters in relation to this proposed amendment even though the first one we are calling is actually a consequential amendment.

Mr TEE (Eastern Metropolitan) — I move:

1. Clause 8, lines 6 to 8, omit all words and expressions on these lines.

I will make some brief remarks because I think the issues have been canvassed in both the second-reading debate and as part of the discussion around the provisions of clause 1, and as I indicated, we believe councils ought to have a choice. These are very considerable expenses over compliance that come with the enforcement of permits, and it is not something that should be forced onto councils by the government. We note that councils have indicated that they do not have the relevant expertise and resources, and that these costs will have to be carried by ratepayers, who will see an annual 1 per cent increase in their rates. What the amendments do, collectively, is maintain the structure of what the minister wants to do but give councils an opt-out option in the sense that if the minister wants to force councils to enforce these permits, he cannot do so, but if he wants to ask them, and they agree, then my amendments will enable that outcome.

Mr BARBER (Northern Metropolitan) — On the presumption that the minister is not going to accept the amendment, if we are talking about rates — which is part of Mr Tee's argument — we should at least note that wind farms are significant ratepayers. My understanding is that under the generally agreed formula a wind farm will pay $40 000 just for being in the municipality and around $900 a megawatt thereon. That is a significantly large amount of money, every year, particularly in those council areas that do not have large urban centres or large amounts of development going on.

The development of wind farms — not to mention the permanent jobs created or the revenues for those who have turbines on their land — and the subsequent payment to ratepayers from those wind farms, which is in the hundreds of thousands of dollars, reduces everybody else's rate burden in an area where most people probably pay a significant rate bill. So that is important. My question for the minister is this: the minister has introduced a possibility for a council to decide that when considering a planning permit for a wind farm it can refer the decision as to whether or not a permit should be issued to the minister. What is wrong with Mr Tee's proposition that when it comes to ongoing enforcement and administration, it should also be able to refer that responsibility to the minister?

Hon. M. J. GUY (Minister for Planning) — For Mr Barber's benefit — although he should know this — the enforcement and approval of a permit are two very different things; they are two exceedingly different things. I am astounded that that proposition would even be put. I find it very interesting that Mr Barber has accepted that wind farms can have an enormous community cost. Roads might be one part of that. But that is a very interesting admission.

I would simply say that we will not be supporting the amendment. I find Labor's hypocrisy on this issue to be absolutely breathtaking. I am not the only one. A number of councils at a Municipal Association of Victoria meeting found exactly the same thing. If the opposition believes that councils should have a choice in relation to the enforcement of a permit, maybe it should have voted with the government on VC78 and VC82. We gave the councils a choice on the approval of a permit. The approval is much more important than the enforcement of a permit, so that issue should have been dealt with when the opposition voted against VC78 and VC82 and accepted donations from wind farm proprietors and companies before the last election. That might explain why it opposed those amendments. I also take issue with the astounding throwaway line made by a mayor that we may see an annual 1 per cent increase in rates. Apparently it is now a fact that 1 per cent rate increases will occur across every municipality in regional Victoria because of wind farms that were approved by Justin Madden. I find that quite interesting. Frankly it is a complete load of rubbish. It again goes to the credibility of the opposition that it would make such ridiculous and laughable claims. We will not be supporting the amendment.

Mr Tee interjected.

The DEPUTY PRESIDENT — Order! I will call Mr Tee if he wishes, but Mr Barber has the call.

Mr BARBER (Northern Metropolitan) — The minister is quite right. The issue of a permit and its administration and enforcement are two different things. But of course the minister could wake up tomorrow morning and change who is responsible for either or both simply by designating a responsible authority under the act via the planning scheme, so it is not as big a distinction as he has made out.

At the same time the minister will continue to be able to call in wind farms, as he did in relation to Chepstowe. He may not have called in wind farms for himself, but he called them in from the Victorian Civil and Administrative Tribunal.

Hon. M. J. GUY — What was the result of that?

Mr BARBER — It was a very good result, I would have to say. The minister approved that wind farm, as he has continued to extend permits for a number of wind farms. I have given him credit for that. There were also a number of wind farm permits that the minister neglected to extend by delaying the very permit conditions we are discussing here today. In Bald Hills there were significant delays to the meeting of the conditions on its permit — I think it might have been in relation to the micro-siting of turbines — in order to get it up and running. It was VCAT that called it in for the minister in that instance.

But what the minister is really pointing to is the moral hazard of giving a minister call-in powers to issue a permit with all these fancy conditions that those members of the community who would believe almost anything they are told about wind farms are all crying out for. As I said, there is the example of someone running around and picking up dead birds in a paddock near a wind farm, while other major developments in the fossil fuel area continue to roll on through. Nobody seems to be worried about the planetary scale of

biodiversity destruction that will come as a result of some of the things the minister will soon be approving.

The question is very much about the moral hazard of having a minister who can make a decision about a permit and add all sorts of long-tail responsibilities, if you like, as long as that particular operation is in place. It could be an abattoir, it could be a railway line, it could be a lot of things, and yet it is the council that will be under pressure for a long time to deliver those outcomes through enforcement. That was the purpose of my question: why is it not okay for a council to have the option as to whether it becomes the responsible authority for enforcement and administration, which is of course the substance of Mr Tee's amendment?

I will vote for Mr Tee's amendment, but if it is unsuccessful, then I will go on and vote against the clause as a test of the set of clauses in this group, because I think the minister is actually worsening the situation in some ways in regard to that moral hazard to which I referred.

Hon. M. J. GUY (Minister for Planning) — The concocted rage is quite astounding. I simply say, as I said before, section 97H of the act shows very clearly that permit conditions will be specified to me, and therefore it will be very clear what I am responsible for in enforcement and what others are responsible for in enforcement. It is purely comical for Mr Barber to start raising the subject of railways and me having permits for a wind farm which include railways — conceivably that is what he is referring to — and then making a council the enforcement authority. To insult local communities by saying that they have no intelligence about managing a wind farm permit beggars belief. I should not be amazed that the Greens would have that view of regional councils and regional people. I would simply say that this government believes not in the enforcement of eight permits issued by Justin Madden, but in the ability for all permits to be considered by local government as at first instance. That stands as a hell of a lot more democratic than what either the opposition or the Greens voted for when they came into this chamber and opposed VC78 and VC82.

Mr BARBER (Northern Metropolitan) — For the benefit of the readers of *Hansard*, I am not expressing any kind of rage whatsoever. I have been discussing these matters with the minister in a conversational tone. The minister says the idea is comical in relation to railways or other kinds of major developments — it could be freeways next — but it is entirely possible that the minister makes himself the responsible authority long enough to issue the permit with whatever conditions he wants to add. They might be common-sense conditions or conditions that are farcical or impossible to understand, much less enforce. I am not suggesting this minister would do that, but any future minister might. Then, of course, he might change the responsible authority status back and hand the whole mess back to the council. It is not just a matter of what happened in the past; it is also a matter of what could happen in the future.

The reason this particular question about the bill is so important is that there is a whole movement of people, not to mention MPs from Mr Guy's own party, who are very much involved in the worst kind of rabblerousing. As soon as this bill passes and councils take on responsibility for a range of matters, you can bet your bottom dollar that that movement will turn its attention to the local council in relation to wind farms that have not yet been finalised or on which construction has not yet been commenced, and they will mount every kind of political attack they can on those local councils.

Mr Ramsay interjected.

Mr BARBER — It has nothing to do with the intelligence or the ability of local council officers. It has nothing to do with the intelligence of local communities or the ability of local councils. It is to do with the cost burden, which Mr Tee is attempting to quantify, and the kind of political attack that is going to be unleashed. Mr Guy would know, if he has looked around, that one of the anti-wind farm websites lists Cam Walker from Friends of the Earth, Christine Milne, the leader of the Australian Greens, and Mr Guy himself as public enemy nos 1, 2 and 3. That is because in relation to the Waubra wind farm Mr Guy has not yet done what these people would like him to do, and that is, in effect, shut down the wind farm. I believe very strongly that this is part of a concerted campaign to widen the number of political targets that this group of anti-wind farm activists — a globally organised movement, I have to say — can get a glove on. That is in relation to eight wind farms, a number of which Mr Guy has told us have not yet even passed the threshold they will need to pass in order for construction to commence.

That is my rationale for voting for Mr Tee's amendment. I believe it is the least worst option and in fact that it is the best option in that it does not let this section of the bill go ahead. That is why we are voting against the clause.

Committee divided on amendment:

Ayes, 13

Barber, Mr (*Teller*)	Scheffer, Mr
Broad, Ms	Somyurek, Mr
Elasmar, Mr	Tarlamis, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	Viney, Mr
Pulford, Ms (*Teller*)	

Noes, 16

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

Pairs

Eideh, Mr	Dalla-Riva, Mr
Hartland, Ms	Ramsay, Mr
Mikakos, Ms	Elsbury, Mr
Pennicuik, Ms	Finn, Mr
ALP vacancy	O'Donohue, Mr

Amendment negatived.

Committee divided on clause:

Ayes, 16

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

Noes, 13

Barber, Mr	Scheffer, Mr (*Teller*)
Broad, Ms	Somyurek, Mr
Elasmar, Mr (*Teller*)	Tarlamis, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	Viney, Mr
Pulford, Ms	

Pairs

Dalla-Riva, Mr	Eideh, Mr
Elsbury, Mr	Darveniza, Ms
Finn, Mr	Hartland, Ms
O'Donohue, Mr	Pennicuik, Ms

Clause agreed to.

Clauses 9 to 23 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.

Social housing advocacy and support program: funding

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Housing, and it concerns the social housing advocacy and support program (SHASP) run by HomeGround Services in St Kilda in my electorate, and there are also offices in Preston and Collingwood. The aim of the program is to end and prevent homelessness by supporting public housing tenants and residents to establish and sustain their housing. The program focuses on providing case-managed support to work with individuals on issues that may place their tenancy at risk of breakdown.

It is an important program, one that has operated for six years or so now, and it has delivered great service to vulnerable tenants in my electorate and other places in the state. Last year the coalition government cut this organisation's funding by 30 per cent, and workers in St Kilda are now being warned to expect a further cut of 10 per cent or more in this year's budget. As a result of the funding cuts to date key components of the services provided — in advocacy and assistance with complex administrative tasks — have ended. Members should not forget we are often dealing with the most vulnerable people here, and these advocacy services are very important. This means there is a service gap, as certainly in my area no other organisation fills this need.

SHASP used to be able to assist people with tenancy needs experienced before problems got to crisis levels, but now it is focusing on dealing only with people once situations have reached crisis level. As many of us know, that is too late and prevention is better than cure. As a result of this service being cut there are significant problems through the electorate.

What I am seeking from the Minister for Housing is that she guarantee funding to the organisation going forward, either by reprioritising within her own substantial portfolio or by convincing the Treasurer not

to make the expected cuts in the forthcoming May budget.

Regional and rural Victoria: mobile communications

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Premier, the Honourable Denis Napthine, and it concerns a matter that was highlighted again during the recent Dereel fires in my electorate of Western Victoria Region. I accompanied the Premier and Country Fire Authority (CFA) regional personnel on an inspection of the impact of that fire at Dereel, which burnt 1300 hectares and destroyed nine houses, along with a lot of shedding, fences and a number of livestock.

I firstly would like to congratulate the many organisations and people who pitched in to help, from the CFA, police, Salvation Army, Department of Health and Golden Plains Shire Council — which did good work, including that of the Golden Plains mayor, Jenny Blake — down to the field officers and many, many others. I would also like to thank the Honourable Andrew McIntosh, the former Minister for Corrections, who when I requested the services of the Landmate program quickly organised through the Department of Justice prisoners to help with the clean-up.

Whilst the losses were devastating for the small Dereel community, made all the worse by the fact that the fire was started by an arsonist, the longer term issue is the lack of basic mobile communications in this mobile network black spot area, which creates greater risk in this community in terms of the ability to get vital information and to communicate via mobiles to seek assistance. This is not an isolated incident; there are large areas across my region that have mobile connection black spots which render mobile phones useless. This is a serious problem that should be rectified in regional Victoria, as the size and population is such that there is no excuse, given modern technology, for us to continue to have a lack of communication via mobiles in country areas.

I am concerned that much of the national debate on communication is about the national broadband network rollout when there is a real urgency in regional Victoria to have a basic quality mobile network. The Gillard federal government took the $2 billion Communications Fund moneys away. That was a fund set up with the National Farmers Federation and the Howard federal government to provide specific funds to provide quality and competitive pricing in mobile networks in regional areas upon the privatisation of Telstra. It was a protection buffer for rural areas that the Gillard government trashed.

I raise this matter knowing that it sits under the federal jurisdiction, but the Premier indicated on that day that he would discuss with his federal colleagues, including the Minister for Broadband, Communications and the Digital Economy, Stephen Conroy, and Telstra how we can reduce the mobile black spots in Victoria so communities like Dereel are not put in danger by the lack of basic mobile communications. My request is for the Premier to update the Golden Plains shire and me on how these discussions are progressing.

Carrum to Warburton shared-use track: completion

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Sport and Recreation, Mr Delahunty, and it concerns a commitment his government made to fund and carry out the completion of a bike and walking track between Carrum and Warburton. This was a commitment from the coalition. I will read from a coalition document which says the coalition government would be:

> … committed to taking responsibility and demonstrating leadership in planning and constructing the completion of the Carrum to Warburton shared use bike/walking track, with focus on the missing link of approximately 7.1 kilometres between Bayswater North and Mount Evelyn.

This has not happened since the election, and cyclists are very angry that this election commitment has not been fulfilled. I call on Mr Delahunty to ensure that in the upcoming budget there is funding for this particular project, which was promised, so that the missing part of this bike link can be completed as soon as possible.

Wallan-Kilmore bypass: route

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Planning, the Honourable Matthew Guy, and relates to the Monument Hill precinct in Kilmore. Monument Hill is located directly behind the equestrian racing precinct in Kilmore and is of significance to the community of Kilmore because of its bushland and natural beauty. It contains significant vegetation and flora and fauna. The area is a place of beauty, is used by many people for passive recreation and is loved by the community of Kilmore. The area adjacent to Monument Hill is a much-used recreational facility for this community. It contains the Kilmore and District Pony Club and the Kilmore racing facility, which includes facilities for both harness racing and thoroughbred racing.

I am raising this issue as concerns have been raised with me about the preservation of this area given the proposed Kilmore-Wallan bypass. VicRoads is currently undertaking an extensive process around options for the much-needed bypass. This government is committed to the delivery of this bypass as it is part of the government's election commitment to this area. I personally fought hard to ensure that this project would be delivered for these towns, and this work has been taken up and continued by Cindy McLeish, the member for Seymour in the Assembly.

Monument Hill has been proposed as one of the options for consideration. My concern about this option is that Monument Hill has significant landscape character and cultural and heritage significance for this area. There is a precedent for my proposal. I liken the needs of this area to the controls introduced around the Yarra River on the basis of landscape character. I ask the minister to consider the introduction of interim controls, which should be considered as part of the environment effects statement process.

National broadband network: federal opposition policy

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Technology, the Honourable Gordon Rich-Phillips. The federal shadow minister for communications and broadband, Malcolm Turnbull, has invited state governments and regional councils to co-invest in the federal opposition's broadband program rollout. Furthermore, Mr Turnbull was quoted by Fairfax Media on 10 April as having said:

> At least one state government has offered their extensive fibre network for its use.

Obviously he was speaking about the coalition's national broadband network proposal. My adjournment request is that the minister inform the house whether it was Victoria that made that offer.

Creswick Bowling Club: flood relief funding

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Police and Emergency Services. I ask the minister to assist the Creswick Bowling Club and the Shire of Hepburn in responding to a decision made under the natural disaster relief and recovery arrangements in relation to an application for flood relief funding by that club.

The Creswick Bowling Club is, or was, in the main street of Creswick but was badly damaged in three successive floods between September 2010 and February 2011, and the bowling greens have been unplayable since that time. The state government has put significant funding on the table to relocate the Creswick Bowling Club, made up of $300 000 from Sport and Recreation Victoria and $600 000 from Rural Development Victoria. However, an application to the federal government for $886 000 for these major works was initially rejected by the federal Minister for Emergency Management. The detail of the decision, conveyed by letter, leaves some scope for details of special circumstances to be presented by the state for renewed consideration at the federal level. Obviously this would be done in consultation with the bowling club and Hepburn shire.

This 150-year-old club is a vital community asset which Mr Koch, Mr Ramsay and I have all been to see and continue to try to support. It is located in an area with an ageing population. The damaged facilities prevent community members from meeting and socialising at the club. Playing members can no longer practise or hold competitions at their home ground, and the damaged club is a reminder of the floods that went right through the middle of Creswick. Incidentally, I commend Minister Walsh in relation to the work that was undertaken to clean out the debris in Creswick Creek and to assist in reducing further flooding risks, but damage from the floods remains, particularly in relation to the bowling club.

There is anecdotal evidence of a shift of members to clubs in other towns, which removes economic benefit from the local community. Creswick, Clunes and surrounding areas are progressing well in their rebuilding efforts from 2010–11, and I commend the flood recovery teams in Creswick and those other towns — and indeed all over western Victoria — for the efforts that have been made by the whole community to recover.

I emphasise the need for bipartisan and multigovernment responses at local, state and federal levels to these important emergency events. I note that a joint media statement has been made by the federal Attorney-General, the Honourable Mark Dreyfus, QC, and the Minister for Police and Emergency Services, the Honourable Kim Wells, in relation to other natural disasters affecting the alpine areas and the Benalla bushfires et cetera, but I also ask for funding for this bowling club. Federal funding also would mean that the club could proceed with its relocation to the Doug Lindsay Recreation Reserve in Creswick.

I also congratulate the minister on his new portfolio and a new start to his ministerial responsibilities.

National broadband network: rollout

Ms PULFORD (Western Victoria) — This evening I raise a matter for the attention of the Minister for Public Transport, Mr Mulder. By way of background, regional Victorians have watched with great interest the debate around competing broadband proposals in the federal political arena. As Mr Rich-Phillips has indicated in answer to questions asked during the course of this week, there is an important role for the Victorian government in supporting the transition to a broadband-enabled society. As state legislators we obviously have a keen interest in the application of new technologies in health care, in the provision of education services and in the transition that is occurring in our economy, and everyone wants to be in on the action sooner rather than later.

In Colac construction is scheduled to start on the current federal government's proposal in around three years, but there is an innovative proposition under which this could be dramatically sped up by the installation of the NBN (national broadband network) from Geelong through to Warrnambool through an arrangement that could be entered into through VicTrack. This would involve potentially sharing signal tubes beside the railway lines and would support a faster installation.

I seek by way of action from the minister that he direct VicTrack to work in conjunction with NBN Co to fast-track the delivery of the NBN throughout Western Victoria Region through the use of shared signal tubes beside the existing railway lines where possible.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — I have written responses to adjournment debate matters raised by Mr Leane on 28 November 2012 and on 7 February, Mr Lenders on 5 February and on 7 February, Mr Tee on 5 February, Mrs Peulich on 5 March, Mr Elsbury on 21 March and Ms Tierney on 21 March.

Tonight there were seven matters raised. Mr Lenders raised a matter for the Minister for Housing regarding the social housing advocacy and support program, or SHASP. I will ask the Minister for Housing to respond to that.

Mr Ramsay raised a matter for the attention of the Premier regarding mobile phone coverage in parts of western Victoria, which was particularly important in the recent Dereel bushfires. I will ask the Premier to respond to that matter.

Mr Leane raised a matter for the Minister for Sport and Recreation regarding the bike and walking track between Carrum and Warburton — a fair distance for a regular morning walk. Nevertheless, I will ask Mr Delahunty to look into that.

Mrs Petrovich raised a matter for the Minister for Planning regarding planning around the Monument Hill precinct in Kilmore. I will convey that request to the Minister for Planning.

Mr Somyurek raised a matter for Mr Rich-Phillips in his capacity as Minister for Technology and requested an answer to a question regarding whether Victoria had made an offer to the federal shadow communications minister, Mr Turnbull, regarding fibre use in Victoria. I will pass that request on.

Mr O'Brien raised a matter for the Minister for Police and Emergency Services regarding Creswick Bowling Club and funds to restitute the facilities there following flood damage. I will pass that request on. I will also mention to Mr O'Brien that I will be in Creswick tomorrow, and I will endeavour to have a look at that problem myself. Tomorrow I am opening a training facility for a sawmill in Creswick. If any members are available and would like to come along, such as Mr Ramsay or indeed Ms Pulford, they will be more than welcome.

Ms Pulford raised a matter for the Minister for Public Transport and requested that he work with VicTrack to facilitate the rollout of the national broadband network in western Victoria. I will also pass on that request to the minister.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 6.05 p.m. until Tuesday, 7 May.