

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 16 October 2013**

**(Extract from book 13)**

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The Honourable ALEX CHERNOV, AC, QC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry** (from 22 April 2013)

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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
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Cabinet Secretary . . . . .	Mr N. Wakeling, MP

## Legislative Council committees

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

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

## Legislative Council standing committees

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

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

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

**Legal and Social Issues Legislation Committee** — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, Mrs Peulich, #Mr Ramsay and Mr Viney.

**Legal and Social Issues References Committee** — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, Mrs Peulich, #Mr Ramsay and Mr Viney.

*# Participating member*

## Joint committees

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

**Dispute Resolution Committee** — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh.

**Economic Development, Infrastructure and Outer Suburban/Interface Services Committee** — (*Council*): Mr Eideh and Mrs Peulich. (*Assembly*): Mr Burgess, Mrs Fyffe, Mr McGuire and Mr Shaw.

**Education and Training Committee** — (*Council*): Mr Elasmr, Mrs Kronberg and Mrs Millar. (*Assembly*): Mr Brooks and Mr Crisp.

**Electoral Matters Committee** — (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis. (*Assembly*): Mr Northe.

**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 Thomson, Mr Wakeling and Mr Weller.

**Independent Broad-based Anti-corruption Commission Committee** — (*Council*): Mr Viney. (*Assembly*): Ms Hennessy, Mr McIntosh, Mr Newton-Brown and Mr Weller.

**Law Reform, Drugs and Crime Prevention Committee** — (*Council*): Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick.

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

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

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

**Scrutiny of Acts and Regulations Committee** — (*Council*): Mr Dalla-Riva. (*Assembly*): Ms Barker, 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**

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**Deputy President:** Mr M. VINEY

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**Deputy Leader of the Government:**

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**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

<b>Member</b>	<b>Region</b>	<b>Party</b>	<b>Member</b>	<b>Region</b>	<b>Party</b>
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Melhem, Mr Cesar <sup>2</sup>	Western Metropolitan	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Millar, Mrs Amanda Louise <sup>4</sup>	Northern Victoria	LP
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pakula, Hon. Martin Philip <sup>1</sup>	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee <sup>3</sup>	Northern Victoria	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

<sup>1</sup> Resigned 26 March 2013

<sup>2</sup> Appointed 8 May 2013

<sup>3</sup> Resigned 1 July 2013

<sup>4</sup> Appointed 21 August 2013



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## Wednesday, 16 October 2013

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.33 a.m. and read the prayer.**

**The PRESIDENT** — Order! I inform the house that I have been advised that the Environment and Planning Legislation Committee and the Legal and Social Issues Legislation Committee will both be meeting this day following the conclusion of the sitting of the Council.

### PETITIONS

**Following petition presented to house:**

#### **Swinburne University of Technology Lilydale campus**

To the Legislative Council of Victoria:

The petition of residents of the outer eastern suburbs of Melbourne draws to the attention of the Legislative Council the proposed rezoning and sale of the Lilydale TAFE and university campus, which does not have the support of the local community.

The petitioners therefore request that the Legislative Council of Victoria ensures that the Swinburne facilities remain solely for the educational purposes, and that the land zoning is not changed to facilitate the breaking up of the Swinburne site.

**By Mr SCHEFFER (Eastern Victoria)**  
**(22 signatures).**

**Laid on table.**

### **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

#### **Budget estimates 2013–14 (part 2)**

**Mr ONDARCHIE (Northern Metropolitan)**  
**presented report, including appendices and extracts from proceedings.**

**Laid on table.**

**Ordered to be printed.**

**Mr ONDARCHIE (Northern Metropolitan)** — I move:

That the Council take note of the report.

In doing so, it is my pleasure to present this to the Legislative Council today. The Public Accounts and Estimates Committee is a joint parliamentary committee constituted under the Parliamentary Committees Act 2003, and it comprises seven members of the Parliament drawn from both houses. The

committee carries out investigations and reports to the Parliament on matters associated with the financial management of the state.

This second part of the report on the 2013–14 budget estimates is a detailed analysis of the 2013–14 budget, including the estimates and assumptions within it, and the government's plan as a part of this process and what that means for Victorians. Of particular interest is the clarity and transparency of information in the budget papers. These budget papers are of a very high standard. As part of the inquiry the committee has identified a number of areas where additional information could raise that standard even further.

In particular the Public Accounts and Estimates Committee identified three areas and themes that underpin a number of recommendations: the importance of providing information about significant risk, the need to explain substantial changes from one year to another and the value of defining key terms. The report provides a wealth of information on and analysis of the government's intentions in 2013–14 and beyond. It brings together data from the budget estimates hearings, the questionnaires distributed by the committee and the budget papers, making this a unique resource for all Victorians. A large amount of time and effort from a considerable number of people has been put into bringing this whole thing together.

This was a very important inquiry, and this report is a very important production. On behalf of the committee I would like to express our gratitude to the presiding officers, the Premier, the Deputy Premier, the Treasurer, the Assistant Treasurer, the Attorney-General, the ministers, the departmental secretaries, the heads of agencies and the many support staff who attended our hearings and provided detailed responses to our questionnaires.

I acknowledge the wonderful work of our secretariat — those who have been extremely supportive and exemplary in their duty in helping the committee to get to this stage of presenting this report. In particular I acknowledge the great work of the wonderful team comprising Valerie Cheong, Christopher Gribbin, Alejandro Navarrete, Bill Stent, Richard Jennings, Joe Manders, Melanie Hondros and Justin Ong. These people are wonderful supporters of the Public Accounts and Estimates Committee, and we would not be able to do the job we do without their wonderful work.

I also acknowledge my colleagues on the Public Accounts and Estimates Committee: the chair, David Morris, the member for Mornington in the other place; the deputy chair, Martin Pakula, the member for

Lyndhurst in the other place; Neil Angus, the member for Forest Hill in the other place; Jill Hennessy, the member for Altona in the other place; Robin Scott, the member for Preston in the other place, and my friend and colleague David O'Brien, MLC, a member for Western Victoria.

*Honourable members interjecting.*

**Mr ONDARCHIE** — I have never had so much support. All of us, together with the secretariat, make a positive and strong team, and it is my delight to present this report to the house today.

**Mr O'BRIEN** (Western Victoria) — I rise to briefly endorse the remarks made by my friend and colleague Mr Ondarchie and thank him for his contribution to this report. I would like to join him in thanking the entire committee as well as the secretariat, the witnesses who appeared before the committee and all the staff who spend months preparing for Public Accounts and Estimates Committee hearings.

The report, as outlined by Mr Ondarchie, continues the important work of oversight committees in seeking to hold the government of the day to financial account by requiring as much transparency as is possible in a Westminster democracy. Of those three key recommendations Mr Ondarchie outlined, I will touch particularly on recommendation 2, which would require budget papers to explain variations for any component of the budget estimates from one year to the next where the variation is close to or over \$1 billion, or more than 50 per cent of any item over the value of \$200 million. It is a recommendation that this committee has put forward continually to seek greater disclosure.

There are also recommendations about greater disclosure of base funding. In an estimates process we often hear about budgetary initiatives because they are new, whereas a lot of government involvement occurs by funding programs through the base, so the committee has sought greater transparency, particularly of variations in relation to those matters. When one looks at the difficulties being experienced in the United States at the moment in relation to the financial deadlock, one is grateful that a committee such as the Public Accounts and Estimates Committee exists in our Westminster system — one that is accountable to the Parliament, comprised of members of both houses and open to as many parties as wish to sit as members of it to make serious recommendations on improving financial scrutiny, transparency and accountability of government across the board.

**Motion agreed to.**

## PAPERS

### Laid on table by Clerk:

Auditor-General's Reports on —

Implementation of the Strengthening Community Organisations Action Plan, October 2013.

Prevention and Management of Drug Use in Prisons, October 2013.

Emergency Services Superannuation Board — Report, 2012–13.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2013.

Ombudsman — Report on the Investigation into the constitutional validity of aspects of Victoria's new integrity legislation, October 2013.

Parliamentary Contributory Superannuation Fund — Report, 2012–13.

VicForests — Report, 2012–13.

Victorian Inspectorate —

Report 2012–13, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to Department of Primary Industries.

Report 2012–13, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to Department of Sustainability and Environment.

Report 2012–13, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to Independent Broad-based Anti-corruption Commission.

## MEMBERS STATEMENTS

### Geelong rail services

**Ms TIERNEY** (Western Victoria) — The results are in: Geelong train commuters are the unhappiest in the whole state of Victoria. On numerous occasions in this place I have raised the issues facing Geelong public transport users, whether those be overcrowded car parks at Geelong stations, dilapidated facilities at stations such as North Shore and Corio, the consistently late arrival of V/Line services or train overcrowding. The government has been made aware of all of them.

The latest indication that the government is failing Geelong commuters is the recent RACV On Track survey, which has shown that only 6 per cent of commuters are happy with the service. Any business with an approval rating of 6 per cent from its customer base would cease to exist if it did not change its ways. Yet this government continues to ignore the problems. Geelong commuters reported the most overcrowding in the state, and were the second-most vocal about the

consistent lateness of V/Line services. This survey is yet another wake-up call for a government that just buries it head in the sand when it is called on to do some work.

The Napthine government will say that it is investing in the Grovedale train station, but the truth is that the member for South Barwon in the Assembly, Andrew Katos, and the Napthine government will provide only 200 car parks for the station, which will be full on its first day of use. This government has not provided money for upgrading the existing stations and there are no new services, yet \$8 billion is being tipped into a hole in Melbourne, which gives nothing to Geelong commuters.

### **Truck safety**

**Ms HARTLAND** (Western Metropolitan) — In the inner west we have more than 21 000 trucks travelling on our residential streets every day. This is where people live and where children go to school, child care and kindergarten. It is where people walk to the train station or the local shops, and it is where residents must share the roads with these trucks. Despite the increasing numbers of trucks on residential streets, this government has done nothing to progress solutions which we know will take trucks off residential streets, in turn making them safe.

The recent explosion of a Cootes transport tanker in New South Wales resulted in two deaths. This led to a series of truck safety inspections, which revealed that more than one-quarter of the trucks currently on the road could be a safety hazard. Here in Victoria 128 Cootes trucks were inspected, and 48 were taken off the road due to safety concerns. This clearly indicates a failure of current enforcement of safety standards for trucks.

I share Maribyrnong City Council's concerns for the safety of the inner west, and I support its call for an immediate ban on all large trucks on local roads in the city of Maribyrnong, especially roads on which there are schools and community facilities, pending a full audit of safety compliance controls and associated regulatory enforcement being undertaken by VicRoads.

### **Carers Week**

**Mr FINN** (Western Metropolitan) — This is Carers Week, and I would like to pay special tribute to those who care for so many in our community who need that care, and many of whom need that care just to live. As someone who has almost all his life had someone either very sick or with a disability as an immediate family

member, I know the importance of carers to the lives of so many across our state and indeed across our nation.

We have three categories of carers that I can see. We have professional carers, many of whom go way beyond the expectations of normal working conditions to offer support to their patients and clients. The needs of their patients and clients often become an integral part of the lives of those professional carers. Of course we have family members who make huge personal sacrifices to support elderly parents, ill partners, children with disabilities and so forth. They give up their personal ambitions and set aside personal advancement to be there for their loved ones when they are needed. And of course we have volunteer carers, who dedicate their lives to helping others without remuneration and without return. They are quite remarkable people in every way that I can see.

I do not know what the criteria are for sainthood these days, but I suggest that the carers of Victoria meet those criteria many times over.

### **Noble Park Community Action Forum volunteer awards**

**Mr TARLAMIS** (South Eastern Metropolitan) — On 12 October I attended the Noble Park annual dinner and community participation awards at the Noble Park RSL, where seven awards were presented to dedicated volunteers for their outstanding contributions to the community. At this event I was honoured to present awards to the following recipients.

Wayne Webster received the Sporting Achievement Award for his contribution to sport and recreation in the community through his work with young people, facilitating their participation in sport and recreation and providing outstanding leadership and mentoring. Gary Webster received the Youth Services Award for his efforts in providing encouragement and education for up-and-coming youth leaders and ensuring that they remain connected and engaged with the community in a meaningful way through active participation and engagement in community life. Fred Woodman received the Foundation Award for his selfless dedication and lifetime commitment to building on the 'struggle town' ethos on which Noble Park was founded.

Keith Maxwell and Gerard Koe both received the Community Award for leadership, support, advice and assistance to the local community. The Noble Park Community Centre art show committee received the Cultural and Service Award for its tireless efforts in promoting cultural endeavours not only to the local

Noble Park community but also to a wider cultural audience, and there was a posthumous award for Russell O'Brien, who was a Noble Park stalwart and one of the founding members of the former Noble Park-Keysborough Community Drug Action Forum. He sadly passed away earlier this year.

I would like to thank the members of the award judging panel — Jim Laidlaw, Helen Smith, Alf Goldberg, Roz Blades, Gaye Guest and John Meehan — for their efforts in selecting the award recipients, and I would particularly single out Gaye Guest for her tireless efforts in making this awards night both a reality and the success that it was. Finally, I acknowledge the Noble Park RSL and its president, John Meehan, for their ongoing support of this and many other community activities. They do so much for the local community, and this should be acknowledged.

### **Bushfire preparedness**

**Mr RAMSAY** (Western Victoria) — With the upcoming fire season nearly upon us and with fuel loads high, it is comforting to know that there have been significant investments in firefighting appliances and structures across western Victoria, despite the United Firefighters Union doing its best to alarm communities on firefighting capabilities, aided and abetted by Labor and Greens members, who sadly now seem to be the talking heads of the United Firefighters Union. The real story is that we have air support at last year's levels or better, with two Erickson Air-Cranes with 7500-litre capacities, as well as 41 support aircraft.

The Napthine government has increased the Country Fire Authority budget by \$31 million for this year, which will allow 142 new fire stations. I have had great pleasure to be with or represent the Minister for Bushfire Response, Kim Wells, during the sitting break to announce a new tanker for the Daylesford fire brigade as well as a new police station in Daylesford. I attended the opening of a new police station in Ballarat North, announced approval for the helipad and car park for the Ballarat Base Hospital and attended the opening of the new fire shed at Stoneleigh as well as a new community meeting facility adjacent to it, as I did at Chatsworth with the \$150 000 new community meeting facility.

Over the next month I will make announcements about fire appliances and structures across western Victoria, including at Pomonal, Lexton, Wendouree, Elmhurst, Hardies Hill and Mount Helen. This is a clear demonstration of the commitment of the Napthine government to invest in fire services and support our Country Fire Authority volunteers, who will play a

critical role in protecting our rural communities this fire season. I thank each and every one of them. They have given their time and resources free of charge to the state to provide fire breaks, fuel reduction burns and fire response for our protection.

### **Federal election commitments**

**Ms BROAD** (Northern Victoria) — Since the last sitting week, the very close contest in the federal seat of McEwen between two former members of this house was determined. I record my commiserations to Donna Petrovich and congratulations to Rob Mitchell. I also take this opportunity to call on the Liberal Party and The Nationals to honour their promises to the electors of McEwen, including the promise to provide \$325 000 in funding to assist the Macedon Ranges Netball Association with upgrades to its facilities; the promise of some \$170 000 for the Quarry Hills Park proposal, which is a terrific proposal in partnership with Conservation Australia volunteers; the promise to the Whittlesea Football and Netball Club for some \$262 000 towards plans for upgrading its facilities; and the promise to install traffic lights in Craigieburn. Those were all very worthy promises made by the Liberal Party and The Nationals, and I call on the coalition to honour them.

### **Hellenic Women's Cultural Association photographic exhibition**

**Mr ONDARCHIE** (Northern Metropolitan) — Last night I had the great pleasure of joining the ESTIA Hellenic Women's Cultural Association as it celebrated its 35th anniversary by opening a photographic exhibition at Parliament House. The exhibition is entitled Hellenic Women of Australia — Over a Century of Contribution and depicts women of Hellenic descent, who not only have excelled in their chosen fields but also women from all walks of life, dating back to the 1800s.

The Hellenic Women's Cultural Association of Melbourne was established in 1978 with the aim of promoting Hellenic civilisation, arts, tradition and culture to persons of Hellenic origin and to the wider Australian community. ESTIA has been successful in organising countless cultural artistic and traditional events and functions, ranging from theatrical and musical exhibitions to lectures, information evenings and interesting programs for women, senior citizens and the young. It is a wonderful organisation. I congratulate Mrs Angela Velos, president of ESTIA; and Ms Trish Drivas, vice-president of ESTIA.

This century marks the third century of Greek presence in this country. Throughout this time, in both the pre- and post-Federation periods, Greek women have been an integral part of the Hellenic contribution in Australia. I congratulate our Greek women on their leadership, their courage, their belief in the strength of the family and their determination to celebrate traditions and teach the next generation.

It was disappointing that there were no members of Greek origin there to celebrate with them last night.

### **Stan ‘The Man’ Longinidis**

**Mr EIDEH** (Western Metropolitan) — I am delighted to be able to congratulate a most inspirational member of my electorate, eight-time world kickboxing champion Stan ‘The Man’ Longinidis. Last Thursday, 10 October, Mr Longinidis made history as the first martial artist to be inducted into the Sport Australia Hall of Fame. Mr Longinidis has built a kickboxing career spanning more than 100 fights, and he became the first Australian to claim a world title in 1990. He has also claimed many other titles and awards.

Although he has fought in competitions all over the world, Mr Longinidis has never forgotten his beginnings as a young boy growing up in Altona North. As a 17-year-old he trained tirelessly in Williamstown and eventually gave up his job as a computer programmer to follow his dream of becoming a kickboxing champion. His great achievements are testament to his hard work and training over the years. The western suburbs have a proud history of high achievers, and today it is an honour to recognise another successful sportsman. Once again, I congratulate Mr Longinidis on his hard work and achievements throughout his career.

### **Oakleigh police station**

**Ms CROZIER** (Southern Metropolitan) — Last week I had the pleasure of accompanying the Minister for Police and Emergency Services, Mr Wells, to inspect the upgrade works at Oakleigh police station. The Oakleigh police station is just one of the 100 police stations across the state that will be undergoing upgrades, and it has received \$316 000 towards those upgrades. The government has allocated a total of \$56 million to go towards upgrades and refurbishments that will cater for the additional 1700 police and 940 protective services officers (PSOs) who are currently being recruited.

I understand that the recruitment of PSOs and police is going very well and that in the recruitment process of

females are outnumbering males. The Oakleigh police station is prepared for and catering for the larger number of female PSOs. As part of its refurbishment, the female locker room has been extended to accommodate those increased numbers. The upgrades at Oakleigh station are ahead of schedule, and it is anticipated that they will be finished by early November. There is no doubt that, despite those opposite scoffing at the idea and the condescending comments made throughout the PSO debate, the placement of PSOs across the metropolitan rail network has been a huge success.

### **Food and fibre producers**

**Ms CROZIER** — On another matter, I was pleased to join the Premier, Dr Napthine, the Minister for Agriculture and Food Security, Mr Walsh, and my colleague Mrs Coote this morning when the Premier announced at Ralph’s Meat Company at the South Melbourne Market the strong results for food and fibre exports, which have broken historic records. The Premier and Julian Ralph will be joining another trade mission to China next week. Ralph’s Meat Company has a long and proud history in our state, and its directors and managers understand the value of the opportunities that trade missions bring. The coalition government is committed to supporting business, jobs, a strong economy and opportunities through trade missions such as the one next week.

### **Roadworthiness certificates**

**Mr MELHEM** (Western Metropolitan) — I rise to speak on the proposed changes to be made to the roadworthy inspection certificate system within Victoria which threatens to create a situation in which there will be more unsafe vehicles on the road. The removal of the requirement for a roadworthiness certificate upon transfer of vehicles under the age of three or five years will mean we strip away the wide safety checks conducted by a qualified person.

The three new options proposed by VicRoads allege savings within the roadworthiness system. However, they will compromise safety. Recently the Victorian Treasurer, Michael O’Brien, announced an overhaul of the vehicle roadworthiness system, describing it as a red-tape blitz that could save taxpayers around \$73 million a year. However, this raises a concern. What needs to be weighed up is whether the small red-tape saving per individual on a frequent basis is worth the increased road safety risks which will affect 777 000 motorists.

Recently the Victorian Automobile Chamber of Commerce (VACC) has challenged the Victorian government's evidence used to propose changes to the state's roadworthy inspection on transfer system. In response to VicRoads consultation paper dated 23 July, VACC's submission dated September 2013 and entitled 'Streamlining Victoria's roadworthiness system', questions the quality of the data used by the government and strongly argues against changing the current system. VACC's submission also reveals that six years after removing the roadworthy inspection system for vehicles less than five years of age and introducing a shorter test, approximately 800 000 more vehicles, or 22 per cent, will be on the state's roads without ever having been subject to a safety inspection. I urge the government not to abolish the roadworthiness certificate requirement, as you cannot put a price on safety.

### Member for Pascoe Vale comments

**Mr ELSBURY** (Western Metropolitan) — The member for Pascoe Vale in the other place, Christine Campbell, has been blinded by her own political rhetoric in her spring 2013 newsletter. So desperate is she to find fault with the Napthine government that she is willing to make political points on increasing fines for people breaking our road laws by speeding and going through red lights.

**Mr Lenders** — On a point of order, President, I am very reluctant to raise a point of order during a 90-second statement, but the member is reflecting on Christine Campbell, the member for Pascoe Vale in the lower house. I put it to you that that ought to be in the form of a substantive motion, rather than in a members statement. Again, I am reluctant to raise a point of order during a 90-second statement, but I consider this a fairly grave breach and I urge you to ask him to rephrase his statement.

**Mr Ondarchie** — On the point of order, President, I remind the house that the previous speaker reflected on the Treasurer of this state in his 90-second statement.

**Mr Finn** — On the point of order, President, having listened to Mr Elsbury for less than 20 seconds, my view is that he was not reflecting on Ms Campbell; he was in fact reflecting on comments that Ms Campbell had made in her newsletter, as I understand it — a significant difference from what Mr Lenders is suggesting.

**The PRESIDENT** — Order! I first of all apologise to the house because Mr Koch and I were actually discussing another matter at the time Mr Elsbury

started. I apologise for the discourtesy to Mr Elsbury in that respect. It actually puts me at some disadvantage in ruling on the point of order, and I apologise to Mr Lenders for that.

I would make the point, though — and this is consistent with Mr Finn's comment — that it is a different thing to discuss in a 90-second statement remarks that might have been published in a newsletter in the discussion of an issue than to reflect on a member's conduct. As Mr Lenders rightly says, there are other mechanisms to pursue. If there is concern about the conduct of a member, our preferred course of action is to pursue that by way of substantive motion. Mr Lenders would be quite correct if that were the matter that Mr Elsbury was pursuing at this point. But as I said, if Mr Elsbury has embarked in his 90-second statement simply on a discussion of remarks published in a newsletter that has been publicly circulated, I do not see it as a problem for him to reflect on those in this place, provided he does not make substantive allegations or accusations against the member who circulated that information. Again, my apologies to both Mr Elsbury and Mr Lenders.

**Mr ELSBURY** — Certainly these remarks were printed in Ms Campbell's spring newsletter. Both the acts of going through a red light and speeding are irresponsible, and fines are justified in attempting to curb this behaviour. However, in her newsletter Ms Campbell chooses to use increases of \$4.40 and \$8.80 to fines associated with these offences to attack the government. Ms Campbell then goes on in her newsletter to raise the issue of increases in water prices of between \$50 and \$220. This is odd, because water prices have had to increase due to the construction of Labor's desalination plant, a legacy the people of Victoria will be paying off for the next 30 years, albeit with a slight reduction through the good work of this government to reduce that cost. Finally, Ms Campbell attacks the increase in tolls on the EastLink toll road. The Labor government had promised to deliver the Scoresby freeway but, following the election, it decided to put a tollway in its place. The people of Pascoe Vale deserve so much better.

### Organics recycling initiatives

**Mrs MILLAR** (Northern Victoria) — On 10 October 2013 I had the pleasure of accompanying the Minister for Environment and Climate Change, Ryan Smith, to the opening of Victoria's first purpose-built \$30 million organics recycling facility, operated by Veolia Environmental Services at Sunbury Road, Bulla, to process green waste. On the surface of it this might not sound like the most exciting invitation in your spring calendar, but after researching further,

and especially after talking with the site staff, I was very excited by this initiative to turn Melbourne's food and garden waste back into valuable compost and soil enhancement products which will be utilised by Victoria's farming sector. Victorians are already committed recyclers, but up to 40 per cent of the waste in our kerbside bins is food or green waste that currently goes straight to landfill. To further support this initiative Sustainability Victoria has launched the Back to Earth Initiative campaign to help Victorians better understand where their green waste goes and what they can recycle.

In addition to the infrastructure and public education investment in this area, the coalition government has committed \$500 000 over two years to help develop strong markets for recycled products, including organic compost, mulches and soil conditioners. A three-year trial is already under way in the Mallee to demonstrate the benefits of using the recycled organic matter in broadacre farming of valuable crops such as maize and canola. The trial will quantify the dual benefit of improving soil health and productivity as well as offering cost savings to farmers through reduced production costs. I congratulate Minister Smith and the very committed staff at Sustainability Victoria for their work in bringing this innovative initiative to fruition.

### **Barwon Health residential aged-care facilities**

**Mr KOCH** (Western Victoria) — A relentless advertising campaign underwritten by the Australian Nursing and Midwifery Federation and a petition supported by the member for Geelong in the Assembly, Ian Trezise, are accusing Barwon Health of cutting nursing care for aged-care residents. Barwon Health has had a local area agreement for nursing hours above normal ratios since 2006 to manage the amalgamation and transition to new larger facilities at the Alan David Lodge and Wallace Lodge. The transitional arrangements are now complete, and Barwon Health is moving to the state-mandated nurse-patient ratios, as agreed to in the recently signed enterprise bargaining agreement.

While going through the formal negotiation process the Australian Nursing and Midwifery Federation started a scare campaign about Barwon Health selling off aged-care accommodation in Geelong, which is false and has been refuted by the minister. This scaremongering is unsettling residents and their families with concerns about ongoing care and safety in what are essentially their own homes. The campaign uses letters to the *Geelong Advertiser* said to be authored by residents who I am advised may not have the capacity to write them, and the letters are often not

signed. This is disgraceful. This intimidating campaign is having a great impact on nursing home residents and their families, and it must stop. It is threatening the security of long-term residents who consider the facilities as their home, and it is damaging the reputation of the nursing profession. Barwon Health is a professional and reputable aged-care provider in Geelong and is striving to provide the best possible care for its elderly residents.

## **FIRE SERVICES LEVY MONITOR AMENDMENT (ENSURING FAIR AND EQUITABLE LEVIES) BILL 2013**

*Second reading*

### **Debate resumed from 18 September; motion of Mr LENDERS (Southern Metropolitan).**

**Mr P. DAVIS** (Eastern Victoria) — In dealing with the Fire Services Levy Monitor Amendment (Ensuring Fair and Equitable Levies) Bill 2013 I will make some general introductory remarks about the policy context of what is possibly the most substantial taxation reform in contemporary Victorian history. Certainly in the time that I have been in this place I do not recall there being a more profound reform to state taxation arrangements. It is a reform that was advocated for decades prior to its implementation and a reform advocated for by industry organisations, including the Australian Industry Group, the Victorian Employers Chamber of Commerce and Industry and the Victorian Farmers Federation.

I can recall that at conferences and general council meetings three decades ago during my engagement in the Victorian Farmers Federation this matter was of consequence. There was very significant discussion around the inequity of the fact that those who were willing and prepared to fully insure were subsidising those who were unprepared to fulfil their obligation to not just cover themselves for risk but also, importantly, contribute to generating the revenue for fire services, which was then based on an insurance premium levy.

In a contemporary context it is significant that I recall that, despite the rhetoric, for 11 years the previous Labor government failed to take any action other than look into it — to get out the mirror and look into it. Indeed I can recall this became an issue prior to the 2006 election. It was starting to be a hot issue, so the then Treasurer, John Brumby, strategically moved to look into it. He did not have an independent inquiry to look into it; what he did was set the Treasury off on a frolic to undertake a review. Of course that review did not report until after the 2006 election, by which time

the then Treasurer and the government had brushed the matter aside.

Regrettably, it took a royal commission to conduct an independent review, a royal commission that came about as a consequence of 173 deaths. That royal commission reported. To be fair, the government at the time of the report and the then opposition, now the government, committed to implementing a reform based on the recommendations of the royal commission. But I note that no action was taken by the previous government to implement that recommendation.

My view about this is that it is all very well for us to come into this place and, by rhetoric, make political points. It is all very well for the opposition to run disinformation campaigns in the electorate to confuse people who are not well informed about the detail of legislation. You would not generally expect the community to be well informed. After all, they delegate that function to legislators. But I think what has been occurring, and what this bill before us reflects today, is absolutely outrageous, and that is a disinformation campaign to damage the standing of the most significant taxation reform in contemporary Victorian history that will lead to greater equity and greater ability for transparency and certainty in funding of the fire services.

It is clear that all Victorians benefit from our world-class fire and rescue services, which are available to the community on both a professional and volunteer basis to protect lives and property 24 hours a day, 365 days a year. I give credit to all of those who work in fire services, be they professionals or volunteers, because they undertake a hazardous vocation. Those who are full-time professionals and those who are part-time volunteers equally share a burden of risk, and in my view they have an entitlement to be supported by the community — that is, by government — with adequate resources to discharge their function. In order to do that, there needs to be a secure line of funding.

When our fire services respond to incidents like the February 2009 Black Saturday bushfires, where as I indicated 173 people died and in fact 2133 houses were destroyed, I think we owe a debt of gratitude for the fact that we have a system in place that is able to respond, albeit there will be incidents where the response is not quick enough, timely enough or indeed sufficient because of the extent of the fire event. The fire services provide on-call capacity to protect Victorians equally in the city and the bush, including in relation to individual impacts of house fires and road accidents and rescues.

It is evident that most people in this place would respect the need to provide an adequate, sustainable level of funding to allow fire services to function effectively and to ensure that Victoria remains protected with high-quality fire services. As I alluded to earlier, the 2009 bushfire tragedy caused the then government to establish the bushfires royal commission, and one of the commission's key recommendations related to the funding of Victoria's fire services. The royal commission's firm conclusion was that the insurance-based system was highly flawed, unfair and in need of reform. This conclusion was echoed broadly across community and has been for a long time. Victorian households and businesses have repeatedly been frustrated by the inequity of the old system.

One of the main flaws of the previous system was that property owners who chose not to insure, or to underinsure or self-insure, made no adequate contribution to the funding of fire services. This was fundamentally unfair, and in any reasonable contemporary society the reality and perception of fairness is critical to confidence in the way that governance operates. A further problem related to what is known colloquially as a 'tax on a tax'. The insurance-based levy attracted additional stamp duty and GST on top of the stamp duty and premium. The additional taxes were in some cases close to exceeding the premium price, creating a strong disincentive to insure and therefore leaving people vulnerable to natural disasters and house fires. The previous system also allowed insurers to decide behind closed doors how to charge the levy, meaning similar properties were often charged vastly different amounts. The system lacked transparency.

The royal commission recommended that the insurance-based levy be replaced with a direct property levy to ensure that all Victorian property owners pay a fair contribution to our fire services — for reference, that is recommendation 64. On 1 July the coalition government implemented the reform that we are debating today. The abolition of the levy on insurance premiums is expected to lower the cost of insurance and in fact it generally has, albeit that insurance premiums are a matter for the market. Any consumer who is reading or listening to this debate is well advised to test the market and shop around. It has certainly been my experience that, while insurance premiums are not negotiable, there are competitive offerings. Unlike the former insurance-based levy, the property-based levy does not incur stamp duty or GST, and this will provide savings for many families and businesses.

The coalition government has also invested \$21 million in concessions for eligible pensioners and veterans, and

indeed this is in line with the royal commission's recommendation that there should be a concession for the vulnerable. Property owners who receive a rates concession are eligible for a new \$50 concession on the property levy, and this is of course a big win for pensioners, who previously received no concession. The government is obviously proud of the reform and particularly proud of the opportunity to make a change which will assist vulnerable Victorians to manage their cost of living expenses. Together these reforms will save households and businesses across Victoria more than \$100 million per annum, and I might say this saving is acknowledged by a range of community stakeholders whom I will refer to later.

The reform levy rates have been set so that the levy payable by the average household, business and farm is less than under the insurance-based system. For instance, the average insured household contribution in a Country Fire Authority (CFA) area is expected to reduce from an average of \$262 in 2011–12, the last full year of the insurance-based levy, to \$142 in 2013–14. Contributions from households in the Metropolitan Fire Brigade (MFB) area will reduce from an average of \$195 in 2011–12 to \$143 in 2013–14. The MFB and CFA budgets have historically been funded separately from their respective areas, and there has been no change to this arrangement under these reforms.

The government has put in place strong accountability mechanisms to ensure that insurance companies pass on savings to Victorians. The government has established an independent fire services levy monitor, headed by Professor Alan Fels, to protect consumers. Penalties of up to \$10 million apply for price exploitation or misleading and deceptive conduct. There are also strong safeguards to ensure that all funds raised via the reform levy go towards the CFA and MFB budgets. Levy rates have been calculated based on the budgets of both organisations, and the government collects the amount required to fund them less the government's own budget contribution.

Fire services are now receiving more funding than at any time under the former government. Since coming to office in 2010–11, the coalition government has provided the CFA with over \$1.84 billion. Budget funding has increased by a cumulative total of \$201.9 million since Labor's last year in office. Similarly the coalition has provided the MFB with over \$1.13 billion. Budget funding has increased by a cumulative total of \$64.9 million since Labor's last year in office. The coalition is proud of its reforms, which have been implemented after 11 years of inaction by the previous Bracks and Brumby governments, which as I

indicated earlier were all talk but no action. Therefore only the coalition can be trusted to make the necessary reforms to address longstanding issues of unfairness and inefficiency in the funding of the fire services.

It is my view that the introduction of this bill, along with the public rhetoric from the opposition, is a deliberate attempt to confuse the community about these reforms. For example, the shadow Treasurer, Tim Pallas, on 19 August in a radio interview on 3MP said:

Well, in fact, one of the disappointing things is certainly the fire services appear to have taken a substantial reduction in their real allocations from the government: \$66 million.

In actual fact, since the coalition government came to office, as I indicated a moment ago, budget funding for the CFA has increased by a cumulative total of \$201.9 million. Similarly, in relation to the MFB, the budget funding has increased a cumulative \$64.9 million since Labor's last year in office. Further, the shadow Treasurer in that same radio interview on 3MP on 19 August, when asked whether the government is collecting a lot more levy than in the past, said:

Well, you have got to suspect that that is the case, although if you take the Treasurer at his word, in his fairer, simpler fire levy, he says that they are not actually gaining any additional revenue. That is, quite frankly, unsupportable by the evidence, the overwhelming evidence.

He rambled on. He further went on to say:

They pretend that they are not getting more money out of it, but there is writ large right across this state, people are inundating my office and other opposition members of Parliament's offices with stories of massive increases that they are receiving.

However, the Department of Treasury and Finance is crosschecking levy collection with local councils, and the 2013–14 budget forecasts are accurate. The total amount of the revenue estimated to be collected from the fire services property levy in 2013–14 is \$610.9 million. In 2012–13 the old levy raised \$607.7 million. As I said earlier, the removal of the unfair tax on a tax and the introduction of the new pensioner concession has resulted in a benefit of more than \$100 million for households and businesses.

Encouraging people to complain about the levy without checking the facts, which is what Labor is doing, affects about 2.7 million properties in Victoria, because that is the number of properties on which a levy will be collected. I am advised that in relation to all this alarm and concern the proponent of the bill, Mr Lenders, has made only one representation to the Treasurer on the fire services property levy.

**Mr Lenders** interjected.

**Mr P. DAVIS** — Mr Lenders is disorderly because he is not in his place. If he were in his place and he interjected, I might respond, but I will not respond to such a doubly disorderly interjection. Lies about not guaranteeing that all funding goes to fire services are outrageous.

**Mr O'Brien** — He is in his place; he is next to the Greens.

**Mr P. DAVIS** — Mr O'Brien is in his place so I can respond to him. He is correct that Mr Lenders and the Greens are lined up together, as we all know they often are.

In a media release on 26 August the shadow Treasurer, Mr Pallas, said:

The minister can set the rates for the levy but won't guarantee that all funds raised will go directly into CFA and MFB budgets.

This clearly indicates that the opposition does not understand the legislation which has been enacted by the Parliament. In fact the government has committed that all revenue collected through the fire services property levy will go to supporting the state's fire services. Strong legislative safeguards are in place to ensure that this occurs. The fire services property levy rates are calculated based on the budgets of the MFB and the CFA, and the government will collect the amount required to fund them less the government's own budget contribution. Section 37 of the Metropolitan Fire Brigades Act 1958, the MFB act, and section 76 of the Country Fire Authority Act 1958, the CFA act, set the percentage contributions from the fire services property levy and the state government. In other words, that division between the two funding sources is clearly set out.

Section 12(2) of the Fire Services Property Levy Act 2012 cross-references the relevant sections of the MFB act and the CFA act in determining the annual levy rates. These three pieces of legislation, taken together, make it clear that the coalition government continues to fund 22.5 per cent of the CFA's budget and 12.5 per cent of the MFB's budget, and the remainder is funded from the fire services property levy. Labor collectively — it is not just Mr Lenders and Mr Pallas; I have heard other spokespeople from the ALP on this — is trying to hide from the fact that it failed to reform the system when it had the opportunity, particularly following the 2009 Victorian Bushfires Royal Commission, which said the previous system was flawed and in need of change.

It is not just the government that is boldly claiming great credit for a very significant reform, and it should be applauded rather than criticised by the opposition, albeit that having spent some time in opposition I understand that relevance deprivation syndrome causes oppositions to perhaps overstate the case, which is clearly being done here. I note that the endorsements from third parties are relevant. The Australian Industry Group Victorian director, Tim Piper, in a media release on 2 May said:

The changes to the Victorian fire services property levy announced by the state government today are important to the state economy. Spreading the funding responsibility for these important services to all residents, not just those who properly insure, is very sensible and will help create a much fairer system.

It is useful to note that the Council of the Ageing stated in a press release on Thursday, 2 May, that it welcomed:

... the state government's announcement today on the arrangements for the new fire services property levy.

The press release quotes the Council of the Ageing Victoria CEO, Sue Hendy, as stating:

We also welcome the concession announced by the government as this recognises the need for additional support for pensioners and veterans.

Acting CEO of the Victorian Council of Social Service, Carolyn Atkins, stated in a press release issued on 2 May:

The introduction of the fire services levy is a step forward for equity, as it no longer penalises people who purchase property insurance on the family home ...

I thought they were all good and useful contributions, but I particularly want to refer back to comments from the Victorian Farmers Federation (VFF). I say this with some sense of attachment because, as I indicated earlier, three decades of campaigning, of which I am aware, by the VFF have borne fruit to — —

**Mr Barber** — In another 30 years you will reform another tax.

**Mr P. DAVIS** — Mr Barber, I am really looking forward to your contribution, but you should continue to talk to your friend and ally Mr Lenders, the Leader of the Opposition, in your concerted partnership to come up with a way of confusing the community about what is an equitable and just social reform.

The VFF made a number of comments. I refer to the following comments from the VFF congratulating the government —

... on taking on one of the toughest reforms in politics: replacing the current fire services levy on insurance premiums with a property-based charge.

It means everyone who owns property will now contribute to the cost of running the state's fire services, not just those who fully insure.

The VFF has spent the past 15 years arguing with past governments to deliver this reform, using a fair and equitable model. We thank the Napthine government for stepping up to the mark ...

So said Mr Tuohey. Indeed in an opinion piece in the Ballarat *Courier* of 12 September Mr Tuohey said in part:

The announcement that the government would replace the grossly unfair fire services levy on insurance with a levy on all property proved the coalition is willing to take up and deliver on the tough issues and should be applauded for taking on one of the toughest political reforms in decades — one which the former Labor government did everything to avoid.

He went on to speak in the same article about problems with the rollout, and I have to say that I presume that with the genesis of this bill there will be a change, a transition, and people will have to understand and become comfortable with whatever that transition actually brings about. He proceeded in the opinion piece by saying:

But whatever the problems with the rollout, everyone should remember just how inequitable the current fire services levy has been as a means of funding the CFA and MFB.

How was it ever fair that those who fully insured their properties were left to carry the greatest burden, especially in regional Victoria?

As the Victorian Farmers Federation has repeatedly argued since the late 1990s, the fire services levy model created a tax on a tax on tax that more than doubled the cost of insuring your property.

It is also useful to note the endorsement of the Victorian Employers Chamber of Commerce and Industry (VECCI). A VECCI statement of 28 August 2012 states:

Today's announcement by the Victorian government of a new property-based levy to fund the state's fire services is a welcome reform.

VECCI chief executive Mark Stone says the new scheme, which will come into effect from 1 July 2013, provides a fairer and more transparent funding base that has the potential to save both households and business around \$100 million a year.

The press release quotes him as saying:

'By moving to a property-based levy that will be accompanied by the removal of GST and stamp duty costs

from current insurance policies, households and businesses alike will be better off', says Mr Stone.

In that press release VECCI claimed credit for campaigning against the inequitable cost of fire services. All that is useful background in the context of the broader debate about this reform. But I need to discuss some of the detail of the bill before us. The bill substantially seeks to amend the Fire Services Levy Monitor Act 2012.

**Mr Drum** — Not really.

**Mr P. DAVIS** — No; it purports to.

**Mr Drum** — Yes.

**Mr P. DAVIS** — I thank Mr Drum for that correction; I needed that adjustment.

**Mr Drum** interjected.

**Mr P. DAVIS** — Yes. It is true that it purports to significantly amend it. I will go through the bill in some detail and perhaps help Mr Lenders understand better the deficiencies of the bill that he has drawn so that he might go back to the drawing board and start again.

I have made some preliminary comments about the fact that essentially these reforms that have been introduced by the coalition government have been widely applauded and well accepted in the community, and no amount of misinformation, disinformation or political rhetoric will change the fact that this government did it and those opposite did not. We did it; they did not. They failed — totally failed — to make a substantive change, notwithstanding that they knew it was necessary to be made.

I go to the detail of the bill. The Fire Services Levy Monitor Amendment (Ensuring Fair and Equitable Levies) Bill 2013 — to remind us of the full title of the bill — seeks, or at least purports to seek, to amend the Fire Services Levy Monitor Act 2012 to provide the fire services levy monitor with additional responsibilities and powers, particularly with respect to the imposition of the fire services property levy.

It is important to note at the outset that the Office of the Fire Services Levy Monitor was established by this government to ensure that the interests of consumers are protected during the transition to the new fire services property levy. In particular the monitor is there to provide information, advice and guidance to consumers and the insurance industry in relation to their rights and to ensure that insurers do not engage in price exploitation by continuing to charge a fire services levy

after the introduction of the fire services property levy on 1 July 2013.

The premise of the bill claims to be the ‘fair and equitable operation of the Fire Services Property Levy Act 2012’, and in order to achieve this it purports to provide the monitor with additional responsibilities. However, this bill fails both in a policy sense and in its attempt to recast the existing legislation.

The proposed amendments in the bill largely duplicate what are existing functions, and they are mostly unworkable in both a technical and an administrative context. As such, the proposed amendments in this bill add nothing to the policy behind the fire services property levy or to its administration. This can be amply demonstrated by testing each of the clauses in this bill. Do not go away, Mr Lenders. Come back; come back.

**Hon. E. J. O’Donohue** — He can’t bear it. He can’t bear the truth.

**Mr P. DAVIS** — He is disinterested, absolutely. There is disinformation, misinformation and disinterest, and Mr Lenders has demonstrated that he is substantially disinterested in his own bill. In any event I will have to persuade the three opposition members who are sufficiently courteous to sit through my —

**Mr Barber** — I’ve got an open mind.

**Mr P. DAVIS** — Don’t tempt me, Mr Barber.

**Mr Barber** — My time’s running out. I’ve got to get a couple of good rises out of you.

**Mr P. DAVIS** — No, your time is not running out. My time is running out, so I am going to use every moment of it between now and the end of my time in this place. Indeed you will regret that you have provoked me to think about that, Mr Barber.

Coming back to my comments, as I said, we can amply demonstrate the deficiency of this bill by testing it through the clauses. For example, clause 4 of the bill purports to provide the monitor with additional responsibilities to review, monitor and promote the fair and equal operation of the Fire Services Property Levy Act 2012, particularly in respect of the imposition of the fire services property levy. However, the monitor can only review, monitor and promote the fair and equal operation of the Fire Services Property Levy Act subject to the requirements of the Fire Services Property Levy Act. The effect of this proposed amendment is to ask the monitor to make subjective determinations on what is to be considered fair and

equitable when those terms are not legally defined. In other words, it asks the monitor to introduce their own subjective interpretation and application of what is fair and equitable, potentially conflicting with the clear requirements of the law.

Furthermore, whereas clause 4 purports to outline additional responsibilities for the monitor, what it actually does is merely duplicate already existing functions. The bill seeks to require the monitor to provide reports on the revenue received from the fire services property levy, but there is already reporting on the revenue received from the fire services property levy, reporting which is published in the state budget papers, is publicly available and is reviewed by the Auditor-General. The fire services property levy amounts are reported in the annual financial reports of the state of Victoria and of Victoria’s fire services — that is, the Metropolitan Fire Brigade and the Country Fire Authority — which have requirements under the financial management act to publish detailed annual reports evidencing the funding received through the fire services property levy.

The bill also proposes to add the responsibility to monitor, investigate and provide recommendations to the minister to address any identified problems with insurance companies not reducing premiums to reflect the abolition of the fire services levy. But this functionality already exists under the legislation, and moreover the monitor has powers to take enforcement action against individual insurers. Where the bill fails even more decisively is in its proposal that the minister address any identified problems of insurance companies not reducing premiums to reflect the abolition of the fire services levy. It should be noted that the minister has no powers in relation to insurance companies under the Fire Services Levy Monitor Act 2012, so it is difficult to understand how the minister could remedy any problems identified by the monitor in this regard. Importantly, though, the monitor himself already has enforcement powers to remedy contraventions of the law.

Clause 4 also seeks to provide the monitor with the function of making recommendations in relation to any legal, administrative or policy amendments or changes required to ensure the fair and equitable operation of the fire services property levy. Again, this is a function that would duplicate what is already able to be done competently by relevant government departments and agencies. Moreover, the monitor does not collect the fire services property levy, does not oversee council administration of the fire services property levy and is not responsible for the fire services property levy legislation, so it is difficult to see how the monitor

would be better equipped to make recommendations on legal, administrative or policy questions relating to the fire services property levy than the competent government departments and agencies.

The bill also seeks to provide the monitor with the ability to investigate individual complaints concerning the operation of the fire services property levy and to make recommendations regarding appropriate remedial action. However, the bill is not clear on what sorts of complaints are envisaged. Most individual complaints are able to be dealt with through existing mechanisms — through councils, the State Revenue Office and/or even the monitor. The practical purpose of this amendment appears indeterminate and, to the extent that individuals can lodge objections against the fire services property levy liability, duplicates existing processes, as I have mentioned. Neither does the proposed amendment make it clear what is meant by ‘appropriate remedial action’. It simply does not deal with it. Nor does it address the question of the legal authority under which the monitor could recommend any remedial action. Quite simply, these proposed amendments say nothing and go nowhere.

Clause 5 seeks to make amendments so that the monitor may investigate a complaint that has been made to the monitor under this section. The section that this amendment seeks to add to is section 44 of the Fire Services Levy Monitor Act 2012. However, under the existing legislation the monitor already has the power to receive dispute complaints regarding the fire services levy. Even more bizarrely, clause 5 of the bill would only prima facie add a new complaints investigation in relation to the fire services levy and not the fire services property levy. This is because the proposed amendments relate to fire services levy disputes. A fire services levy dispute is defined in legislation as being a dispute only between an insurance company and a policy-holder involving a claim that the insurance company has engaged in price exploitation or made false representation or engaged in misleading conduct.

If this new proposed power was meant to accommodate investigation or complaints about the fire services property levy — and one would assume that this was its intended purpose, given that the whole premise of the bill is the fair and equitable operation of the Fire Services Property Levy Act 2012, which is also consistent with the proposed amendments under clause 4 of this bill — then clause 5 of the bill does not achieve anything in relation to the fire services property levy. In other words, the drafting is flawed. Hypothetically, even if the monitor were to exercise the proposed new power to investigate, the bill is absolutely silent on what happens next. It proposes no

further powers or course of action to the monitor to do anything after he has investigated.

Moving to clause 6 of the bill, this clause purports to provide the monitor with powers to make requests from the commissioner of state revenue and the Secretary of the Department of Treasury and Finance for such information as the monitor considers on reasonable grounds to be necessary to perform his functions or exercise his powers. It should not surprise anyone that the existing legislation provides that the State Revenue Office commissioner is already permitted to disclose information in relation to the administration of the Fire Services Property Levy Act to the monitor. Again, this is another example of this bill merely replicating an existing capacity. Strangely, the proposed amendment seeks to provide the monitor with the ability to request information from the commissioner under the Taxation Administration Act 1997, but there is no scope under the Taxation Administration Act for the commissioner to provide information relating to the monitor, and neither does the fire services property levy come within the framework of the Taxation Administration Act. This suggests that there is in fact a lack of understanding of how the fire services property levy actually operates.

Finally, clause 7 of the bill purports to expand the monitor’s reporting requirements to include the operation of the Fire Services Property Levy Act and revenue received from the fire services property levy, but, as noted previously, there is already a requirement to report on the revenue received in relation to the fire services property levy, so, again, all this would do is duplicate existing responsibilities. This clause proposes that the monitor include in his reports to the minister recommendations to address any systemic issues involving insurance companies engaging in price exploitation in relation to fire services levy reform; however, it has been identified by the monitor that any such issues would already form part of any report from the monitor, especially as this is a core function of the monitor. Even if this were not the case, under the existing legislation the minister can already request such a report from the monitor.

Aside from the fact that this bill merely duplicates existing functions and responsibilities, the broader issue this bill raises is the inclination to shift responsibility for overseeing a state tax to an independent body with none of the powers, responsibilities and delegations of a state tax administrator, such as the State Revenue Office. This would set an unusual precedent, as no other taxes are overseen by an independent body and no other state’s fire services property levy is administered in this way.

The main flaw in this bill is that it does not actually do anything. The proposed amendments largely duplicate existing functions, and to the extent that the monitor is provided with additional responsibilities, they put him in direct conflict with existing government departments and agencies that already have responsibilities to oversee the fire services property levy and to recommend relevant legal, administrative and policy amendments or changes required to ensure the proper operation of the fire services levy. Moreover, the nature of the proposed amendments are such that from a technical and administrative perspective they appear mostly unworkable.

I am disappointed to note that the Leader of the Opposition, Mr Lenders, who is the proponent of this bill, has not returned since I noted his departure from this chamber. The reason I am sorry that he is unavailable is that I wanted to engage with him across the chamber, particularly to make some remarks about the importance of bringing legislation into this place that is not, frankly, in my view, deceptive.

I am sure that there are some members of the opposition who have been reassured by the leadership group and shadow cabinet that bringing a bill in this place would assist them in dealing with constituent inquiries about the transitional period around moving from the old to the new funding system for fire services, but it is frankly disappointing that fundamentally this bill is at best flawed and at worst dishonest. I will allow others to make their own judgements.

What I say is this: it is a very significant reform. There will inevitably be individuals who have complaints about taxation reform because there are individuals who were not carrying their share of the load previously and who are now obliged to because there is a universal levy, regardless of people in effect choosing to opt out of paying towards fire services by underinsuring or not insuring whatsoever. It is a reform that has been long wanted by the community and largely advocated for by many community organisations, and its introduction has been applauded both by business organisations and by social welfare organisations, as I alluded to earlier.

I am proud to have been associated with this reform. I have to say that it is a reform which I am quite happy to take some small measure of pleasure in. I will not claim much credit for it, but I was certainly involved in the processes in the government to bring it to fruition. The credit for the legislative reform needs to go where it is deserved, and that is to the former Premier and former Treasurer, being Ted Baillieu, the member for Hawthorn, and Kim Wells, now the Minister for Police

and Emergency Services. They were the progenitors of this bill and ensured that this legislative reform came about. I congratulate the present Premier and Treasurer, Denis Naphine and Michael O'Brien, for their assiduous efforts in implementing the legislative change.

The community overall is comfortable with and applauds the reform. I personally have heard little critical comment about it directly — mostly overwhelmingly positive reports. I know that the opposition is endeavouring to find a way of using this reform as a wedge. What I find alarming about this is that it is politicising, in a very unhelpful way by the use of disinformation, an area of critical public service, which fire services are.

I feel strongly about this because so many of my communities in eastern Victoria have been so adversely affected by large fires over a long period of time — over the last decade — and it is important that we have the government, which is providing leadership, and the leaders of fire service organisations working harmoniously together to provide protection for the communities, who feel incredibly vulnerable during this time of significant threats to them because we have seen such a long period, regrettably, of disinvestment in fuel reduction burning. Therefore, there are large areas of our state in regional Victoria — —

**Mr Barber** — Going all the way back to Jeff Kennett.

**Mr P. DAVIS** — Prior to Jeff Kennett, I might say, and I take no pleasure — I am happy to pick up the interjection — that the reality is that from 1983 there was a serious step back in fuel reduction burning. I have to say, in that context, I congratulate the current government and the current Minister for Environment and Climate Change, Ryan Smith, on driving that agenda as recommended by the 2009 Victorian Bushfires Royal Commission — —

**Mr O'Brien** — And the previous inquiries.

**Mr P. DAVIS** — And previous inquiries; indeed the inquiry in which a former member for Northern Victoria Region, Donna Petrovich, was so involved when she was a key member of the Environment and Natural Resources Committee of the Parliament after the 2006 fires, which made recommendations as to fuel reduction burning. I remind members, because I think this is an absolutely critical point, that 173 lives were lost, more than 2000 homes were burnt and a royal commission undertook months of detailed investigation. The royal commission established an

expert panel to advise it on the issues of managing fuel loads. The expert panel recommended that in fact not 5 per cent but 8 per cent should be the target, as a rolling annual target, for sustained fuel reduction. The commission decided, from a pragmatic point of view, to make a recommendation that the government should seek to move from where we were, which was close to zero, to 5 per cent. The government accepted that recommendation and is part way to implementing it.

**Mr Barber** — What did Mr Comrie say about that?

**Mr P. DAVIS** — I have had that discussion in here before. Mr Comrie apparently has taken it upon himself to contradict an expert panel. I thank Mr Barber for allowing me the opportunity to reflect on Mr Comrie. It is incredibly disappointing that somebody of Mr Comrie's standing, the implementation monitor for the bushfires royal commission's recommendations, should take it upon himself, without any basis in fact, evidence or review, to completely contradict an expert panel — which advised the royal commission that then adopted the recommendations of that expert panel and itself made a recommendation to government — and imply that the expert panel got it wrong. I would like to see some basis in evidence for Mr Comrie's remarks in his most recent report. It is incredibly disappointing that somebody with such a responsible position in terms of ensuring the protection of people in our community should make those comments in a report and provide no evidence at all that would support such a contention.

I strongly argue that the government is obliged to fully implement this recommendation and to properly fund it. By funding, I mean fund the department to the extent necessary to provide the resources to achieve the 5 per cent target. When that target is achieved, my view is that the government should then review the position and adopt the 8 per cent target, which was in fact recommended by the expert panel. I know that will take resources from other areas of government administration, but I feel passionately about this issue because it is about protecting the lives and property, and mostly the human safety, of my constituents. I have turned up after too many fires over the last decade or so, and I am heartsick at turning up after bushfires to find that people have lost their livelihoods and their homes and, worse still, lost lives. Enough is enough!

I have just recently been in Western Australia. I looked at the south-west where, approximately this time two years ago, there was a significant fire in the Margaret River area. What I saw were exactly the same kinds of problems that we have in Victoria. Topographically, environmentally, in terms of rainfall events and the nature of the landscape, it is very similar to much of

Victoria. For the last 16 years, the Department of Environment and Conservation in Western Australia has failed to achieve more than 10 per cent of its targets. The target for the south-west was 200 000 hectares, and it has failed for 16 years to achieve more than 10 per cent. Because of the bushfire at Margaret River two years ago, they are now terrified to even light a match, so it is even worse than it was two years ago.

The issue here is that expert fuel and fire managers are giving advice to governments, but governments, because of political pressure from Mr Barber and his friends, are reluctant to implement those recommendations. My view about this is unwavering. The first obligation of government is to protect people, and part of protecting people is having adequate fire services, and part of adequate fire services is anticipating threats. In rural Victoria on a landscape scale the biggest threat to the communities — at least those I represent — are bushfires emanating from uncontrolled fuel loads. Until the Victorian government has courage sufficient to implement those bushfires royal commission recommendations in full, our communities will remain at risk.

Turning to the bill, I have set out very clearly that it is a flawed bill. It achieves nothing in a policy sense and it provides nothing but an opportunity for disinformation from the opposition. I oppose the bill.

**Mr BARBER** (Northern Metropolitan) — The lead speaker for the government, Mr Davis, I think described the Fire Services Property Levy Act 2012 as the most significant piece of state tax reform in 30 years. As on so many matters, I find myself in total agreement with Mr Davis. It is pretty pathetic, though, is it not, if this is the biggest state tax reform we have had in 30 years when the case for state tax reform is absolutely massive? That has been laid out not only in the Henry review but also in an earlier Victorian review of state taxation that may have even arisen under the Kennett government or perhaps in the early days of the Bracks government. I do not have it to hand.

The Greens supported this particular piece of state taxation reform because it met the criteria of efficiency and equity that we all strive for in seeking to design good ways of collecting tax. When we voted for the original legislation the Greens were certainly well aware that in almost every single case the financial outcome for each individual would be different. There was an inevitability in this. Given that we were shifting from a levy included in insurance policies to a tax based on property value, there would be a slightly different outcome for almost every single taxpayer.

In the interests of disclosure, I should point to my own example. I am actually the owner of a rural property.

**Mr P. Davis** — You're a grazier, are you?

**Mr BARBER** — Yes. It runs about three lizards to the acre. I have 1 acre of grass and a couple of fruit trees in the middle of the bush in the Otways. Certainly it was uninsured. I did not think there was anything on it worth insuring, so I was not paying for fire insurance on that 1 acre. But there is now a levy on my council rates. I am pleased to be adding to the available funds for fire suppression which, without going down that line, we all understand is of critical and growing importance with the now immediate effects of climate change that we are feeling here in Victoria. I was one of those freeloaders, if you like, that the principal act was meant to address, and it has done that very well.

As members would understand, naturally there will always be a wide range of different outcomes, with some people at either end — depending on the design of the tax — getting a reduction in what they pay and no doubt some, as in the instances brought forward by Mr Lenders, having a considerable increase in the amount that they pay. Whether that was an intended or unintended consequence of the tax, we have to look at every individual case. That is in fact one of the functions of the fire services levy monitor. It is good that we have a monitor. We are changing the method of taxation and we are relying to some extent on the necessary behaviour of insurance companies in order to deliver the reform, so it is appropriate that we have a levy monitor.

As I said, other forms of state taxation need to be reformed. We could go to the other insurance taxes that we have in Victoria — for example, a 10 per cent duty payable on general insurance premiums. That includes insurance against damage to motor vehicles, loss of home or contents and trauma and disabilities, but it excludes health insurance. Insurance taxes have high marginal welfare costs and in fact are one of the least efficient taxes available to the states. Insurance taxes result in rates being set artificially high, leading to underinsurance across the board. I am sure that this is something that has exercised the mind of the Assistant Treasurer, Mr Rich-Phillips, and his boss, the Treasurer.

Recommendation 79 of the Henry review states:

All specific taxes on insurance products ... should be abolished. Insurance products should be treated like most other services consumed within Australia and be subject to only one broadbased tax ...

which is otherwise known as the GST.

What did Mr Henry think that this revenue should be replaced with? He said a broadbased land tax. With the fire services levy the government was certainly moving down that general road, and so the Greens were pleased to vote for it. It seems that members of Mr Lenders's party were somewhat displeased to vote for it because they thought of it first but never did it. There is some of that discomfort still floating around, as seen in Mr Lenders's second-reading speech, in which he makes a whole series of statements that I do not necessarily endorse and some of which I do.

At the end of all that, we get to the bill itself, particularly the new functions of the fire services levy monitor proposed by Mr Lenders. They include the powers to review, monitor and promote the fair and equitable operation of the new levy and to report on the revenue received from the levy. In addition to the monitor's existing powers and responsibilities in relation to insurance premiums, he or she will have the power to monitor and investigate insurance premiums in the period after the abolition of the fire services levy. The monitor may make recommendations on the basis of his or her findings, including, I note, legislative recommendations.

There are any number of independent ombudspople out there, but not all of them have the power to make recommendations on changes to legislation. However, under Mr Lenders's scheme, this one would be able to tell Parliament how to do its job in a legislative sense. That is an interesting development in and of itself, and we see it in the next clause, which provides the monitor with the responsibility to make recommendations for any legal, administrative or policy amendments or changes to ensure the fair and equitable operation of the fire services property levy. Even the Auditor-General does not get to tell the government how to change its policies but simply looks at how those policies are being delivered. Mr Lenders would like to extend that power, or that responsibility, to this particular watchdog. The bill also gives the monitor the responsibility to investigate individual complaints in relation to the fire services property levy and make recommendations for remedial action. That would, of course, be on top of the role of the State Revenue Office Victoria.

In his contribution Mr Philip Davis suggested that some of these measures would be unnecessary, or a doubling up. I did not hear him say that they would do any damage to the scheme. Governments, of course, always think that their legislation is absolutely perfect, that it cannot be improved upon in any way, and certainly not

by upstarts from the opposition benches. Every time I have moved an amendment or introduced my own private members bill I have heard that spiel — from the last government as well as from this one — so I put no particular weight on that.

I have examined the bill, and I think the measures in it are quite worthy for the small number of people who are affected in this somewhat dramatic way due to a big increase in their contribution. It is appropriate that those individual cases be scrutinised and that mechanisms for that be available to those individuals, as well as to the Parliament itself, in a reportable fashion, because it may be that other tweaks to the design of this tax could come down the line. We do not know yet, I believe; we have not yet seen the results of it. But a monitor who reported in this way would certainly be valuable.

In fact it would be valuable if the state revenue office or some other body could report in the same way on the operation, efficient or otherwise, of all the other state taxes. Of course there is a great long list of them, in addition to tax concessions — or tax expenditures, let us call them — and they actually do need a lot more scrutiny than just that bland page or two of numbers that we see at the back of the budget and financial reports. From those reports we can see clearly that there are some very large, and possibly dubious, tax concessions being given out under our other major taxes. More detail, I think, is needed to understand how we could address some of those tax concessions that are made to all sorts of different bodies and are described as some of the most inefficient and non-transparent of subsidies — because that is what they are: they are generally subsidies. They run into the hundreds and hundreds of millions of dollars, and that is revenue that could be efficiently collected and used for important public purposes, just as we have done here with the fire services levy.

**Mr MELHEM** (Western Metropolitan) — This bill will address the severe failure of the Napthine government to implement the fire services property levy. It is worth noting that government members have chosen not to be briefed on this bill; instead they have decided to say a flat no. If they had chosen the briefing, then maybe they would have changed their minds and supported the bill. Nonetheless, because it has been proposed by the opposition, their standard position is to just say no. I listened to Mr Davis, who basically said there is no need for the bill because all these areas can be addressed by other agencies. That begs the question: what is the point of having the monitor? I suppose, as the name suggests, it is just a monitor; there is nothing else to it. I think those responsibilities could probably

be outsourced to someone else who can just monitor and write reports.

The original purpose of this legislation was to move toward the property-based levy referred to in the discussion paper that arose from the 2009 Victorian Bushfires Royal Commission. The Black Saturday fires left a deep scar upon many of our communities, as well as many fundamental questions as to how we can better deal with, respond to and mitigate bushfire danger in the 21st century, with the rapid onset of human-induced climate change.

Let us be honest about it. Mr Philip Davis criticised the former government for failing to introduce a fire services property levy. The same could be said about his government before that, and so forth. The fire services property levy was a recommendation of the bushfires royal commission. In fact I had the opportunity to write two submissions to those commissions. The first submission, which I wrote in my previous job, resulted from the 2006 fires. In my submission to the 2009 bushfires royal commission I actually called for a broadbased fire services property levy, because fire authorities like the then Department of Sustainability and Environment and the Country Fire Authority had been under a lot of stress. Their funding is basically dictated by Treasury advances.

The Labor Party has supported the introduction of the levy. Let us be clear: there is no argument about whether or not this levy should have been implemented in the first place. That debate is already done; it has been agreed to. The opposition has supported the legislation. What we are proposing here is to make sure that that legislation is implemented in a fair, reasonable and equitable manner. That is what we are talking about. If the government had taken the time to look carefully at the bill, I think we could have taken a joint approach and supported the amendment, but I suppose the government's pride would not let it do that.

In a media release on 13 May Treasurer Michael O'Brien referred to this scheme as a tax cut and said it would:

... result in savings of around 20 per cent for Victorian households, or around \$100 million a year for Victorian households and businesses.

The savings were meant to result from the fact that under the previous scheme the fire services levy payment was part of the overall insurance premium, meaning that GST and stamp duty were levied on the full amount, inclusive of the fire services levy. A 20 per cent saving was therefore assumed on the basis that the GST and stamp duty represented 10 per cent each.

However, the simple truth is that the levy has not given households the windfall in savings that Treasurer O'Brien promised. It would appear that it is costing households and straining the budgets of many households.

There are several issues relating to both the implementation of the levy and the unfair and inequitable operation of the levy. Firstly, with regard to implementation, there is the issue of double charging and frontloading of the fire services charges. We have seen insurance companies engaging in price exploitation. Double charging of the levy has arisen out of the insurer having to pay 12 months worth of fire services levy based on market share, which leaves them open to paying the full 2012–13 fire services amount, even if insured for only one day.

I refer to a few examples. Keith and Joy in Diamond Creek are a retired couple. They paid their home and contents insurance in February. It was levied at a rate of \$106.58. In September they paid their rates to the council, and the council levied the rate at the base value of \$100 plus \$46, an increase of 37 per cent.

Another victim of this double dipping is a dissatisfied Mount Moriac Liberal voter — not a Labor voter — revealed by an FOI request. That voter took out insurance on his family farm and found that not only had the fire services levy risen by 67.63 per cent and the premium by 11.6 per cent but it would be levied by the insurance company from July to the policy's end in October.

Secondly, many people are experiencing inequitable treatment at the hands of the fire services property levy as a result of having their land classed as commercial where it was previously classed as residential or are simply experiencing a gross increase in the amount levied. I will give another example, that of Mr Terry Williams of Pascoe Vale South. In May 2012 Mr Williams paid his home and contents insurance. The fire services levy was paid to the sum of \$91.61. In September 2013 Moreland City Council levied the rate at the base value of \$100 plus \$30.20, based on a capital improved value that was \$42 000 less than the sum for which the home was insured under the previous insurance policy. This is an increase of \$39, or 42 per cent. Here we have a case where the property was actually overvalued by the insurance company and undervalued by the council, yet the council levied Mr Williams an additional 42 per cent for fire services. I am talking about examples that the monitor could look into and recommend a proper mechanism to be put in place to ensure that Victorian taxpayers are not being ripped off.

There are a lot of cases like that of George, a constituent in Sydenham. To his surprise George was charged a much higher levy for his block of land, which has two units on it, due to his block now being classed as commercial. This is because of the adoption of the Australian valuation property classification codes under section 15 of the Fire Services Levy Property Act 2012. George discovered that the only way to solve this was to apply to the council for a subdivision, which will cost him \$791. This is an unfair amount to pay to escape this government's incompetence. Why should George be out of pocket for nearly \$800? It is another example of the sorts of things the monitor could look into to assist people like George, Terry Williams and others to resolve these issues.

We understand that any new legislation and any new tax will come with problems with implementation. This bill will put in place a proper independent mechanism to deal with the problems. That is what we are talking about. The monitor will be able to deal with these sorts of issues and recommend changes to government to make sure that the system is fair and reasonable. No-one is arguing about whether we need to have a fire services property levy in order to share the load.

For 20 years in my former job I dealt with the former Department of Sustainability and Environment on behalf of firefighters. We argued with governments all the time about reasonableness and funding for the fire agencies. This bill could resolve this issue so fire agencies are no longer at the mercy of advances from Treasury. The Assistant Treasurer is in the chamber. He will be arguing that money should not be passed on. That is a problem with every Treasurer and every government, whether Labor or coalition. There has always been a constant argument between Treasury and the appropriate minister about how much funding fire agencies can have. I was part of that constant argument for the last 20 years. Hopefully the fire services property levy can help to resolve that issue through having a mechanism in place to ensure a guaranteed source of income for these agencies so that going forward they can undertake long-term planning and we can avoid another tragedy like Black Saturday. I hope this state will not go through that again.

The point is not whether or not the levy should be introduced. It is whether the levy is introduced in a fair and equitable manner, whether ordinary people will get ripped off to the tune of \$50 or \$800 and whether we have a proper mechanism. Mr Philip Davis said they can complain to the council, they can complain to that agency and so forth. It is a minefield. People will give up. We need to have a simple process where taxpayers can pick up the phone and ring a dedicated

1300 number and speak to dedicated personnel who can deal with that, without incurring any cost. That is what this bill provides: the ability to talk to someone who understands the problem and can advocate on their behalf to resolve a dispute.

The complaint is not just from us. There has also been some complaint from the Liberal Party heartland. I have a few examples involving coalition members. Nationals MP Tim McCurdy, the member for Murray Valley in the other place, wrote to the Minister for Regional and Rural Development, Peter Ryan, asking him to consider an arrangement which promotes Country Fire Authority participation and leniency for its volunteers. The minister does not seem to have embarked on that course. It is troubling when members of your own government are not behind your policy. Further to that, there has been correspondence between the government and the Timboon branch of the Liberal Party. The branch noted that the fire services property levy has been a regular topic of conversation and concern at its meetings. It is concerning indeed when a branch of your own party is not even behind your own policy. They are members of the Liberal Party basically saying there are issues with the implementation of the levy, so it is not just opposition propaganda.

**Mr Lenders** — There are actually a few Liberal-Nationals members out there in Timboon.

**Mr MELHEM** — Absolutely, so probably they need to go and talk to those members. I have spoken in this chamber recently about the sheer number of ratepayers who are having difficulty paying their council rates. I think about 6000 people were pursued by councils in an attempt to collect money from people who were having genuine financial difficulty paying their rates, and now we are going to add that to that. Last night I received a response from the Attorney-General to an adjournment matter that I raised, and basically he just referred the matter to the Municipal Association of Victoria to fix it up instead of trying to take some action himself.

I return to the purpose of the bill. It is very important to focus on the purpose and not play politics. The intent of the bill is to make the fire services property levy fairer to ensure in a transparent way that the levy fulfils its original purpose: to deliver funding for firefighting authorities and agencies in a way that is fair and equitable.

The bill provides for an increase in the powers and responsibilities of the fire services levy monitor to monitor and investigate the problems with the fire services property levy, arming the monitor with the

necessary investigative powers to do so. There is no point having a monitor to investigate if the monitor has no power to do so. If you are going to give somebody a job to do, you have to give them the tools to do it. We do not believe the current legislation provides the monitor with the tools needed to perform the job. The bill adds to the duties of the monitor, making the monitor also responsible for the fair and equitable operation of the whole scheme. To this end it expands the reporting responsibilities of the monitor, also requiring the monitor to report on the fair and equitable operation of the levy.

Through increased investigative powers and quarterly reporting requirements the bill also ensures that Victorians are aware where the revenue from the fire services levy is going. Mr Philip Davis said that will be in the annual report and in the budget. It is important for us to tell Victorians where their money is going and to have a dedicated report explaining how much money was collected and where it was spent. That is not a bad thing.

Mr Davis also said the money will not be going into the general revenue. How can we be assured of that? We should make it part of the responsibility of the monitor to report to this Parliament on whether the money is going into general revenue or being spent on fire resources, fighting fires and fire prevention.

Further, under section 12 of the Fire Services Property Levy Act 2012 the responsible minister has complete and absolute discretion in the setting of the variable component of the levy. That could be quite dangerous. We need to have some independent oversight of the implementation of the levy, instead of the minister having total discretion. This levy must not become a general source of revenue. I have covered that earlier. We need to make sure that every cent of the levy is directed to the purpose for which it is raised: the protection of communities from the threat of fires through funding of the relevant authorities and agencies.

In conclusion, I go back to the purpose or reason for introducing this bill. Let us face it, this floundering government has been caught napping when it comes to ensuring the wellbeing of households and businesses. Basically it rushed the levy legislation through. It was asleep at the wheel. It did not think it through. Its legislation will cause and has already caused hardship for a lot of Victorians. It would not be hard for government members to say that there are some good points in the bill, and opposition members have made some good points, so let us sit down and deal with it. It is good to recognise that you can always improve

things. Nothing is perfect; you do not get things perfect on day one.

I urge government members to show some common sense and work through this to make the fire services monitor's job easy and make sure that the fire services property levy is implemented in a fair and equitable way. Government members seem to believe that because the opposition has proposed this bill, they should oppose it full stop. God forbid that the Parliament should allow opposition parties to propose bills!

This bill does not cost the government any money, and it does not hinder or take anything away from the original legislation. In proposing this bill Labor is saying that it wants the fire services monitor to ensure that the legislation is implemented in the way it was designed to be implemented and to deliver for Victorians. That is what Labor is saying; it is as simple as that. If we were putting forward an amendment that was going to destroy or alter the legislation or make major changes and cost the government a lot of money, we would say, 'Fair enough', and knock it on the head.

I urge government members to have a serious look at the intention of this bill and to rethink their position. It is not too late for them to come back and say that they are prepared to support this legislation. Government members could provide comments or amendments to the bill instead of saying a flat no. I have made that comment without consulting the member who moved the bill, my colleague Mr Lenders.

I commend this bill to the chamber. It would transparently ensure that levies are fairer and more equitable, and that has always been its main purpose.

**Mr DRUM** (Northern Victoria) — Politics is an amazing industry. People in this chamber not only change sides and go from government to opposition but they also try to rewrite history. This is another example of members of the former government attempting to rewrite history. It is trying to convince Victorians that it was also heading down the path of introducing a property-based fire services levy.

The beauty of the Parliament is that comments made here are recorded for eternity, so we can simply go back and look at what Mr Brumby said about the property services levy when he was Premier. In 2010 in the other place the Leader of The Nationals, Peter Ryan, asked a question of then Premier Brumby about whether he still purported that a property-based fire services levy would be a disgraceful policy, which is the way in which a levy of this kind had been previously described by

Premier Brumby. In his answer Premier Brumby in effect said that the then government's policy was for an insurance-based fire services levy and that he supported that policy.

A year earlier Premier Brumby had said that there was a system in place at that time where a levy was collected through insurance, and he said that if the government did not have that system, only one other option was available — a poll tax. That was the view of the Labor Party when it was in government. It wanted to do something that was fairer — and it acknowledged that the existing system was unfair and inequitable — but it could not work out what to do. Therefore Labor suggested that the existing system, which was based on an insurance model, was the best it could come up with. While Labor implemented a Treasury review to see what the figures would look like and to see what it could do along the way, everybody in this house and everybody who has followed this issue would know that Labor had no appetite at all for a property-based fire services levy. Mr Melhem wrote letters to the previous government urging it to do something, so he would know this. However, Mr Lenders, in his second-reading speech, in effect said that Labor had been heading down this path.

It needs to be stated that Labor had 11 years to do something about this. All it did during that time was implement a Treasury review. Through Premier Brumby Labor continued to endorse the existing insurance-based collection method, which was driving rural and regional Victorians absolutely crazy. It was a tax on a tax on a tax. Nobody in regional Victoria has a problem with paying for fire services, but the previous system was not working. Your original insurance premium would just about double by the time the fire services levy was included, and then you would have to add GST and then add stamp duty to the whole lot. As we know, this system has now been abolished.

I commend Mr Baillieu for what he did in his time as Premier. Kim Wells, the Minister for Police and Emergency Services, with the very strong support and urging of the Leader of The Nationals, brought the sectors together to work out how the levy could be collected in the fairest and most equitable manner. Now Premier Napthine and Treasurer Michael O'Brien are pushing these reforms through. This will go down as a significant achievement of the coalition government, and rightly so. I agree with Mr Barber when he said that it is a bit lame when something like this can be held up as one of the great tax achievements or reforms of the last 20 or 30 years, but that is a fact.

The fact is members of the opposition are now trying to jump on the bandwagon and say that the model we have introduced is not perfect and that they are going to therefore introduce a range of amendments to this legislation that, when combined with the arrangements already in place, will turn it into — I will not say a dog's breakfast — a whole raft of judgement calls that would make the fire services monitor's job and his legal standing somewhat of a confusing mess.

In effect we need a true and clear understanding of the concept. Labor had 11 years in government. It was always under pressure from the coalition opposition to do something about the ridiculous way the fire services levy was collected and to justify the government windfall that came from the GST and stamp duty that was paid on top of the fire services levy and the insurance premiums. The coalition government has done away with that government windfall to the tune of about \$100 million, so right from the start, GST and stamp duty no longer enter into the calculations. We are not taking that additional money from the people of Victoria. Collectively every household in Victoria is now better off. The government had to make provision for that \$100 million saving to the people of Victoria, and it has done that year on year.

While we are talking about the savings to the people of Victoria from the fire services levy, opposition members keep pushing untruths about how somehow or other the government is getting more from this new collection than what is being spent on fire services. It is a ludicrous claim. It is irresponsible as well as deceitful. The fact is the rate that is charged to every property is set by what needs to be spent on the fire services levy, minus the contribution the government puts into each of the respective fire services — the Country Fire Authority (CFA) and the Metropolitan Fire Brigade. We start with what we need to spend.

Another untruth that opposition members are pushing is that the government has somehow cut CFA funding from what it was under the Labor Party. What a joke! Mr Davis quoted the figures today; collectively we have spent more than \$200 million over and above what was previously provided by the Labor government in the last budget it handed down — that is, record spending.

Members would understand that there was a record amount of money spent on fire services and fire suppression in that first year after the Black Saturday bushfires. Assets had to be renewed. A lot of the recommendations by the 2009 Victoria Royal Bushfires Commission were expensive to implement and needed government money invested in them. The year

following the Black Saturday bushfires saw the biggest budget ever allocated to fire services in the history of the state. The second biggest budget came the following year. Although it was not as big as that very first budget, it was the second biggest amount ever spent on fire services in Victoria. As I said, we have invested an additional \$200 million in our fire services. Therefore it is plainly dishonest for anybody in the Labor Party to suggest that we have cut \$60 million from the CFA budget. It is deceitful and untrue, but Labor Party members will continue to do that because that is the way they often go about their trade.

Following the recommendations of the royal commission, we have pushed ahead with this particular tax reform and have implemented the new property-based model. It needs to be put on record that approximately six months after the royal commission began its work we made a strong commitment to the people of Victoria to adopt each and every one of the commission's recommendations. We were not going to cherry pick the ones that were easy to implement and put the others in the too-hard basket. We made that commitment. We have put in place the fire services levy monitor following the royal commission's recommendations to ensure we go about this work in a professional and steady manner and to make sure there are checks and balances on our actions in implementing all the recommendations. We have put our own monitor in place to ensure that the work we are doing will eventually bring about the complete implementation of those recommendations.

When you look through the Fire Services Levy Monitor Amendment (Ensuring Fair and Equitable Levies) Bill 2013 that Mr Lenders has brought before us, you see there are some worrying aspects, starting with, for instance, clause 4, which purports to outline additional responsibilities for the fire services levy monitor but merely duplicates the existing functions.

This bill seeks to require the monitor to provide reports on revenue received from the fire services property levy. All the money raised by the property-based fire services levy is easily accessible in the state budget papers. The money invested in the fire services authorities is listed in their annual reports. Anybody who has half an interest in the collection of this new fire services levy merely needs to look at our own state budget papers and the annual reports of the Country Fire Authority and the Metropolitan Fire Brigade. These are publicly available. Over and above that openness and transparency, these moneys are reviewed by the Auditor-General. That is the financial reporting we have put in place to ensure that these moneys can easily be traced and accounted for. Mr Lenders thinks

that the monitor needs additional powers so he can effectively introduce his own interpretation of where these moneys are and so that those financial reports can be given to him separately. That does not make any sense whatsoever.

The bill also gives the monitor the responsibility to investigate any perceived problems of insurance companies not reducing their premiums and to provide recommendations to the minister to address those issues. This function already exists in the legislation that we passed many months ago. Under that legislation the monitor has the power to take enforcement action against individual insurers. This is a very serious issue. Fines of up to \$10 million are in place for insurers who are found guilty of breaching this law by overcharging and taking advantage of the confusion about whether people are paying a fire services levy. We legislated to ensure that this cannot happen. We put the fire services levy monitor in place to ensure that it did not happen. The extra responsibilities that the opposition claims the bill provides the fire services levy monitor are already in place under the existing legislation.

The bill fails even more decisively in the proposal that the minister should get involved in addressing the problem of insurance companies not reducing their premiums. The minister does not have the power to perform this function now. We have continually said that there is a real opportunity for Victorians to shop around, especially following the fires that ravaged this state on Black Saturday and the floods of two years later. It was reported, and I think it is common knowledge, that following the floods many insurance companies were forced to include flood protection in their standard policies. As a result there was a substantial increase in the premiums of many insurers because they were now offering full flood protection as part of their basic policy.

The coalition government has been vocal in telling Victorians to shop around for insurance to ensure that they get the exact policy they want rather than the first one that is offered to them. Once this reform has moved through, if anybody has issues about their insurance premium and believes it has not been reduced by a substantial amount due to the fire services levy, they should be out there shopping around and making sure the market does its job in bringing down the cost of insurance.

I also want to touch on clause 6. This clause purports to provide the monitor with the power to make requests to the commissioner of state revenue for information that the monitor considers reasonable to perform his

functions and exercise his powers. Again, this is already provided for in the existing legislation.

When you go through Mr Lenders's bill, you will see that it does nothing, and it does not provide any benefit for the people of Victoria. The opposition had a rolled gold opportunity to do something about this inequitable tax for 11 years when it was in government. The then Premier was criticised about this on a weekly basis, yet he refused to budge. History will paint the Labor Party as the party which governed for 11 years and refused to touch the fire services levy. Social and welfare agencies around Victoria, the farming community and industry groups, including the Victorian Employers Chamber of Commerce and the Victorian Farmers Federation, have been calling for these reforms for decades. As Mr Davis said, there have been calls for these reforms since 1983.

It was not done then but it has been done now, and we would suggest that it needs to be supported. It was begrudgingly supported by Labor, but we have to be very careful about the way other people, potentially the opposition, would like to rewrite history surrounding what it was going to do. Victorians who have been following this issue would know that Labor was never going to introduce a property-based fire services levy. It was always going to stick with the model that was based on insurance, and it was very happy to receive a tax on a tax on a tax in perpetuity.

Labor is now saying that there are many people around the state who are paying additional fees — not just as in Mr Barber's case, where a vacant block of land was left uninsured. Yes, there are some who have come into my office with an issue in relation to blocks of units on a single title, and yes, that is an issue, and we will work through that. However, Labor is effectively adding misinformation to the debate when it knows that in general the system is offering discounts for people in Melbourne and in regional Victoria. What they are now paying is considerably less on an annual basis. We are putting more money than ever before into the fire services, and that is something that we need to be very much aware of.

It has taken responsible financial management from the coalition to be able to afford the \$100 million that we are no longer receiving via the triple whammy of a tax on a tax on a tax. That is a real cost that this government has been able to absorb through a whole range of financial management measures. It gives an inkling as to why the previous government refused to change the system from one considered by everybody to be unfair and inequitable, something that former Premier John Brumby supported — —

**The ACTING PRESIDENT (Mr Finn)** — Order! The level of conversation in the house has risen significantly in the last minute or so. I am having a little bit of trouble hearing Mr Drum, and I am sure Hansard is having the same degree of difficulty. I ask members to be considerate and keep their voices down if indeed they feel it necessary to have a discussion. Thank you very much.

**Mr DRUM** — In conclusion I would like to again congratulate Kim Wells and former Premier Ted Baillieu for pushing ahead with these reforms. I would like to thank all of the members of The Nationals who have been advocating for these changes for many —

*Honourable members interjecting.*

**Mr DRUM** — The Liberal Party was happy to come along for the ride as we pushed this reform through, and we were happy to bring it along with us. It is something we are very proud of. We need to restate the fact that the previous government refused to act in this way. The former Treasurer, who now brings this bill before the house, knows deep down that Labor was never going to produce these reforms. Mr Melhem was writing letters urging Labor to do something about this, but nothing happened. Yes, there are some people paying additional costs, but the vast majority of Victorians are paying hundreds of dollars less on an annual basis.

The strong financial management of this government has enabled it to bring about these reforms. It is going to make everybody part of a fairer and more equitable system to raise the money that we need for our volunteers and professional firefighters in order to give them the support and assets necessary to do the job that we expect and that they love doing. The protection of our lives, our assets and our property is absolutely critical to the state. Very soon we are going to be calling on them for that protection. There is record funding going into the CFA and the MFB, and that is only because this government knows how to manage money.

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Ventnor planning decision

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning. I refer to the minister's intervention in Ventnor and to the investigation the Ombudsman has initiated under section 15B of the Ombudsman Act 1973. On more than 17 occasions in

this chamber the minister has refused to provide any explanation for his conduct at Ventnor. I ask the minister: will he assure the house and the community that he will fully cooperate with the Ombudsman's investigation?

**Hon. M. J. GUY** (Minister for Planning) — The premise of Mr Tee's original question is utterly factually incorrect. The second point is that I understand the Ombudsman is conducting an investigation into my department. Importantly, I am not aware of the specifics of what the Ombudsman is seeking to inquire into, but any matter he seeks to inquire into I will obviously cooperate with.

*Supplementary question*

**Mr TEE** (Eastern Metropolitan) — I thank the minister for that assurance, but I suppose my concern is that the minister's conduct in the past may set an example for others. I want to ask the minister to use this opportunity to publicly encourage his advisers — including former advisers like Ms Bartel; Liberal Party members like the federal environment minister, Mr Greg Hunt, and the member for Bass in the other place, Mr Ken Smith; and the former planning minister, Mr Maclellan — to come forward with any information they have and to fully cooperate with the Ombudsman's investigation.

**The PRESIDENT** — Order! I rule the supplementary question out of order. It was not a supplementary question, it was actually a speech. It did not seek that the minister give an effective response; it asked him to encourage other people to do things. In my view it was not within the bounds of the minister's responsibility.

**Mr Tee** — On a point of order, President, the Ombudsman is conducting an investigation into the decision-making process around Ventnor. Part of that involves the conduct of a number of individuals. My question to the minister is for him to publicly encourage anyone with information — including those individuals, but anyone with information — to come forward and provide that information to the Ombudsman.

**The PRESIDENT** — Order! Mr Tee, I have heard that.

*Honourable members interjecting.*

**The PRESIDENT** — Order! To encourage somebody is not a question. My command of the English language might not be terrific, but the way Mr Tee worded that was as a statement; it was not a

question. To ask the minister to encourage other people to do things does not fall within the bounds of a supplementary question, notwithstanding that the subject matter was the same as the substantive question. Frankly, it was so wide of the mark in terms of not at all approaching a question that I did not give Mr Tee a chance to rephrase on this occasion. Normally, as Mr Tee knows, I give members an opportunity to rephrase, but on this occasion he was so far wide of the mark that I just did not feel even that was appropriate.

### Monash Children's

**Ms CROZIER** (Southern Metropolitan) — My question is to the Minister for Health, Mr Davis, and I ask: is the minister aware of any key reports recommending the expansion of children's health services in the south-east of Melbourne, and can he explain why these reports were ignored?

**Hon. D. M. DAVIS** (Minister for Health) — I thank Ms Crozier for her question. As a former nurse, she has a strong interest in health services. Like me, as a member of Southern Metropolitan Region, she has a strong interest, as do those in South Eastern Metropolitan Region, in better children's services and children's health and hospital services in the south-east. That is one reason the Baillieu-Napthine governments have pushed forward so strongly to ensure that the Monash Children's hospital is built. In our first budget we committed significant resources.

**Mr Jennings** — You did not.

**Hon. D. M. DAVIS** — We actually did, Mr Jennings. In 2011–12 it was \$8.5 million, and in 2012–13 we committed another \$7.3 million. In the budget update we committed the full amount, and the process is moving forward very strongly. As I indicated to the house yesterday, the managing contractor tender is out, and we will very shortly appoint the managing contractor.

What I have to indicate in response to Ms Crozier's question is that in 2002–03 there was a detailed review of Victorian paediatric services. That was a very important review that was designed to frame up the services of the Department of Human Services, as it was at that time. That review made a number of recommendations about services at Monash Medical Centre, including the expansion of those services. There was a clear recognition at point 7.2b about Monash Medical Centre and the need to develop a strategic plan for its services for greater secondary provision, appropriate high-volume tertiary services, improvement in paediatric emergencies, expansion of paediatric beds

in operation and a focus on child and adolescent health. All of these were very important steps.

But what did not flow from that under the previous government was a decision to build the Monash Children's hospital. How long did it wait — 2004, 2005, 2006, 2007, 2008, 2009, 2010? Did it commit money in 2010? Not on your nelly — not one ounce of budget money in its whole 11 years of government. Not one cracker!

I have to say that the Leader of the Opposition in the Assembly, who is today down in Bentleigh, ought to apologise to the people of the south-east. He ought to apologise. His first step ought to be to say, 'I'm sorry'.

**Mr Lenders** — On a point of order, President, I have listened to the minister closely. I am trying to work out how this has anything to do with government administration and is not debate. I ask you to ask him to cease debating the question. What the Leader of the Opposition may be saying in Bentleigh — while we wish it did — has nothing to do with government administration. I ask you to ask him to stop debating the question.

**Hon. D. M. DAVIS** — On the point of order, President, I was asked about the expansion of children's services and whether there were any reports that were ignored. I have indicated that there was a very important report in the early 2000s, and the report was ignored. It is relevant and pertinent to the question that through much of that period the health minister and Parliamentary Secretary for Health was the Leader of the Opposition, Daniel Andrews.

**The PRESIDENT** — Order! Let us not debate the point of order. The first thing I suggest is it would be more effective in terms of the conduct of the house if the minister's remarks were directed through the chair rather than at the opposition. That might also ensure that he does not point at me as he points at the opposition, because I think that is provocative and is not helpful. I ask the minister to address his remarks through the Chair.

In terms of the substantive point of order raised by Mr Lenders, I must say that the answer is tending very strongly towards debate of this matter rather than perhaps being directly responsive, as I would have hoped, to the question that was put. I understand that the question was about reports and so forth and the minister is responding to whether or not there was action on a report, particularly a funding provision, against what might be achieved in terms of this new hospital facility. But the minister is tending to stray into

the area of debate when he talks about what the Leader of the Opposition might be doing somewhere else today.

**Hon. D. M. DAVIS** — As I said, there was a report in the early 2000s, and that report was ignored. It was ignored by the previous government, but this government is getting on with the job. The funding was allocated from our first budget. We purchased new land to enable the Monash Children's to be built — \$8.5 million and three blocks of land to expand the footprint of the Monash Medical Centre to enable the new children's hospital for the south-east to be built on that area. Further scoping money was put in the year after, and then in the budget update is the real McCoy. The project is going forward. The tender is out for the managing contractor, and that will be appointed very soon, and the project is on track.

This government, in each of its three budgets, has committed major tranches of money for the Monash Children's. In the 11 years of Labor it committed not one cent in any year — not one cent! It waited until the 2000 election and made a hollow election promise — a promise that it never intended to keep. It did in fact seek to hoodwink the people in the southern suburbs.

**Mr Lenders** — On a point of order, President, on the matter of debating, election promises of oppositions are by definition nothing to do with government administration. I ask you again to bring the minister back from debating the question to the issue of his government's administration, as the questioner asked.

**The PRESIDENT** — Order! On the point of order, an election promise might well be apposite to a matter that is being considered by the chamber and be in order in an answer, but on this occasion I concur with the Leader of the Opposition. When an election promise is raised as part of the answer and there is also speculation as to whether or not that promise might have been kept, that is very clearly debating the answer. I accept the Leader of the Opposition's point of order in that respect.

**Hon. D. M. DAVIS** — President, I thank you for your point, but the key thing here is that the community understands —

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

### Ventnor planning decision

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning. I refer to the minister's intervention in the Ventnor matter and his decision to

rezone the farmland into effectively a multimillion-dollar development. That decision was contrary to departmental advice and legal advice and the recommendations of at least one independent panel and was contrary to the wishes of the local council and the local community, so my question is: what explanation can the minister offer for his conduct?

**Hon. M. J. GUY** (Minister for Planning) — In case Mr Tee missed my 45-minute contribution on this matter the last time he raised it in Parliament, and indeed in case Mr Tee missed the fact that he has asked 10 questions on this — I offered him 20 but he asked me only 10 questions — I would simply say, first of all, yet again he has not even got the details of the first part of the question right, and secondly, if Mr Tee wants to talk about not taking departmental advice, there was a matter at Serendip Sanctuary near Geelong on which I did not take departmental advice and moved to reject a rezoning to protect the sanctuary from overdevelopment, which was a matter that Mr Tee supported me on. Mr Tee should be consistent when he walks into this chamber and asks questions along these lines.

### *Supplementary question*

**Mr TEE** (Eastern Metropolitan) — My concern is that with the Ombudsman's investigation, the minister, his conduct and that of his department are under a cloud while the investigation is continuing, so what I am doing is offering an opportunity, asking the minister to take this opportunity, to make a statement explaining his conduct, which is not what he did in his answer to the substantive question. I am asking him to take the opportunity, make a statement explaining his conduct —

**Hon. M. J. Guy** — What's the question?

**Mr TEE** — The question is: will you clear the air? Will you explain why you rezoned this land contrary to that advice? Will you take this opportunity to clear the air?

**The PRESIDENT** — Order! Because I was harsh the first time I will allow the minister to answer this one, but Mr Tee really has to look at his supplementary questions, because again, 'Will you clear the air?'. I think this goes more to any responsibilities the minister has with the Environment Protection Authority than planning. Mr Tee has tripped himself up today partly because he is trying to editorialise in his supplementary questions rather than actually going to a supplementary question. Apart from anything else, I am not sure that it gets the best response from the minister in terms of the

sort of response that Mr Tee would want. On this occasion I will allow the supplementary question, but if Mr Tee has further questions and further supplementary questions, I ask him to please review them.

**Hon. M. J. GUY** (Minister for Planning) — Talk about opportunity lost! I will clear the air on one thing, and that is what the context of a supplementary question needs to be — relevant to the substantive question and relevant to the acts I administer. Will I clear the air? I say to Mr Tee again that he moved a motion in this house on which I spoke for 45 minutes, and his union buddies who came in here then all tweeted that I was speaking for too long. First of all, Mr Tee moved a motion and I came in here and spoke. I went through every point he raised, point by point, and cleared the air. Now he comes back three weeks later and says, ‘Will you clear the air?’. I might clear the air about one thing: Labor’s shadow Minister for Planning is not up to the job.

### Homelessness programs

**Mrs MILLAR** (Northern Victoria) — My question is to the minister for homelessness, Wendy Lovell. Can the minister inform the house how the Napthine government is helping to address homelessness and specifically about what is being done to support outreach services in Melbourne’s CBD?

**Mr Lenders** — On a point of order, President, just for clarification, on the administrative arrangements we have been given there is no minister for homelessness. It is a serious question. It is obvious that the question is to Ms Lovell, but if there has been a change in the administrative arrangements, as a courtesy this side of the house would like to be informed of what they are.

**The PRESIDENT** — Order! The minister advises me that there is no change, that the question has been directed to her in the context of her responsibilities as Minister for Housing, and in terms of the provision of public housing that clearly involves homelessness and addressing homelessness issues. However, the correct portfolio title for the question to be directed to on this occasion is the Minister for Housing. I thank the Leader of the Opposition for raising the point.

**Hon. W. A. LOVELL** (Minister for Housing) — I thank the member for her question and ongoing interest in those less fortunate than ourselves, particularly those who may be sleeping rough in the CBD of Melbourne. This week is Anti-Poverty Week, so it is a wonderful opportunity for the member to ask this question and for me to answer it. I was proud at the start of Anti-Poverty Week to make an announcement of \$1 million in

funding over two years to support the Salvation Army’s Melbourne Project 614. Melbourne Project 614 is a comprehensive street outreach and support program. Its future was in doubt because of funding sources from other areas coming to an end. The Napthine government funding means people who are sleeping rough will continue to have a service that comes to them and responds in a holistic way.

A key component of the program is a 24/7 response for those people who find themselves unable to find appropriate accommodation for the night. It also provides meals and case management to help the person into appropriate services. This is part of the Napthine government’s ongoing drive to reduce homelessness in Victoria. It is a fantastic program and I am delighted to be able to make this important commitment during Anti-Poverty Week.

I was also delighted to join the Salvation Army last night for its fundraising dinner, which was also attended by Senator Scott Ryan. I did not see any members of the Labor Party there, but Senator Scott Ryan and I were there to support the Salvation Army in its fundraising efforts, as were many members of the Australian Football League. It was wonderful to see representatives there from the Richmond Football Club, the Carlton Football Club and the Collingwood Football Club, as well as members of the media. It was a very nice event held in the Salvation Army hall in Bourke Street.

This commitment of \$1 million this week comes on top of more than \$200 million in additional funding that the Napthine government has committed to homelessness since coming to government. Part of that is our \$82.6 million commitment to our Victorian homelessness action plan, which is developing three youth foyers across the state and has developed five work and learning centres in areas of high unemployment and public housing areas. It also has a \$30.9 million commitment to innovative action projects. These are projects that trial new ways of intervening early and preventing homelessness. The Napthine government is proud of its record in preventing homelessness in this state.

### Ventnor planning decision

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning. Again I refer to the minister’s intervention in Ventnor. One of the most contentious issues is about any undertakings he made in his meeting with Ms Nicholls at her Phillip Island home. I do not want to go necessarily into the details of those undertakings, but what is clear is that had that

issue not arisen, the investigation by the Ombudsman, the litigation and the settlement of that litigation could perhaps have been avoided had the minister complied with his undertaking in this chamber to make sure that a departmental representative was present at those meetings. I ask: will the minister honour his commitment to this chamber and ensure that a departmental representative attends meetings like that he had with Ms Nicholls?

**Hon. M. J. GUY** (Minister for Planning) — Again Mr Tee refers to a meeting at ‘her Phillip Island home’ — the woman lives in Caulfield. If Mr Tee cannot get basic facts right in his question, how can I take seriously the rest of what he asks? The Ombudsman is investigating me, he says. No, he is not; he is investigating my department, as per his requirements under the act. If Mr Tee cannot get basic facts right in his own question, how can I take seriously any other parts of his question?

*Supplementary question*

**Mr TEE** (Eastern Metropolitan) — Again, this is a serious attempt to make sure that we do not repeat history. The minister is simply avoiding the issue. Ms Nicholls has a house, as he knows, at Silverleaves on Phillip Island. The minister visited her there. He has said so in this chamber before. This is simply a ruse to avoid the issue. Has the minister taken any steps to ensure that, in future, departmental representatives are present at meetings he has with developers?

**Hon. M. J. GUY** (Minister for Planning) — Again, if I meet a developer at an arranged meeting, yes, of course they are there. Mr Tee is saying, ‘So we do not repeat history’. Is he referring to former planning minister Mary Delahunty and the Hilton hotel? Is he referring to former planning minister and now member for Essendon in the other place, Justin Madden, and the Windsor Hotel? That does not matter, does it? We are not repeating history, of course. Mr Tee’s history stops at 2 December 2010, does it not? Let us talk about history. Mr Tee raised history; let us talk about it. President, as you know, I am taking advice as to ensuring that amounts for settlement, including amounts made under the Labor government, of which Mr Tee was an adviser for the then planning minister, will also be public.

**Public sector information and communications technology**

**Mr KOCH** (Western Victoria) — My question without notice is for the Minister for Technology, and I ask: what is the coalition government doing to deliver

more efficient and effective information and communications technology for the Victorian public service?

**Hon. G. K. RICH-PHILLIPS** (Minister for Technology) — I thank Mr Koch for his question and for his interest in the use of ICT within government. The house has heard me speak previously about the important role the ICT industry plays in the Victorian economy and the important contribution ICT makes within the Victorian economy, but ICT is also a large spend area for the Victorian government. In Victoria the government spends around \$1 billion a year across government agencies on a range of ICT services, platforms and projects, so it is a very large part of the state government spend, and it is important that the government undertake that spend in an efficient and effective way.

Earlier this year I was very pleased to launch the first whole-of-government ICT strategy, and this strategy was designed to address many of the failings which had occurred previously in ICT projects across government. I hasten to point out that in 2011 the Ombudsman and Auditor-General jointly released a report that sampled 10 ICT projects which had been undertaken by the previous government. These 10 projects had incurred budget overruns of around \$1 billion and were all behind schedule. Importantly, the Ombudsman noted in his report that that was not unique to government sector ICT projects; in fact it was not unique to ICT projects at all. It sent a very clear message that the government had to take a different approach to ICT, so this year I was pleased to release the whole-of-government ICT strategy, which sets out a new direction for the use of ICT within government, a direction which is focused on the purchase of off-the-shelf commoditised products and services and focused on the purchase of flexible ICT services, innovative ICT services and services which deliver value for money.

In 2008 the former government established CenITex. CenITex is the Centre for ICT Excellence. Its purpose is as a whole-of-government desktop service provider. CenITex generates revenue of around \$100 million a year across central government, providing desktop services to around 35 000 Victorian public servants. CenITex was established in 2008 with a brief of building a desktop platform for the public service over five years, so it is a project that was due for completion in 2013. The problem with that was that by the time the project was reaching conclusion it was already redundant because the provision of desktop services and the ICT sector more generally had moved on dramatically since CenITex was first conceived in

2008, so we are down the path of building redundant technology.

I was delighted last month to release to the market Program Evolve. Program Evolve is the transformational project the government has launched to engage the private sector in the delivery of ICT services to government. It calls for input from the private sector and expressions of interest from the private sector in the development and delivery of desktop and end-user services, processing and hosting services, storage services, network services and service desk provision. Importantly, this expression-of-interest process is seeking access to the best, most innovative and most cost-effective service delivery for government.

Over the last five years we have seen the way in which the ICT industry has changed. We have seen a shift to cloud computing. We have seen a shift to commoditised service delivery. This is an important opportunity for the Victorian government to engage with our vibrant and innovative ICT sector. We have some fantastic success stories in ICT in Victoria, and it is an important opportunity to improve service delivery within the public sector and, importantly, a great opportunity to deliver better value for money for Victorian taxpayers.

### Ventnor planning decision

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning. It relates to his intervention in Ventnor, which has had a long history of the minister's decision to rezone the land; his change of mind — his backflip — in relation to that; the Supreme Court proceedings in which he admitted that he had not complied with the legislation he is responsible for; the settlement of those proceedings, which has cost taxpayers more than \$3 million; and now we have the minister subject to an investigation by the Ombudsman. In view of this conduct and the minister's history to date, will the minister step aside until the Ombudsman's investigation is complete?

**Hon. M. J. GUY** (Minister for Planning) — I did not hear Mr Tee wanting some of his colleagues to step aside when the Ombudsman investigated them over the 11 years of his government. Mr Tee seems to have a very short memory. He comes into this chamber and slanders hardworking women, like Meg Bartel, with no evidence, misleads about the nature of an Ombudsman's inquiry into my department, misleads about a rezoning which was not gazetted, misleads about court documents at every opportunity, and then

he says I should stand aside. When will Mr Tee stand aside?

### *Supplementary question*

**Mr TEE** (Eastern Metropolitan) — I have the court documents here, and they are very clear about the minister's admissions in those proceedings. The question is: if the minister will not step aside, if he will not address the issue in this chamber, will he at least give an assurance that he has taken some steps to make sure that the conduct that led to this investigation is a thing of the past? Will the minister explain what steps he has taken, if any, so that we do not repeat the failures that have occurred, so that we do not have this behind-closed-doors deal-making that has only benefited a very few? What concrete steps has the minister taken to make sure that this saga is not repeated?

**The PRESIDENT** — Order! I am at a bit of a loss to understand the question. I picked up that there were about five or six questions, and I guess some of them bore some similarity one to the other. Again, the problem with editorialising as part of a supplementary question has created some confusion. I will allow the minister to answer, but frankly, I am not sure what it is he is answering.

**Mr Tee** — My question to the minister is quite simply: what steps has he taken to ensure that there is not a repeat of the events we have seen at Ventnor?

**The PRESIDENT** — Order! That was one of the five or six questions posed.

**Hon. M. J. GUY** (Minister for Planning) — The only failure that has occurred today has been Labor's question time strategy. That is the only failure that has occurred today, and yet again Mr Tee asks when will I come into this chamber to explain it. Where was Mr Tee when I spoke for 45 minutes on his own motion?

**Mr Lenders** — On a point of order, President, the minister's answer was a commentary on an opposition's question time strategy, which I put to you is debating the question and has nothing whatsoever to do with government administration.

**Hon. D. M. Davis** — On the point of order, President, the minister is clearly in a very difficult position because there were so many questions asked. The whole spread of points made by the questioner, many of which were not linked to each other but were part of a ramble, makes it very difficult for the minister

to respond to this long-winded ramble in any meaningful way.

**The PRESIDENT** — Order! On the point of order, the minister was debating and covering some material that he had in effect provided to the house in response to previous questions put by Mr Tee today. The minister has been placed in an interesting position because the questions have been, to some extent, framed in a way that has invited the minister to debate. Preambles and comments about questions, particularly supplementary questions, invite the minister to respond to those comments. It is therefore difficult for me to bring the minister back to an apposite response to the primary or core question when he has been in effect provoked by the preamble, the commentary and the editorialising of those questions. Nonetheless, I agree with Mr Lenders that this constituted more debate in terms of a response, particularly given that the minister has relied on a similar line in his answers to other questions. The minister has completed his answer.

### Responsible gambling initiatives

**Mrs COOTE** (Southern Metropolitan) — My question is to the Minister for Liquor and Gaming Regulation, Mr O'Donohue. Can the minister inform the house about what this government is doing to address the influence of gambling on children?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I thank Mrs Coote for her question, and I acknowledge the role she has as Parliamentary Secretary for Families and Community Services, along with the Minister for Community Services, Mary Wooldridge, in protecting vulnerable children in Victoria. This government is absolutely committed to continuing to be a leader in tackling problem gambling, and what could be more important than protecting our young people from the influence of gambling? I am pleased to report to the house that this government is delivering on its commitment to protect minors at gaming venues, which is a very important pledge.

Today I announce new decision-making guidelines for the design and location of children's play areas in gaming venues. We do not want gaming venues set up in a way that encourages parents to gamble while their children are with them at the venue. The new guidelines I am announcing today will ensure that venues are designed in a way that prevents line of sight between gaming areas and play areas, minimises the potential for children to be exposed to the sights and sounds of gaming and minimises the potential for children to be left unattended.

We know that gaming venues also offer other services such as restaurants and bistros, so it is not unusual for children to accompany their parents to these venues. However, wherever possible, we want children to be protected and supervised at all times. Prohibiting a line of sight between play areas and gaming areas is particularly important in this area. It is not acceptable for people to leave their children in play areas while they gamble, in the belief they are supervising their children because they can see them through glass. Under the coalition government's new guidelines that I am announcing, this will no longer be possible.

This is an issue that arose in 2010, specifically in my electorate of Eastern Victoria Region, with the application by the Pink Hill Hotel in Beaconsfield. At that time the Labor government was caught flat-footed with an application which allowed clear glass between a children's play area and a gaming venue. These guidelines I am announcing today will prohibit that happening into the future. It builds on a range of other measures this government is introducing to tackle problem gambling.

Last week I was very pleased, in partnership with the Victorian Responsible Gambling Foundation, to launch a unique advertising campaign called KidBet as well as 'Gambling's not a game', an innovative youth engagement strategy. As the name suggests — and I hope members have seen the advertisements on television — the KidBet campaign aims to address the influence of gambling on children. The campaign will raise awareness among parents and teachers about the risks of exposing young people to gambling.

Young people are among those most at risk of developing a problem with gambling. Of particular concern is the impact that sports betting advertising has on young people. As we all know, with technology it is easier than ever before to make a bet on your phone no matter where you are. That is why the coalition has delivered on its election commitment to establish the Victorian Responsible Gambling Foundation and has funded it to the tune of \$150 million, an increase by 41 per cent on the investment made by the previous government. It builds on the removal of ATMs from electronic gaming machine venues, which has seen a reduction of 7 per cent in expenditure in the last financial year. I commend the Victorian Responsible Gambling Foundation team, and I am very pleased to announce these guidelines today.

### Smoking regulation

**Ms HARTLAND** (Western Metropolitan) — My question today is for the Minister for Health. In a response dated 3 September to question on notice 9514

in relation to the consultation on smoke-free children's playgrounds and related recreational areas, the Minister for Health said that only once the details of the proposed outdoor smoking bans were finalised would the department assess the feasibility of making the submissions and result findings public. I see no reason why the results of this public consultation cannot now be made public. It should be quite feasible. It is the expectation of the community that the results would be released. Given that the subsequent Tobacco Amendment Bill 2013 was introduced to the Parliament on 17 September, can the minister now tell us whether the government will be making the submissions and the findings of the consultation public?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for her question and note that the chamber has over a long period of time in an all-party fashion moved to see greater regulation of smoking. Smoking is responsible for around 4000 Victorians dying each year and adds billions of dollars to our health costs. There is a broad understanding in the community of the need to do more in this area. I was very proud on the weekend to jointly announce with my colleague the Minister for Public Transport further bans concerning smoking at super-stops and train stations. These are important locations where children, families, commuters and others have a right to be able to move through without encountering second-hand smoke. There is indeed also, as was pointed out by spokespeople for Quit, a need for role models and, in places where children and others are, the need to reduce the amount of smoking.

The government, as the member indicated, has taken a number of steps in the direction beyond the ones announced on the weekend. Since we have been in government there has been the implementation of point-of-sale bans on 1 January 2011, there has been support for the federal government's plain paper packaging steps and there has been support also for the increases in charges put on by the federal government. I also banned a number of rolled coloured and flavoured papers that were designed clearly to target children. We corrected the error in the previous government's legislation that had been initially pushed by Mr Drum in this chamber, which was to ban smoking in cars where children were present. That was something that again this chamber supported in a bipartisan way. Steps were taken to go further on a number of these key areas.

The bill in the lower house that the member has alluded to will ban smoking at children's playgrounds, skate parks and pools and will actually seek to extend that ban to children's sporting events. I should indicate to the member that the consultation was actually broader

than on those matters. The consultation was around a whole range of other things, including early childhood centres, kindergartens and schools. There are a number of school environments where there are not currently clear bans in place, and the government is certainly examining those areas closely. There is also the matter of outdoor dining. The government, along with other states, is aware of the need to take some steps in that area. The consultation closely followed a number of these points, and I can indicate that there were many submissions from the public as well as councils and other key groups, including Quit, Cancer Council Victoria and others.

I will take on board the points made by Ms Hartland. I have no in-principle objection to making the vast majority of those submissions public. If somebody has requested that they remain private, that might be a different matter, but I have no in-principle objection. We will look at this matter in light of the submissions received and the particular matters raised in those submissions. I can indicate that the government is determined to take further steps in this area. I think there will be broad support in the Parliament for the current bill because it will take an important step to ensure that children and families can recreate in a number of key areas — as I say, skate parks, pools, children's playgrounds and children's sporting events.

*Supplementary question*

**Ms HARTLAND** (Western Metropolitan) — While that was a very wide ranging answer, it was not actually in response to the question I asked. The question I asked was: will the submissions be released publicly before we debate the bill so that everybody in both chambers will be aware of what it is that the community is asking for on this issue, especially around the issue of outdoor dining, which has not been included in the bill?

**Hon. D. M. DAVIS** (Minister for Health) — As I indicated, I will take on board the request from Ms Hartland. I am sure that many of the submissions can be made public. We will take on board the requests of people. In some cases they request that they are not made public and that would be respected. In the case of outdoor dining, the government is still actively considering aspects of this. There are other aspects, as I indicated, in the substantive answer, where the government may take further steps and is still considering a number of the points that were raised in the consultation as well as other advice and information provided.

### Teacher pre-service education

**Mr ONDARCHIE** (Northern Metropolitan) — My question this afternoon is to the Minister responsible for the Teaching Profession, the Honourable Peter Hall. I ask the minister if he could inform the house of any recent events which have highlighted excellence in pre-service teacher education?

**Hon. P. R. HALL** (Minister responsible for the Teaching Profession) — Mr Ondarchie must have been reading my mind. I have been sitting here all through question time really hoping somebody would ask me about pre-service education for teachers, because there really is a lot happening in this space and I am so excited to be able to talk about it this afternoon.

On Wednesday of last week six members of the Victorian Parliament assembled at Charles La Trobe College for the launch of the Charles La Trobe College teaching school. I was delighted that several of my upper house colleagues, including Jenny Mikakos and Mr Ondarchie himself — that is obviously what stimulated his interest in this question — were able to be there, along with local members from the Assembly, including the member for Bundoora, Colin Brooks, the member for Ivanhoe, Anthony Carbines, and the member for Thomastown, Bronwyn Halfpenny. It was a great event that saw the launch of the Charles La Trobe College teaching school. It was a significant event, bringing together some of the efforts of the partners in this project — La Trobe University, Charles La Trobe College and the Department of Education and Early Childhood Development — which are supporting what I think is a very innovative teaching model.

What we are seeing in this partnership is students who are undertaking pre-service education training spending much of the year with a class at La Trobe college and being immersed in an atmosphere and an environment like that in which they will find themselves next year, when they graduate with a qualification and enter the teaching service. This model provides that continuity of working with young children throughout the year, from the start of the year right through to its conclusion, and as I said, it emulates what it will be like when they are assigned to a teaching job next year.

Another aspect of this model which I favour is the fact that two pre-service education teachers are assigned to the same supervising teacher. Working in partnership with others has many benefits. Young people who are working together can share their ideas, their experiences and the challenges that they jointly face, and discuss them amongst themselves as well as with their supervising teacher. There are many attributes of

this model which will enhance pre-service education for teachers in this state.

The close proximity of the two partners, Charles La Trobe College and La Trobe University, has broader benefits as well. Already we are seeing an exchange between staff of the university and staff of the college, who are sharing facilities and having that broader experience of going to each other's working places. Students from Charles La Trobe College are also taking the opportunity to visit the university and participate in university life, so there are mutual benefits.

I congratulate the principal of Charles La Trobe College, Maria Karvouni, and her staff on implementing this program, as well as the La Trobe University staff, headed by vice-chancellor John Dewar, the dean of education at La Trobe University, Professor Lorraine Ling, and others who have been instrumental in putting this very fine program together. A number of young people will benefit from this very innovative model. I congratulate all those involved and wish them well for their future success in this innovative pre-service education model for teachers.

### QUESTIONS ON NOTICE

#### Answers

**Ms HARTLAND** (Western Metropolitan) — I have a range of overdue questions on notice: 8510, for the Minister for Public Transport, from 27 March 2012; 8969, for the Treasurer, from 15 November 2012; 9016, for the Minister for Housing, from 11 December 2012; 9250, for the Minister for Higher Education and Skills, from 7 February 2013; 9287, for the Minister for Health, from 21 February 2013; 9288, the Minister for Planning for the Minister for Roads, from 21 February 2013; 9459, for the Minister for Housing, from 16 April 2013; 9484, for the Minister for Health, from 7 May 2013; 9511, for the Minister for Health, from 30 May 2013; 9535, the Minister for Health for the Minister for Environment and Climate Change, from 12 June 2013; 9562, the Minister for Housing for the Minister for Community Services, from 27 June 2013; 9563, for the Minister for Housing, from 27 June 2013; 9564, Minister for Housing for the Minister for Community Services, from 27 June 2013; and 9829, for the Assistant Treasurer, from 22 August 2013. I am particularly concerned about the ones that are now well over a year out of date, and I would like some assurances — which I have repeatedly asked for — that these questions will be answered.

**Hon. D. M. DAVIS** (Minister for Health) — I can indicate that the questions will be answered. I think a

number of those may be ones that I followed up after the last sitting week. I will follow those up again.

**Mr LENDERS** (Southern Metropolitan) — Yesterday I asked a question without notice of Mr Hall regarding federal partnership funding, and he agreed to get back to me in writing. For a change I would actually like to notify the house and congratulate the minister on a 24-hour turnaround. I have a reply to the question, and I think it is only appropriate to note appropriate parliamentary respect when it happens. I am delighted to have received the minister's answer.

## RULINGS BY THE CHAIR

### Parliament House incident

**The PRESIDENT** — Order! I want to make a few comments to members in regard to security issues in the parliamentary precinct. Members are well aware of a security incident that took place yesterday. Members no doubt have different perspectives on what may or may not have occurred in regard to that incident. I would counsel members that it is not wise to jump to commentary with the media in particular on such incidents without knowing the full story. Certainly in respect of this one the police are investigating. There is considerable video footage, and that matter ought to proceed with proper analysis before people comment on it.

Nonetheless, I want to say that the Speaker and I regard our foremost responsibility in this place to be the safety of members and staff working in this place. This is a workplace, and people are required to come to this place at various times, often carrying information that causes them to have to come into the building in different ways, take multiple trips and all sorts of things. It is important that they are able to enter and exit this building without being impeded by other individuals.

I and the Speaker take the rights and entitlements of members of this place very seriously, and first and foremost among those rights and entitlements is that members should be secure and safe in coming to this workplace. Beyond that, I also believe we have a responsibility to those people who are visitors to the Parliament. In many cases, particularly during the day, these visitors are school groups and groups of senior citizens who would find certain incidents to be most disconcerting. They might even create a level of anxiety. Obviously we seek to avoid that.

I also believe I have a responsibility to those people who wish to come to this place and express their

opinion by way of protest in an orderly and proper manner. We have guidelines in place to try to ensure that people are able to express their democratic beliefs and to protest where they feel there are issues before the public — and perhaps before the Parliament in terms of legislation and debate — that need to be contested. I accept that those people have that right.

One of the real issues for us as presiding officers and for those people who carry out the security functions in this place is that we try to have a light-touch security compared with many other organisations. Many members will have, as have I, visited private companies or corporations and had to go through considerably tougher security regimes than we have in force here. It is possible for us to toughen up the security regimes here significantly. It is possible for us to lock down this building significantly compared with the way it is, which is that we try to provide as much access as possible to the public, partly for the accountability of members of Parliament and partly in order to engage with people and encourage them to participate in our fairly robust democracy. Notwithstanding that, it is important that we have a secure and safe workplace and a secure and safe venue for those other people who come to visit and use this Parliament.

The Speaker and I had already commissioned a review of the security in this precinct and also the security in electorate offices. We nominated a number of members, based on reported incidents and certain expertise we believe particular members have, to participate in that security review and put forward their ideas. If there are other members who believe they would like to talk to the consultant about security matters and perhaps discuss any experiences they might have had, they should let me or Jessica Lalor know so we can ensure that they are able to contribute to the review.

It is an ongoing review. I anticipate it will take two or three months. It is fairly wide ranging. As I said, it takes into account the electorate offices as well as this precinct. It looks at a number of our protocols, how we have responded historically to some incidents, whether or not those responses were adequate and the areas where we might be more proactive. All of those issues will be covered by that review. The review is already afoot; it is not a response to yesterday or to the demonstration that occurred on the weekend which also involved some members of Parliament. Whilst those members were involved in circumstances that were also most unfortunate, the reason was not their identity as members of Parliament as much as their being people participating in that demonstration.

We are reviewing those sorts of matters as well with a view to a continuous improvement of security around this building. If members have any concerns, I ask them to raise them with me. I suggest to each person in this chamber that 'there but for the grace of God go I'. In other words, it is possible in the event of any one incident to say, 'There was a provocation', 'That person was involved in a matter and perhaps overstepped the mark', 'for every action there is a reaction' and so on and so forth, but the reality is that it could happen to anyone of us. There are people who do not accept some of the decisions that we make. There are people who are very critical of some of our actions. It does not matter whether we are government members, opposition members or minor party members; the fact is that there are people who oppose our views.

It is my responsibility to make sure that members are protected and that wherever possible they do not engage in behaviours that could potentially threaten other members of Parliament and their security going forward. By that I mean that very often there are members who invite visitors to come into the Parliament and then allow them to wander unaccompanied through parts of the building. To some extent we have been lucky. It only takes one individual to create a significant problem for us and perhaps endanger one of our members, or even intimidate one of our members, which is equally unacceptable. I urge members to be careful in the way they approach the management of their visitors to this place and to ensure that visitors are escorted, particularly in areas like the lower parts of the building.

I also ask members to be judicious about bringing members of the media into their offices if that invitation is not about a direct interview or conversation with that media person and themselves. We have had incidents where members of the media have been encouraged to come into an office precinct, one of the private areas of the Parliament, and then basically as an entree, or a foot in the door if you like, allowed to go on to the offices of other members in that area.

Members are entitled to a degree of privacy. They are obviously entitled to go about their business without being unduly impeded and particularly, as I said, to go about their business safely. I do not want to shut down access of the media to any of the facilities that they now enjoy. I do not want to shut down the access of members of the public, including protesters, to these facilities. But we need to ensure that members are not intimidated or put in a position where they are in danger. From that point of view, as part of that security review, and indeed in a more contemporary aspect today, I have had a number of meetings to review the

matters of the last week and to ensure that the protocols we have in place are adequate to cope with circumstances that might arise.

As I said, if members have any comments that they would like to make to me with regard to security matters, I ask that they do not hesitate to contact me.

**Sitting suspended 1.04 p.m. until 2.08 p.m.**

## **FIRE SERVICES LEVY MONITOR AMENDMENT (ENSURING FAIR AND EQUITABLE LEVIES) BILL 2013**

*Second reading*

**Debate resumed.**

**Ms TIERNEY** (Western Victoria) — I am pleased to rise to make a contribution to the debate on the Fire Services Levy Monitor Amendment (Ensuring Fair and Equitable Levies) Bill 2013. The bill before us seeks to amend the Fire Services Levy Monitor Act 2012 in response to the government's botched attempts to implement the fire services property levy. It addresses issues of accountability by providing the fire services levy monitor with responsibility for the fair and equitable operation of the fire services property levy.

What does this private members bill do? Firstly, it introduces the means by which a range of problems can be investigated and resolved, and I believe Mr Lenders, who originally introduced this bill, should be congratulated. I will go into the reasons why he should be congratulated later in my contribution. The bill seeks to expand the capacity of the fire services levy monitor to oversee the operation of the new levy in its entirety and allows the monitor to recommend improvements to the levy and assess the equity of its impact.

Going into the history of the bill, the Napthine government promised the introduction of a fire services levy, as did Labor, prior to the last election. On 13 May the Treasurer, Michael O'Brien, referred to the scheme as a tax cut that would result in savings of around 20 per cent for Victorian households or around \$100 million a year for Victorian households and businesses. Former Treasurer Kim Wells, the member for Scoresby in the other place, also said in a media release dated 14 November 2012 that the new scheme would lower the cost of insurance. However, the situation is quite different from what the government says it is. The reality is the removal of the previous fire services levy has not reduced insurance premiums. The previous fire services levy has not been removed from insurance premiums on a pro rata basis, and this has left

insurers feeling like they are having to pay twice. That is certainly the mindset in the community.

Furthermore, some properties, including not-for-profit community housing organisations and units, have been classified as commercial operations and have been charged at commercial rates, and of course we have heard from other speakers about the absurdity of the fire services property levy being charged to car parks and ATMs — who would have ever thought that? The government knows about it but has made no attempts to rectify this absurdity. We also have a situation where property owners who have bushland on their property, from which they are not making a profit, have been charged as primary producers. There are also businesses in the designated Country Fire Authority zone which are disadvantaged by having to pay higher rates than those businesses in the designated Metropolitan Fire Brigade zone across the road.

We can look at the media releases from the government that were distributed in November and May, but the reality in the community is quite different on a whole range of issues. In terms of the issues that I have confronted in my electorate, Western Victoria Region, the complaints about the implementation of the fire services levy have been wide, varied and very intense. There has not been one particular group of people that has had difficulties with this levy; rather, a myriad of groups have had difficulties with it. Our local newspapers have provided a fair bit of coverage on the issue. When I tour regional Victoria, it is one of the first things that people talk about — as well as the lack of funding for regional roads. At my annual stall at Sheepvention, it was one of the two most controversial issues that people wanted to talk to me about. Often during the three-day Sheepvention the staff at my stall felt as if they were traffic wardens directing people to the National Party stall and the Liberal Party tent so that these people could discuss this issue with the appropriate coalition members, some of whom are in this house and others are in the lower house.

The previous opposition speaker, Mr Cesar Melhem, stated that the Timboon branch of the Liberal Party has raised issues regarding the fire services levy with the government. I mention this because Timboon is in my electorate. I would encourage those Liberal Party members to continue to raise these issues, along with other issues that they constantly raise with this government about the lack of funding for the Timboon P-12 School. I ask them not to give up. They need to be proactive, whether this means knocking on people's doors or being public about it in other ways. Do not be taken for granted.

The complaints in western Victoria have been in small rural areas but also in the regional centres of Geelong, Ballarat and Warrnambool. Recently, central Geelong property owners have questioned the fairness of the levy. These property owners include Brian Perry, who owns his own small office in the Geelong CBD. He has seen his fire services levy triple in price. Mr Perry is quoted in the *Geelong Advertiser* as saying:

'Mine is only small beer — there are probably people affected who are up for many thousands of dollars' ...

'The poor old city of Geelong, you've got some people who would have a building worth \$5 million.

'There's enough trouble in Geelong now without 300 per cent increases. I can't see it justified in any shape or form'.

In the same article, a former mayor of Geelong, Hayden Spurling, said that this new levy was yet another impost on businesses and came on top of a 7 per cent rate rise. Mr Spurling went on to say:

'The differential rate makes a huge difference between residential and business and, in this economic downturn, it will affect many businesses' ...

'It's another impost on business when they certainly can't afford it at this point in time.

'Businesses are either closing or shedding staff, and it's another impediment to employing people'.

Warrnambool-based Real Estate Institute of Victoria delegate Bruce Ludeman echoed the sentiments of Geelong property owners, stating that property owners and business proprietors have been slugged with bills three times larger than they had previously. Mr Ludeman was quoted in the Warrnambool *Standard* as saying:

'Things are tough enough now in the commercial world without having to cop an extra \$1000 or so for the fire levy plus a 4.5 (per cent) increase in rates.

'I don't know how some businesses will absorb this'.

The article went on to state:

Mr Ludeman said one Liebig Street commercial property had copped three separate fire insurance levies, totalling about \$3000, compared to the previous bill of \$1400.

This has been echoed right across the tourist industry, particularly amongst B & B operators. They have been slugged with massive increases. A number of B & Bs have effectively had to shut their doors; this is particularly so of small B & Bs. Some of those which have not closed their doors are continuing to operate but are doing so under the lap. This is a retrograde step. The government is attempting to regulate an important area of accommodation such as B & Bs under the

umbrella of the tourism industry. It beggars belief that the true bread-and-butter of the tourism industry is being undermined.

We have also heard from the Victorian Farmers Federation (VFF), which also believes that the Napthine government has botched the implementation process. The *Weekly Times* has published a number of stories relating to the rules around which properties are connected as a single enterprise and charged with a single levy. For example, an article in the *Weekly Times* of 6 March reports Peter Tuohey, the president of the VFF, as stating that he believed:

... the levy was 'inequitable' because it 'forces farmers to pay more than four times the rate levied on residential ratepayers'.

An article in the *Weekly Times* of 28 August quotes Mr Tuohey as saying that he:

... would like to see more transparency in the cost of administration of the levy and also more rigour in the development of the CFA budget.

So we have got many groups agitating: we have got farmers; we have got the organisation that represents farmers, the VFF; we have got businesses in the CBDs of regional centres; we have got people with a granny flat at the back of their property getting two sets of levies and also complaining; we have got ordinary citizens who have had their levies increased dramatically in this last round of accounts. I think it is one of the most significant issues out there, particularly in regional Victoria. This government needs to address it, and fairly quickly.

We have also got the local government areas, which have had the misfortune of being told that they have to be the administrators of the levy. It is the local councils that have been dealt a raw deal in having to send out the bills, with the good news — or rather the very bad news — to ratepayers that this state government is now hitting them —

**Mr Lenders** — Michael O'Brien's human shields.

**Ms TIERNEY** — I thank Mr Lenders. So the councils are considering this to be a massive impost. It is not just a cost-shifting exercise; they are actually performing a role of the state government and not getting paid for it. They have got no way of appealing it or arguing their case. They have been mandated to fill this role, and they have not been compensated for it. Not only that, they also have to bear the brunt of their staff being quite frankly abused on a daily basis by ratepayers when they receive their bills — which are extraordinary — in the post. Quite rightly, the ratepayers do not know that it is a state government

levy and not a local council levy. Council staff are getting a lot of stress and many problems over the phone, but people are also coming in and causing problems with staff, wanting to pursue justice with substantial rigour in council offices right across the electorate.

There is not one council in my electorate that has not complained to me about the role it has to play in relation to the administration of this levy. As recently as last week councils continued to report that it is a major cost and also an imposition on council staff that they do not believe is fair.

**Mr Koch** — Why aren't they telling me?

**Ms TIERNEY** — Probably because they understand that you are not listening, because you have not listened so far, Mr Koch.

In closing, I do commend the bill before the house because something has to be done to clean up the mess, the confusion and the inequity this government has created in implementing this scheme in this way. The actions proposed in this bill will ensure that that can be done. I say for the record that I am also concerned that not one government member has requested to be briefed on this bill, which demonstrates that they continue to have a lack of concern about issues raised in the electorate.

I want to thank the Leader of the Opposition in this house, John Lenders, for sponsoring this private members bill and bringing it into this house, because it has given members the opportunity to outline many of the issues raised by constituents concerning this government's botched attempt to implement the fire services levy.

**Mr O'BRIEN** (Western Victoria) — Ms Tierney said it all in her closing words when she said that this bill, the Fire Services Levy Monitor Amendment (Ensuring Fair and Equitable Levies) Bill 2013, gives members the opportunity to raise concerns. It is not intended to be a substantive reform, because it is a reform that Labor could not make in its 11 years in government. It is something Mr Lenders in particular had the opportunity to bring forward to this Parliament — to this chamber; to this house — and did not. By introducing this relatively small bill before us, Mr Lenders is seeking, as Mr Drum and Mr Philip Davis have put it, to rewrite history and introduce the bills that he never introduced: the Fire Services Property Levy Act 2012, introduced and enacted on this government's watch, and the Fire Services Levy Monitor Act 2012. Perhaps that is what Mr Lenders

would have liked to give his endorsement to. But considering that fallback position, you can see that Mr Lenders had the opportunity in his previous capacity as Treasurer to introduce such a measure, even after the tragedy of Black Saturday, and declined it.

This is not just a matter of debate or setting the record straight, although it is important to do so; it is also a matter of substantive opposition to the bill. The bill that Mr Lenders is introducing and that we are presently debating misses the central question that underpins the introduction of the fire services levy.

That central question was at the heart of the submissions of people like Philip Davis — and I commend him in three ways: for his service to the Parliament, given his announcement of his retirement; more particularly for his advocacy on this issue; and for the contribution he has made to the debate and for again putting on the record the work of the people in his party and in the Victorian Farmers Federation (VFF), the farmers he has represented — together with the matters that were put on the record by Mr Drum in relation to the work of the Deputy Premier and Leader of The Nationals and also the work of Peter Hall, the Minister for Higher Education and Skills, who celebrates 25 years in the Parliament.

Both Mr Philip Davis and Mr Hall share an electorate that is particularly affected by bushfires, and they have been strong advocates for many of the reforms this government has introduced and continues to introduce in this area. They include the provision of substantially more funding for CFA facilities, which is something on the record — sometimes it is disputed, but it is absolutely on the record; secondly, increasing controlled burning and fire prevention measures; and thirdly, implementing the 2009 Victorian Bushfires Royal Commission recommendations, including recommendation 64, which resulted in the introduction by this government of the fire services property levy.

In this debate we want to carefully consider the record and also the issues; they are related. What Mr Lenders seeks to do with this bill in its language is re-engage the very debate, the policy debate that was a real debate, about whether or not one should move from an inequitable insurance-based levy to a more equitable property-based levy. That was a genuine debate for many years. It was something that Mr Lenders had the opportunity to proceed with but declined to do so.

In terms of more recent history, given that in his extensive contribution Mr Davis outlined some of the extensive history he has had involvement with, I will start with the most recent opportunity that Mr Lenders

had, which was when he issued his green paper following the February 2009 bushfires. In his contribution Mr Davis noted that Mr Lenders was interjecting from the place of the Greens. I note that he entitled his paper 'Green' but that it was otherwise entitled 'Fire services and the non-insured'. The Treasurer's foreword, signed by Mr John Lenders — I cannot find a date, but it was after the February 2009 bushfires — says as follows:

Every Victorian understands the need to have well-funded firefighting services; however, there has been community debate following the fires on the best way to fund them equitably.

That raises squarely the question that how he now seeks to have the monitor review this bill would, in short compass, result in the monitor engaging in a practice of reviewing — under the supposed question of what is a fair and equitable levy — the very question that led to the policy decision that resulted in the introduction of the property-based fire services levy in the first place. It is not an appropriate role for monitors et cetera and those sorts of bodies to be reviewing government policy per se. That would result in an extensive politicisation of that role — assuming that the Labor Party, if ever it was returned to power, would seek to abolish the fire services levy.

One could imagine a politicised role for the monitor developing, with Mr Lenders's proposals in this bill for that monitor to review the very central question that not only resulted in the introduction of this act but arguably was a contributing factor among many other significant contributing factors in the defeat of the previous government. This is a very vexed question of what is an equitable system of tax. It is a vexed question, and many theorists and economists have put up various different versions. But ultimately it is essentially, in the broad, a form of policy decision and a comparative exercise in resource allocation, efficiency et cetera.

I return to what Mr Lenders did when he had the opportunity to consider this in his green paper. He said:

A review of the fire services levy conducted by the Department of Treasury and Finance in 2003 found that, along with significant annual funding from the Victorian state budget and Melbourne-based councils, the current model was the best way to fund Victoria's fire services.

I interpose there to say that the current model is the previous insurance-based levy. He continued:

However, it is now appropriate to review the model again, given that the Victorian government has committed to reconsidering all aspects of our state's ability to prepare for and respond to major bushfires.

The green paper has been designed to help Victorians establish a way to fund Victoria's fire services and to determine whether an alternative model would deliver adequate funding in a more equitable way.

That again raises the central question of equity. He continued:

I commend this green paper to you and look forward to your feedback.

If one then turns over to page 3 and looks at the question of why the government was releasing the green paper, one sees that it says:

Following the 2009 Victorian bushfires (the bushfires) several questions have been raised on the funding of the fire services through the current insurance-based model. The bushfires have understandably led to a call on both government and the insurers to pay for the increased ongoing cost from bolstering preventative and protective fire services. In particular, some suggest that the impost on the insured is too high and has become a disincentive for property owners to adequately insure.

Again, that is at the heart of the equity question on this issue. This is a matter that the bushfires royal commission, when it considered it later, raised and dealt with squarely in its recommendations.

Continuing with Mr Lenders's green paper, it says:

This is exacerbated by the fact that non-insured property owners who do not contribute towards the funding of the fire services ...

I interpose there. I think Mr Barber has confessed to being one of those people who had not made a contribution in relation to their own block. There are plenty of people who are non-insured or self-insured. There is also another category of people who may have been underinsured in that the insurance values may not have been reflective of their current land value. By insured value I mean the value that they disclose to the insurance company for the cost of replacement of the assets or the agreed current value, depending on the terms of the policy. That is not necessarily the same as a broadbased property valuation assessment, which is designed to provide a more uniform assessment under the same criteria of valuation across the state. That is a factor that perhaps results in some of the concerns raised with all members of this Parliament, including I am sure government members.

I divert from the quote for a bit to deal with this issue, because it was raised in Ms Tierney's contribution. I was at Sheepvention too — and Mr Ramsay was there, and I am sure Mr Koch has been there for many years in various capacities — and at many other places where we receive representations from many people and have

discussions about the fire services levy. The first question I always ask is — —

**Mr Koch** — Ms Tierney was not there.

**Mr O'BRIEN** — She says she was, and I take her on her word in that regard. The representations that sometimes occur relate to concerns about the fire services levy, and some are genuine concerns. There are no doubt genuine issues that will need to be dealt with by this government in relation to the fire services levy legislation, but some of the concerns can be met very quickly with a couple of questions about whether or not the person who raised the concerns was previously insured.

**Mr Koch** — Yes.

**Mr O'BRIEN** — Or more likely, in many instances for rural constituents, underinsured. That may not be done in a way that is necessarily a nefarious or wicked attempt by landowners and farmers to somehow sponge on adequate insurance provided by other persons, but rather it may be as a result of a system whereby insurance policies are obtained and then sit in a drawer, in a sense, and the premiums are paid each year and over a period of time, depending on the policy, the insurance value can fall out of kilter with the property's true market value.

That incidence of underinsurance combines with the various different levels and types of insurance policies, different gradings of insurance and the very real question — which as a hotelier in a previous life I faced — of whether to self-insure. In terms of another related type of insurance policy — contents — we took a decision when we bought that hotel to self-insure for contents because the excess for claims for broken glass and damage in a hotel are well in excess of your likely expenditure in any period of time, and it is a reasonable decision for a person to self-insure. As a result, across the — —

*Honourable members interjecting.*

**Mr O'BRIEN** — I will ignore the interjections from my western Victorian coalition colleagues. One of the issues across this insurance question of course is that insurers themselves are in the game of reinsuring and they are in the game of assessing risk and risk profiles. If one looks at the historical basis of insurance, the tea races of Lipton and Lloyds to get their clippers into port, or as discussed in *The Merchant of Venice* and various other places, one can see that it is a form of gambling. You assess the risks you are likely to meet as an individual, and you take out insurance for those that you think will cause you a wipe-out or a situation you

cannot recover from or would not wish to recover from, you take out insurance. As an individual you seek a level of cover to in a sense hedge some of your losses. These are the games that the insurance companies play, and actuaries, who assess all these issues across society and set premiums and levels, are engaged in the high levels of finance and other matters that underpin all these insurance policies.

The end result is a vast array of different policies and a vast array of different decisions being made, with the result that the levy that was placed for these fire services under the old system — the system that Mr Lenders defends when he gets the opportunity and that he declined to take the courageous decision to change — was described in his report and in the bushfires royal commission report as inequitable, and that system was not preferable to a broadbased property levy.

Returning to these discussions at Sheepvention, when one has the discussions about adequate insurance and adequate evaluation, generally many of what are said to be problems with the fire services levy are quickly put to bed.

There is of course another group of people, the silent majority perhaps on this issue, who have had their total fire services levy premium fall, who of course we as members of the government would not hear from, except in anecdotal situations, because it is the case that people who are satisfied with government decisions tend to accept them as the norm with no criticism. They are getting on with their lives, and one does not hear from them.

There are also, as Mr Drum in his speech outlined, some issues in relation to car parks, multiple titles, commercial properties et cetera, and the continuing decisions about how to impose the levy in urban areas versus city areas, farming areas versus residential areas, commercial property versus other types of property groups and the state's role in relation to state park management. These are big questions, but they are questions appropriately resolved in the budgetary process that occurs in Treasury in any given year and are set out in the act as essentially policy or budgetary matters.

Returning to quoting from Mr Lenders's green paper, it says:

The result is a funding burden spread across a smaller proportion of insured property owners.

That was the system as Mr Lenders found it in 2009 after the Victorian bushfires but before the bushfires

royal commission report. Then on page 3 Mr Lenders's document says:

While the government supports the current funding model, the 2009 Victorian bushfires exacerbated some of the criticisms of the insurance-based model. For this reason the pilot study will focus on option one, as described in this green paper as the government's current and preferred model.

One then can read through the paper examining the options. Again, there is a section on page 9 under the heading 'Gap analysis of the current system — Equity and efficiency', and that is worth having a read of. I will just extract a small portion for this contribution, which says:

However, the current arrangements allow those who are not insured or who are underinsured to benefit from the provision of fire services without directly contributing to their funding. As noted earlier, the fire services do not often recover costs from non-insured residential properties despite having the power to do so.

It concludes:

The fact remains that there is a proportion of property owners who are not insured and therefore do not contribute to fire services but are afforded the same access to them as those with insurance.

That was the essential inequity question that remained unanswered and unreformed during the previous government's 11 long years in office.

Then we turn to the options, which start on page 13, to address the fairness of the fire services funding. As was often the case with the previous government's studies, there are a series of options, but there is a preferred model. In examining the options it sets up the debate, including all those analyses of taxation measures: efficiency and equity, transparency and simplicity, revenue stability, administration and compliance costs and transitional costs.

In that regard the Labor government previously preferred equity as defined by efficiency as opposed to equity as defined by fairness, because Mr Lenders was given the option to again go to a more equitable system based on fairness — the very matters that he seeks to raise in his bill now, that pretend that the issue that had been identified and is further identified by the bushfires royal commission has not been addressed. He seeks to re-engage in that debate, as I think it was put by Mr Davis, in a Johnny-come-lately attempt to rewrite history and put his name on this important reform that this coalition government has introduced.

In the section headed 'Examining the options' on page 14 of 22, we see 'Option one — Retain the existing approach'. The report states:

For those insured, the current insurance-based funding model is that the FSL reflects asset value and risk, including fire risk. Insurance companies provide expert actuarial advice on the fire risk of individual policies on different types of properties.

That is essentially the option Mr Lenders preferred. As he stated very clearly, that is his party's preferred model. The other option, option 2, includes imposing a levy on the non-insured. It says very clearly on page 15 of 22:

Both of these outcomes would reduce the average cost of insurance, with the second outcome doing so to a greater extent as it spreads both insurance risk and the FSL burden.

The equity question is raised very squarely by the bushfires royal commission, and Labor failed to remedy the situation.

Option 6, which I think is the closest to where the bushfires royal commission went, is to replace the fire services levy with an across-the-board property tax which could be risk based. The extract I will read from page 19 of 22 says:

Removing the FSL from insurance premiums could potentially deflate insurance premium costs ...

That is an admission that insurance premium costs could come down as a result of the introduction of a more broad and more equitable fire services levy and could encourage some people to take up insurance. In other words, it would pick up some of these people who have been either underinsured or not insured at all, again addressing the equity balance. The paper goes on to say:

This option would result in every property owner contributing to the funding of the fire services.

However, that was not the then government's preferred option. As can be seen, on page 3, the then government confirmed its commitment to retaining its preferred model.

The next relevant document one needs to have a look at is the bushfires royal commission report. I can assume that the chamber, through the contributions of Mr Philip Davis and Mr Drum, is aware that then opposition members of the Liberal-Nationals coalition — then representatives of the Victorian Farmers Federation, then farmers and then community activists — were continuing their long urges to the previous government to change its approach and to take a different option to Mr Lenders's preferred option, which was the do-nothing option. It was to do nothing and put one's head in the sand — it is all too hard!

**Mr Drum** interjected.

**Mr O'BRIEN** — And now, as Mr Drum interjects — disorderly and not from his place but quite passively, which I will pick up — Mr Lenders seeks to claim that he is the inventor of this.

I wish to turn to the very significant consideration given by the bushfires royal commission of the organisational structure section of its report. The section 'Funding and the fire services levy' on page 381 sets out the history of the matter in relation to the Country Fire Authority and the Metropolitan Fire Brigade. It looks at the issue on page 382. It says:

The commission's interest in the fire services levy and insurance arose from various sources. The levy was mentioned in numerous submissions to the commission and is the subject of a green paper ...

That is not the green Mr Barber paper; that is the green Mr Lenders paper, relating to fire services and the non-insured, issued by the state in October 2009. The paper put the state's view that it was now appropriate to review this model again, given that the Victorian government was committed to reconsidering all aspects of the state's ability to prepare for and respond to major bushfires. The bushfires royal commission report goes on:

The fire services levy funding model was criticised by reviews before 2009, mainly on the grounds that it lacks equity and transparency.

The bushfires royal commission is picking up the many criticisms made by people, such as — given that they are still members of this house — Mr Philip Davis and Mr Hall, but there were many others as well.

The current model — and this is one that presumably reflects Mr Lenders's rationalisation, because it was his green paper — is rationalised on efficiency grounds. In other words, it is easy for the government to collect, which is a relevant consideration in taxing matters, but it is not the only consideration, and it is certainly not necessarily the same as fairness or equity between persons who receive the benefit of fire services. At chapter 10.7.1 on that same page the bushfires royal commission goes on to very clearly point out the heart of the issue through the heading 'Inequity'. The report says:

The fundamental problem with the current funding model is that it is inequitable: those who do not insure or who underinsure avoid making a proportionate contribution to the funding of fire services but are afforded the same protection as those with insurance. A disproportionate share of the cost of providing fire services benefiting the entire community falls on insurance policy-holders.

That again clearly defines the very equity question that Mr Lenders seeks to have the fire services monitor

review as part of this bill before the chamber today. However, in a sense, the actual decision to go to a levy is a much broader policy decision and not appropriate to review in that place. It is certainly a matter that is capable of being debated in this chamber through the introduction of legislation or opportunities that befell the previous government but were, regrettably, not taken up.

Then there is further data about the tax system and the fire services levy. There are references to the HIH Royal Commission and references to other reviews — stamp duty reviews et cetera — because that is one of the issues with this review. It is sometimes easy to think, ‘The coalition did it because it is easy’. This was not an easy reform. No taxation review of this substantial nature is easy, because it raises the very questions that occur in a federal system between local government, state government and federal government as to who should be taxed, who should pay for what and what is fairness and equity. On this very core issue, the bushfires royal commission made a very clear recommendation on this reform, and that picked up the voices of reason that had been, regrettably, effectively crying in the wilderness whilst we were in opposition but for whom we were able to successfully deliver in government.

On page 384, at chapter 10.7.2, the bushfires royal commission report talks about the lack of transparency, which is another aspect of this bill that Mr Lenders seeks to commentate on by introducing the bill but fails to recognise that there are already substantive reporting requirements in relation to the levy that occur in the very heart of government transparency, being the budget papers, which are then, as we saw today — and I can take members to the passages which refer to the fire services property levy — reviewed by the Public Accounts and Estimates Committee, on which you, Acting President Ondarchie, together with me sit.

The conclusion of the bushfires royal commission was that the lack of transparency in current arrangements amounts to a good reason to move to another system. It mentions that Queensland in 1985, South Australia in 1989, Western Australia in 2003 and the Australian Capital Territory in 2006–07 introduced funding systems for fire services that require all property owners to contribute via a levy on property. Tasmania levies residential property while maintaining an insurance-based levy on businesses. The bushfires royal commission makes its conclusion at recommendation 64 that there be a property-based fire services levy.

It is with that in mind that I again turn to the specifics of Mr Lenders’s bill. One can see that in a sense aspects of the bill seek to have the fire services monitor re-engage in this question of the fair and equitable operation of the Fire Services Levy Act 2012. That is a question Mr Lenders failed to answer. He says in his second-reading speech, ‘We were going to do it coming into the state election in 2010’, as if he was going to fund all those things. We know what that government was preoccupied with, and it was not making substantive reform like this. In that same period Mr Lenders was associated with a number of failed projects that resulted in this state’s finances being affected, and there was no introduction of a fair and equitable fire services levy.

In a policy sense, the bill seeks to engage the monitor in a role that is not appropriate. The Fire Services Levy Monitor Act 2012 already — and very clearly — sets out the functions of the monitor in clause 6, which are to provide information, advice and guidance in relation to fire services levy reform, so there is already a role of providing feedback, which is an important role. But the most important role of the monitor is to monitor insurance premiums for insurance against fire received by an insurance company, including any base premium, fire services levy, GST and stamp duty. I will read through the provisions that are set out there: to promote dispute resolution; to refer complaints to the appropriate bodies, including the Australian Securities Investments Commission, or ASIC, the Australian Prudential Regulation Authority and the Financial Ombudsman Service; to be responsible for the administration of this act, being the Fire Services Levy Act; and to perform other functions that are referred to it.

The second aspect of the bill is this financial aspect, and without reading from it, I refer the committee to the report that was tabled by the Public Accounts and Estimates Committee today which sets out at pages 42 and 43 a section outlining the various aspects of the fire services property levy that are relevant to the budgetary decisions, including a finding that the change from the previous arrangement to the fire services property levy is expected by the government to deliver total savings of \$100 million to businesses and individuals annually. That is the ultimate thing — that by being more equitable it actually results in more savings as well as concessions to pensioners and others. It is fairer, in the true sense, in its fundamental introduction, not in any monitoring process that Mr Lenders would seek to operate, because the reform contained in the coalition’s 2012 act is a broadbased tax reform that needed to be introduced.

I also endorse Mr Ramsay's members statement this morning because it put to bed a number of matters that have been put on the record by other participants in the debate. This weekend I look forward to opening a new CFA community meeting facility at Bochara. It is a great honour and privilege to represent approximately 400 000 western Victorians and extend our gratitude to all workers in the Country Fire Authority, Department of Environment and Primary Industries, Parks Victoria, Metropolitan Fire Brigade and all fire workers, be they voluntary or paid, and all the families and other members whose support allows those great institutions to continue. Again I say thank you for the great hospitality my family received at the Lake Linlithgow opening that occurred a week or so ago.

With those words, I believe members can see this bill for what it is — an attempt, as Ms Tierney said, to give Labor an opportunity to try to be the Johnny-come-lately to this issue. The bill should be opposed, not because this government does not support fire services or has not made substantive reforms but because this government has done so while those opposite did nothing.

**Mr SCHEFFER** (Eastern Victoria) — Government members, as is obvious now, will vote against this bill that has been introduced by the Leader of the Opposition in this chamber, John Lenders, and they will do so because to support this bill would entail an acknowledgement of the many problems that have resulted from the implementation of the government's ill-fated fire services property levy. The government started off on relatively safe ground when it decided from opposition to adopt a proposal that had been put forward in a discussion paper by the 2009 Victorian Bushfires Royal Commission to replace the fire services levy with a property-based levy.

As has been referred to in previous contributions, members will remember that under the fire services levy funding mode insurance companies were required to make an annual contribution to the cost of operating the Metropolitan Fire Brigade and the Country Fire Authority. The insurance companies then included the cost of the contribution in the insurance premiums of policy-holders, thus passing it on. The difficulty with the previous fire services levy funding mechanism was that it allowed some people to underinsure and others to take out no insurance whatsoever because, presumably, they wanted to avoid paying the premium altogether.

One result of that approach was that, of the properties deemed to be a total loss after the 2009 bushfires, some 13 per cent were uninsured, and that demonstrated the extent to which those who were insured were

subsidising those who were not. Labor in government supported the bushfires royal commission's recommendation on the basis that it was fairer and more equitable, and we continue to stand by this position.

It is instructive to go back and re-examine the second-reading speech to the Fire Services Levy Monitor Act 2012, which was delivered in November last year, to see that the government committed to implementing the recommendation of the Victorian bushfires royal commission that the state replace the insurance-based fire services levy with a property-based levy. The Fire Services Levy Monitor Act established the Office of the Fire Services Levy Monitor, whose purpose is to ensure that the interests of consumers are protected during the time when the system changes from the fire services levy to the property-based fire services property levy.

Basically, the role of the monitor is to protect consumers against price exploitation and false and misleading conduct by traders. The act provides that the monitor has operational autonomy, especially over particular matters and over complaints, even though the minister can issue directions of a general nature. The primary role of the monitor is to provide information, advice and guidance to consumers and the insurance industry in relation to their rights and obligations under the act and under the Fire Services Property Levy Act 2012.

Very importantly, the monitor is also responsible for keeping watch on insurance premiums during the transition period from the old levy to the property-based approach, for making sure that the provisions are complied with and for investigating any breaches of the requirements of the legislation. The monitor is empowered under the act to refer disputes to the director of Consumer Affairs Victoria for conciliation or mediation. At the time of the introduction of the bill late last year, the opposition was concerned that, besides trumpeting the provisions of the then bill as creating tough new consumer protections to support the abolition of the fire services levy, the government promised that householders and businesses would save money to the tune of more than \$100 million every year and that it would also lower the cost of insurance.

The government did not stop there; it raised community expectations even further through the issuing of a number of leaflets to households, under the rubric of a fairer approach to protecting Victoria, that gave detailed estimates about how much lower the household payments would be under the property levy as distinct from the old non-property-based approach. By any measure, the distribution of material of this type should

have been examined by the fire services levy monitor because there is a case that this information breaches the requirements and that the conduct falsely represents, misleads, deceives and is not really permitted under the act. At the last moment the government put through the Parliament an amendment that narrowed the effect of the provisions by adding the words ‘in trade or commerce’, and that amendment excluded the information pamphlets that the coalition had distributed.

The government’s legislation was introduced with much fanfare. There were many unachievable promises that raised community expectations, and things were bound to end badly, as they have in many instances. The transition from the fire services levy to the property-based approach was by any measure botched. It has confused many people. In a number of cases they are bewildered as to why they are still paying premiums that include the fire services levy even though they have been led to believe that they have transitioned to the new property levy system. In many cases premiums have increased by something like 55 per cent over the past year; premiums are not decreasing on a pro rata basis as expected. Properties are being inappropriately classified as commercial, leading to owners having to pay higher commercial rates, and in some cases owners of unproductive land are being classified as primary producers.

The second-reading speech points out that the collection burden is shifted to local councils. The collected funds are placed in consolidated revenue, whereas they could be allocated to specific purposes, and the minister is able to set the rate level with no provision for review. The government has been reluctant to take these concerns seriously, so Labor has introduced the bill that we have before us this afternoon to enable the fire services levy monitor to monitor the operation of the new scheme and to ensure that it operates in a fair and equitable way, as the coalition promised.

Labor’s bill enables the monitor to investigate individual complaints and make recommendations to have the situation remedied. The monitor is empowered to investigate insurance companies that do not reduce premiums in line with the transitional arrangements and is able to report on the amount of revenue that has been raised. In his contribution to the debate Mr Philip Davis said that the measures, which I have referred to will be contained in the current act, but members on this side just do not agree that that is actually the case, so the provisions in this bill are really a test for government members in this chamber.

The provisions in this bill that augment the powers of the monitor can do no harm. Even if there is nothing in the allegations the opposition makes about the failures of the Fire Services Levy Monitor Act 2012 and the Fire Services Property Levy Act 2012, there is still merit in implementing the provisions of the bill. I indicated at the outset that government members will not find themselves in a position to be able to support the bill because they know that to vote for it means that they would have to own up to the uncomfortable fact that the government’s legislation is faulty and needs to be changed.

Mr Lenders should be congratulated on introducing this bill to the chamber. It is sound legislation and it will assist members of the community in having their many complaints regarding the operation of the fire services levy heard and fairly settled. As I said, that is what government members fear, and this afternoon they will do anything to prevent the bill being agreed to. During the course of this debate members opposite have said that Labor has stoked up community concerns on the basis of misinformation. If that is the case, this bill gives the monitor the powers that he needs to investigate and settle the accusations that the government has levelled against Labor. I commend this bill to the house.

**Mr RAMSAY** (Western Victoria) — It is an unexpected pleasure that I have the opportunity to speak to this motion, even though I will not be supporting it. It gives me an opportunity to address a couple of the issues that were raised during previous contributions and also to put on the record yet again my very strong support for the fire services levy, which is probably one of the largest tax reforms this Parliament has ever seen. With the greatest respect to my parliamentary colleague Damian Drum, I note that it has not been only members of The Nationals who have been proactive in seeking these reforms. In fact many stakeholders, community members and different parties have been calling for this reform for many years, none more so than the Premier of Victoria, Denis Napthine, who is the member for South-West Coast in the Assembly. He has been a long-term advocate for reform of the fire services levy, as I have been.

When I was approached to speak to this motion, I had the opportunity to go back to my members statement on 8 May, when I said that I thought that this was the biggest tax reform in Victoria for decades:

The fire services levy (FSL) has been reformed to make it a fairer, more equitable funding model for the Country Fire Authority and the Metropolitan Fire Brigade, with concessions for pensioners and war veterans ...

I also congratulated the then Premier, Ted Baillieu, the member for Hawthorn in the Assembly, and the then Treasurer, Kim Wells, on bringing forward the legislation initially, and the Premier, Denis Napthine, and Treasurer, Michael O'Brien, who have followed through and made the legislation effective from 1 July.

I am somewhat surprised that Mr Lenders would see fit to bring an amending bill to the house this early in the piece, given that the legislation came into effect on 1 July, which is really only about two months ago. In fact it has been only in the past few weeks or months, in some instances, that ratepayers have been receiving their rate notices with the inclusion of a fire services levy component. It is very early days in the transition from a generational tax based on an insurance-funded model. It was based on assets — insured by some and not by others. The transition has been to a property-based model, which was a recommendation from the 2009 Victorian Bushfires Royal Commission. A number of concerns have been raised with me about the different costings associated with that transition. That is something that this government will address.

Mr Lenders's proposal is to use the monitor who is already there to make sure that there has been and will be a smooth transition from an insurance-based levy to a property-based levy and that the insurance companies adhere to a proper and fair transition. Mr Lenders's proposal is that the monitor have powers different from those that are already there.

The first issue for government members is that there be a fair tax. There is no doubt that the property-based levy is a much fairer tax. It is a much more equitable funding model whereby all people who own property pay an amount of money towards the funding of the fire services. We are all beneficiaries of the fire services here in Victoria, and on that basis it is only fair that we all make a contribution through either a property-based tax or a flat-rate charge as has been proposed. I do not think anybody disputes that, so that is not the issue.

The issue is that under the insurance-based model some members of the community have not been contributing anything to fund the fire services. Now through either a direct property tax, through the fire services levy or through their rents, people are contributing a percentage of funding to the fire services.

The issues around a property-based model are complex, and I am pleased to see that the Treasurer has indicated he is willing to review the equity within the property-based model in the different sectors. I was very pleased to see that the Department of Treasury and Finance saw fit to review some of those sectors in the

initial stages before implementation. Certainly in my constituency there was a need for an adjustment in the area of primary production to make that sector more equitable in relation to the rating methodology. There may well have to be further adjustments down the track in relation to providing equity across all those sectors, whether it be the commercial, industrial, residential or primary sectors, to make sure that once this new reform is bedded down it will provide equity right across the property-based community.

On that basis, I see no reason to support Mr Lenders's motion. I am satisfied that this government has committed not only to monitoring the transition from an insurance-based to a property-based model but also to allowing a review process when this tax reform is bedded down to make sure that all sectors are contributing fairly and equitably to the fire services without being weighted by any particular sector. Of course the beauty of this tax reform is that it allows us to move money that is raised directly from this property-based model into our fire services capacity.

As a farmer and a land-holder who every summer faces certain risks in relation to fires, it is hugely comforting to know that there is now an income stream which everyone is contributing to that is able to invest in urgently needed infrastructure to protect our communities, particularly our rural and regional communities. I have seen that demonstrated time and again as I have been involved with the Minister for Police and Emergency Services, Kim Wells, in providing and opening various resources, whether they be fire truck appliances, equipment or fire sheds, to those little local communities that I identified in my members statement this morning. There are many of them across the region that I represent and other of my parliamentary colleagues in regional Victoria represent also. Country Fire Authority (CFA) volunteers are the core of local communities, and it is important that we provide them with the very best of resources to protect our communities. It is important on that basis that we all contribute to that investment into our fire services and provide the appropriate resources.

I do not need to go on. I certainly do not want to do what my other parliamentary colleagues have done and revisit the original legislation in relation to this new tax reform, and I certainly do not want to go into detail about the recommendations of the royal commission. However, I do want to congratulate the government on the implementation of this tax reform. Every time I see Mr Lenders in this chamber I am reminded of when I was the president of the Victorian Farmers Federation. I came to this Parliament over a four-year term to speak with the treasurers at the time, including Mr Lenders

and Mr Brumby, to strongly advocate for reform of the fire services levy.

I actually thought I had Mr Lenders over the line, as I did Mr Brumby. I showed clear evidence that other states, including South Australia and Queensland, had embraced the new property-based model of fire services reform. We showed figures that indicated there would be no significant loss of revenue in the transition from an insurance-based to a property-based model, but I just could not quite get them over the line. Even though I knew that in their hearts former treasurers Lenders and Brumby actually wanted to make this reform, for whatever reason they just were not quite able to do it.

So it was with great satisfaction when I came into this Parliament as a new member that one of the first major pieces of tax reform I saw was a reform to the fire services levy. I am now almost smiling that Mr Lenders would see fit to try to appendage a bill from himself to the new reforms to claim some sort of ownership, knowing full well, as he did when I asked him to review that model when he was the Treasurer, that it was the best thing not only for fire services generally but for all the Victorian community to partake in an investment in our fire services, protecting our local communities and giving our CFA volunteers the very best resources we could give them.

While am speaking on this bill I would like to take the opportunity to say that I am really disappointed at what I have noticed has been a significant effort to try to suggest that I do not support firefighters in Victoria because I did not support a private members bill that Ms Hartland brought to this chamber in relation to firefighters compensation.

**Mr Barber** interjected.

**Mr RAMSAY** — And Mr Barber was part of that.

**Mr Lenders** — On a point of order, Acting President, this has been a very wide-ranging debate, but Mr Ramsay is now moving to comment on another bill that has been before this house. He is not even seeking to restrict his comments to the bill before the house. I would ask you to bring him back to the bill before the house rather than letting him discuss a private members bill that Ms Hartland previously introduced into this place.

**The ACTING PRESIDENT (Ms Pennicuik)** — Order! I did not actually hear what Mr Ramsay was going to say about the other private members bill, but I think he should bear in mind that his remarks should have some relevance to the bill that is before the

house — and I would suggest that they should probably be in general terms and not in specific terms.

**Mr RAMSAY** — For Mr Lenders and others who are concerned that I am straying away from this bill, I have sat through debates in this chamber for two a half years and have heard many contributions that actually had little relevance to the debate at hand. Nevertheless, I stand corrected.

What I was going to say was that I was disappointed — and I will not refer to the member's bill if that makes it easier — by the letters that Ms Hartland and the member for Ballarat East in the Assembly, in some sort of concerted effort, wrote to the local paper suggesting I am not supportive of our country fire services or our volunteers because I did not support a piece of legislation that they wanted to move through this house.

I have every right to stand here and say that I have been a long-term advocate for tax reform in relation to fire services. I have in every instance supported Country Fire Authority volunteers from across this region in relation to not only supporting the reforms that have taken place to allow more investment into fire services but also encouraging the Naphthine government to continue to invest in Country Fire Authority resources. I strongly object to letters being written to the paper suggesting that I am not supportive of firefighters in Victoria, because that is a lie. I am very happy to respond — —

**The ACTING PRESIDENT (Ms Pennicuik)** — Order! Mr Ramsay needs to be very careful before he imputes motivations to other members when he is speaking.

**Mr RAMSAY** — I can assure you, Acting President, that the content of the letters suggests that I am not supportive of firefighters in Victoria. I understand that is the reason those letters were written. I understand that this is yet another front by the United Firefighters Union relating to both its progression through an enterprise bargaining agreement and its antigovernment stance on almost all things related to fire services. The union is using Greens and Labor Party members to fight its battle for it. I take this opportunity to refute any suggestions that I, or any member of the Naphthine government, am not supportive of our CFA volunteers across Victoria who work hard and make themselves available, at a cost to themselves, I might say.

Only two weeks ago I was in Chatsworth opening up a community facility for the fire brigade down there, and it was made known to me how much time and money

farmers in particular provide to this state in relation to burning off, creating firebreaks around communities and undertaking fuel reduction burning. Farmers provide, free of charge, their own resources and appliances, staff and time to protect communities in Victoria, saving the state many thousands of dollars per farmer. They are not financially acknowledged in any way for their contributions to the fire service. I am one of them. I have my own fire truck, I am a CFA volunteer and I have over many decades provided my time, my labour, my appliances and even my staff to help with firebreak burning, fuel reduction burning and fighting fires.

It is on that basis that I want to take the opportunity — with your indulgence, Acting President — to say that I take umbrage at letters, drummed up by the United Firefighters Union, signed by local Labor members and Greens members, that say the Napthine government does not care about volunteers. I have the right to use this forum to refute those suggestions and say that in fact the Napthine government and government members are more supportive of CFA volunteers than any other section of this Parliament.

On that basis, I see no need for Mr Lenders's bill. The government has put in place opportunities for review. The fire services levy monitor already has a job to do in relation to the transitional arrangements for moving from an insurance-based to a property-based levy model. We have already committed to directing revenue raised under the new model straight into the fire services. We have removed the stamp duty component, which was part of the triple tax under the old system that sparked calls for its removal. We are providing concessions to pensioners and war veterans. We are providing a fair and equitable tax across the whole community in terms of contributions to funding of the fire services in Victoria. I congratulate the government on persevering with this new tax reform. I do not support the bill before the house.

**Ms PULFORD** (Western Victoria) — I wish to speak in support of Mr Lenders's private members bill, the Fire Services Levy Monitor Amendment (Ensuring Fair and Equitable Levies) Bill 2013. If I can, I will begin where Mr Ramsay left off. I hope the house will give me the same leeway as Mr Ramsay had to range freely in referring to the correspondence to local newspapers from other members. It is important to note that the letter the member for Ballarat East in the Assembly wrote to the paper, which made the assertion that government members were perhaps not as supportive of firefighters in Victoria as they might be, was specifically in relation to deliberations in this place where opposition members sought to have the

Parliament consider Ms Hartland's private members bill, a bill that sought to improve access to compensation for firefighters with cancer.

**Mr Ramsay** — On a point of order, Acting President, you clearly said to me in relation to a point of order by Mr Lenders that I was not to refer to another bill that was put to this house. Ms Pulford has just spent the last 15 seconds in the opening of her contribution referring to that very bill. I ask you to request her to not refer to that particular bill.

**Ms PULFORD** — On the point of order, Acting President, I was simply taking the opportunity to respond in this debate to comments that Mr Ramsay made about correspondence written to local newspapers in our electorate by a member of another place on an issue. I did agree with your initial comments from the chair that it was perhaps a stretch to be considered in the context of this bill, but then Mr Ramsay continued to talk about it at some length, so I figured if it was good enough for him then it might be okay for me to respond on behalf of the opposition.

**The ACTING PRESIDENT (Ms Pennicuik)** — Order! On the point of order that Mr Ramsay raised, I did not prohibit him from speaking on the bill. I just warned him not to stray too far from the topic at hand and to make general comments, not specific ones, on that bill. Then he went on to talk about the letter, and I allowed him to speak about his concerns about that, whilst warning him not to impute motives to any other member of the house. So far as I can see, Ms Pulford has made some response to the debate issue that Mr Ramsay raised regarding the letter. The points that have been made about the letter are sufficient, and I advise all members from this point to direct their comments to the bill at hand.

**Ms PULFORD** — I think we can agree that all members of Parliament support Victorian firefighters. We argue at the margins about the extent to which funding occurs and the extent to which the costs of our fire services are raised and met, as well as from which members of the community and in which proportions these funds are derived. On the question of the occupational risks affecting career and volunteer firefighters, these are broader issues, but it is important to note that the fire services property levy raises funds directly for the Country Fire Authority (CFA) and that, insofar as compensation rights for volunteers go, these are benefits that are a reflection of those that are in the Accident Compensation Act 1985 and so are directly relevant because it is through the CFA act that the mirror benefits are provided to volunteers.

But Mr Ramsay is no longer sitting in his place; he is now the Acting President, so I will stop trying to provoke him, given that he is no longer in a position to respond. I will return to the substantive matter before the house, which is Mr Lenders's bill. I do note, though, that Mr Ramsay said in his contribution that he is satisfied with the way in which the government has implemented the new fire services property levy.

This levy was described by the Treasurer, Michael O'Brien, as a tax cut that would result in savings for around 20 per cent of Victorian households. Again, I think we are all in furious agreement about doing whatever we can to reduce cost of living pressures on people in the Victorian community. I note Mr Ramsay's long-term advocacy on this issue. I also note that the 2009 Victorian Bushfires Royal Commission recommended that this change be made and that the old fire services levy be done away with. I also note that the then Labor government had commenced the work needed to implement that recommendation, and so in the 2010 state election both the major parties were presenting to the Victorian people a position that they would implement that recommendation of the bushfires royal commission. There were some other points of difference — the undergrounding of powerlines and the lock, stock and barrel implementation of all of those recommendations — but perhaps that is a speech for another day.

There have been some issues with this reform. Indeed government speakers have indicated this is a significant, sweeping reform that has affected the vast majority of people in the state. It is incumbent upon us to get it right, and it is incumbent on the opposition to make sure, where it sees that government actions can be improved upon, that it takes the opportunity to present its thoughts in this place about how we as legislators might approach this complex issue differently. This is a big change that has affected a lot of people. The change directly affects household budgets. The government said no-one would be worse off and that in fact many people would be better off with this change. This has been trumpeted by government members the length and breadth of the state.

As members are well aware, there have been some bumps on the road to implementation. The promised reduction in insurance premiums has not occurred. Insurance premiums have continued to rise. I am not terribly surprised about that, but that is where the saving for households was to be largely derived. That has not come to pass in the way that the government suggested it would. The old fire services levy has not been removed from premiums on a pro rata basis from

July 2013, so many people are concerned that they are paying twice.

There are issues around the collection of the levy. Of course the local government sector had a great deal to say about this before implementation time came. There are challenges for local government in being the tax collector for the Victorian government in relation to the fire services property levy.

There are perhaps some unintended consequences in the way that this charge is affecting some members of the community. Some parcels of land in communities across Victoria are being charged in ways that probably, if it was absolutely honest about it, the government would admit were not as it foresaw — like charges on car parks, and there are some amazing examples of those. Indeed Mr Lenders provided some such examples in his second-reading speech.

There are also other unintended consequences for those who accommodate loved ones in their homes, in the granny flat or in the unit out the back. Those people are being penalised and are paying twice. It is the government's prerogative to design this tax in the way it sees fit, but what Mr Lenders's bill seeks to do is to provide an expansion of the oversight arrangements. It is the kind of change that I would have hoped would have been acceptable to the government, and it is regrettable that the government cannot see its way to supporting the bill. Mr Lenders's bill simply seeks to expand the powers of the fire services levy monitor. The government obviously thinks having the role, function and operation of the fire services levy monitor is a good thing; the monitor is a creature of the government. Through this bill the opposition seeks to extend the monitor's reach so that it has oversight of the operation of the levy as well as its current role in overseeing the removal of the old levy.

The government has gone to considerable effort and expense to inform and advertise to the Victorian public that this is a simpler, fairer and better tax than the one that preceded it. If that is the case, then the government has nothing to fear from an extension to the remit of the monitor. Mr Lenders's bill would provide for the monitor to be able to make to government recommendations around policy changes, to address individual grievances and to continue monitoring insurance companies over time rather than just over this period of transition.

Importantly, the bill expands the monitor's responsibilities also to report on the revenue received from the fire services property levy. The cost of supporting Victorian firefighter services is significant.

The environment in which we live can experience extremely brutal summers. As I make these comments on 16 October, the weather warnings and early fires are reminders that we are soon to move into the more active and dangerous fire-risk period in Victoria, and no-one in Victoria needs to be reminded of just how catastrophic a major fire event can be.

It is important for the public and for us, as members of Parliament, to have a clear picture of the relationship between the revenue derived from this new tax and the cost of adequately supporting our fire services. The bill also expands the monitor's responsibilities to monitor and investigate problems — problems which have been experienced to date and problems we cannot foresee but which may exist in the future — and to simply recommend policy changes to government that might benefit the ongoing operation of the new tax.

Any government worth its salt is able to take advice. This is a fairly straightforward piece of legislation that seeks to expand the monitor's remit to allow it to provide additional information to consumers, to government and to us as legislators to ensure that this tax is constructed to effectively meet its objectives of adequately funding Victoria's critically important fire services. If the government were just a little more open minded, it would see it had nothing to fear from this bill. It is regrettable that the government is not supporting it.

I congratulate Mr Lenders on the work that he has done in bringing the legislation to this place. It is a reflection of the concerns that the opposition has heard from constituents from across Victoria regarding the botched implementation of this new tax. I will certainly be supporting Mr Lenders's bill today.

**Mr LENDERS** (Southern Metropolitan) — In replying debate on this bill, which seeks greater powers for the fire services property levy monitor, it is worth putting this debate into perspective. This is an uncomplicated bill of eight clauses. If we go to clause 1, it states that the bill basically gives the monitor further responsibilities and powers regarding fire services levy monitoring; greater power for the fair and equitable operation of the act, particularly regarding the levy; and greater investigative and reporting requirements. That is what is being asked. The debate today has been a fundamental rewriting of history of this levy.

For the benefit of the house, the fire services property levy went through this house unopposed. This has been a re-litigation of ancient history on the levy. I should point out to Mr Drum that not only did the Labor

government not legislate in 11 years, although post the 2009 Victorian Bushfires Royal Commission there was a commitment, but in the previous seven years, when The Nationals members were ministers for police and emergency services, there was no legislation either. From a historical point of view, following the royal commission people accepted the need to replace the fire services levy with a new levy, and the bill went through unopposed in a bipartisan fashion.

What is left to talk about in this bill is the proposal to give the monitor — the monitor set up by the current coalition government — greater responsibilities and powers to scrutinise how this levy is going and move away from what was its original purpose in the first year to scrutinise whether insurance companies were appropriately transiting from the old levy, based on a percentage of insurance, to the new levy. This sounds really scary — something the government should be terrified of.

What is being proposed in this bill? It is proposed that the government-appointed monitor investigate complaints beyond the time he currently has, which hardly seems frightening to me, and requires that information be given to the monitor by the state revenue commissioner and the Secretary of the Department of Treasury and Finance. I would not have thought that was particular scary, unless you had something to hide. It also requires the monitor's reports be tabled in Parliament rather than sitting in the bottom drawer of Treasurer O'Brien's desk. Those are the three things.

**Mr Leane** — Nothing wrong with that.

**Mr LENDERS** — That is right, Mr Leane, there is nothing wrong with that. Those are essentially the three things that this bill of eight clauses seeks to do. It is hardly radical. It is hardly tinkering with the fire services property levy. It is simply saying to those citizens of Victoria who are aggrieved that there is an ongoing process on how the system works and on how the original transition power was dealt with by the monitor. It gives citizens a person to go to with complaints or suggestions on how the system can be improved.

**Mr Leane** interjected.

**Mr LENDERS** — It is scary, Mr Leane, very scary. I put it to you, Acting President, that it is only scary if you are worried that the system is not working perfectly and that a monitor might report that it is not working perfectly. We had unbelievably inflated claims from various government members when this was

introduced, such as how no-one would be worse off — that was said by local government members in a couple of the electorates in my region — or that only those bludgers who were not insured would somehow or other be worse off. If that is the case, let the monitor report on it. If that is not the case, be fearful that the hyperbole of the original bill as it was passed might be exposed. For information from the Secretary of the Department of Treasury and Finance and the state revenue commissioner to go to the monitor, it simply requires those two government bodies to actually hand over data.

I am assuming that the commissioner of state revenue and the Secretary of the Department of Treasury and Finance would probably do that anyway. I am sure if Treasurer O'Brien asked either of them for information, they would give it to him. To actually request that those two government agencies give information to the fire services levy monitor is hardly a radical step. What is different here — and this is the sting for the government — is that there is a requirement that if the monitor reports something adverse, that report gets tabled in the Parliament. There is a requirement that the monitor has powers to investigate for a longer period than was envisioned by the act. That is probably a problem.

I am disappointed that the government did not take the opportunity to be briefed on this bill. I am a realist. I know that the government uses rule 21 to 19 to operate in this house as it chooses, but I would have thought that just for once the government might have looked at this bill and at least considered what the harm or fear was. There is no cost in it to the government, if that is its concern. This measure just gives a few more rights to citizens to test a system that is new. As a number of my colleagues have pointed out, there are some obvious — I will be charitable — unintended consequences of a system that a government can presumably fix. This bill does not seek to fix them. This bill seeks to let the citizens ventilate to the monitor, the monitor to consider those complaints and then to make recommendations. This is hardly radical. I would have thought it was good governance, which would lead to good government.

Sadly, yet again, coalition members know everything. They have thought about this; therefore why would they consider a review? They know everything, so they will close the debate down and happily go on with their view that Treasurer O'Brien in his own office and his own time, away from scrutiny, will consider this system. If it is not working, who knows what he is doing? If it is working, who knows what he is doing? However, the public will not know, the Parliament will

not know and citizens who wish to complain once the sunset clause in the original bill dealing with insurance companies is gone will certainly have no access to the Victorian fire services levy monitor, Mr Fels. We will have to trust the hyperbole of local coalition members, who say everything is fantastic, everything is good and anyone who draws attention to any defect in the system is somehow unpatriotic and un-Victorian, and how dare they criticise the unbelievable wisdom that has been passed on from this government. I urge the house to take the small step of backing this little bill of eight clauses, which gives citizens a few more rights and makes government a bit more accountable. I commend the bill to the house.

#### House divided on motion:

##### *Ayes, 17*

Barber, Mr	Mikakos, Ms
Broad, Ms	Pennicuik, Ms ( <i>Teller</i> )
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr ( <i>Teller</i> )
Lenders, Mr	Tierney, Ms
Melhem, Mr	

##### *Noes, 20*

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	Millar, Mrs ( <i>Teller</i> )
Davis, Mr P.	O'Brien, Mr
Drum, Mr	O'Donohue, Mr
Elsbury, Mr	Ondarchie, Mr
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr ( <i>Teller</i> )
Hall, Mr	Rich-Phillips, Mr

#### Motion negatived.

### RESIDENTIAL TENANCIES AMENDMENT (HOUSING STANDARDS) BILL 2013

#### *Introduction and first reading*

**Mr BARBER (Northern Metropolitan) introduced a bill for an act to amend the Residential Tenancies Act 1997 in relation to the imposition of certain minimum housing standards and for other purposes.**

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

*Statement of compatibility***Mr BARBER (Northern Metropolitan) 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 (the charter), I make this statement of compatibility with respect to the Residential Tenancies Amendment (Housing Standards) Bill 2013.

In my opinion, the Residential Tenancies Amendment (Housing Standards) Bill 2013, as introduced to the Legislative Council, is compatible with human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of the bill**

The purpose of the Residential Tenancies Amendment (Housing Standards) Bill 2013 is to empower the minister to set minimum housing standards for rental premises through regulations; and resolve disputes between tenants and landlords arising from these minimum standards not being complied with.

**Human rights issues**

In amending the Residential Tenancies Act 1997, this bill does not hinder, but rather enhances, the human rights of Victorians. The rights engaged by this bill are as follows:

**Section 13: privacy and reputation**

Section 13(a) ensures Victorians have the right not to have their home and privacy arbitrarily interfered with. Division 8 of the principal act currently governs the landlord's right of entry and the Residential Tenancies Amendment (Housing Standards) Bill 2013 in no way affects the legal requirements with which the landlord must comply in order to lawfully enter onto the premises.

**Section 17: protection of families and children**

The charter entitles families and children to be protected by society and the state. This bill strengthens this commitment by providing vulnerable families and children with recourse to ensure their physical safety, health and comfort through the range of measures that can be enacted through regulations by the minister under clause 10 of the bill.

**Section 20: property rights**

This section prevents deprivation of property other than in accordance with law. While this bill would force landowners to repair, modify and upgrade their properties to meet the established standards, no deprivation of property occurs.

**Human right to housing**

The human right to adequate housing is included in article 11 of the International Covenant on Economic, Social and Cultural Rights, to which Australia is a signatory, but there is no corresponding right under Victoria's Charter of Human Rights and Responsibilities Act 2006.

**Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit any human rights in the charter. On the contrary, this bill further enhances the human rights of Victorians.

Greg Barber, MLC  
Member for Northern Metropolitan Region

*Second reading***Mr BARBER (Northern Metropolitan) — I move:**

That the bill be now read a second time.

Nearly every product on the market has to meet a set of standards, from food to cars to computers.

This bill extends a level of protection to renters for the biggest purchase they make each month — their rent — by providing for a set of basic standards that all private rental dwellings must meet.

The housing minister will set the standards by regulation, which means they may be upgraded as new housing and energy efficiency policies are implemented.

Clause 10 of the bill introduces a new section 511(1)(d) into the Residential Tenancies Act, which guides the minister on what those standards will include. They divide into two basic categories — health issues and energy efficiency issues.

**Health**

Health issues include structural integrity, security, sanitary facilities and cooking facilities. Standards might include an electrical safety switch, fixed heating, windows with glass in them, weatherproofing, locks, running water, a stove and a sink, laundry and sanitation facilities, lights, protection from damp and its effects.

The health standards are aimed at the lowest end of the rental market, where renters are the most vulnerable, including people who would qualify for social housing but who are in the private rental market.

Those are the places where the toilet does not flush and the wind whistles through gaps in the floor.

**Energy efficiency**

The other category is energy efficiency measures. This would have a broader impact, in terms of the number of rental places that might need some work. It would reduce the cost of living for renters by reducing their

energy bills. It would also have a huge beneficial impact on Victoria's energy efficiency outcomes.

### **Coalition policy**

The present coalition government in Victoria came to power with a policy to 'support the transition of all existing housing stock to meet an average of 5-star energy rating ... as soon as possible'.

We have not heard anything from the government about how they intend to implement that policy, but the community is keen to get started.

### **Public support**

Environment groups, consumer groups, social welfare and energy organisations want to help the government implement its policy.

Groups including Environment Victoria, Kildonan UnitingCare, Victorian Council of Social Service, the Victorian Local Governance Association and the Alternative Technology Association joined together to form the One Million Homes Alliance, which is committed to support the delivery of the goal.

They are called 'One Million Homes' because they reckon that the people who live in 1 million of the estimated 1.9 million homes that have a 1 or 2-star energy efficiency rating are also eligible for energy concessions.

These homes, they say, 'represent the best value for public money spent in raising home efficiency standards' because there are 'huge savings available to government departments' from the measures, including 'savings to the energy concessions budget, savings on interventions with vulnerable Victorians, savings on health costs associated with extreme heat or cold events.'

Basic energy and water efficiency standards for rental homes, phased in at point of lease for newly rented homes, are amongst the One Million Homes Alliance's four recommendations to help the government achieve its 5-star homes election commitment.

### **Who lives in rental dwellings?**

Renting is no longer a temporary situation for young people waiting to buy a house.

In Victoria, your typical tenant in the private rental sector is now 37 years old. They live in a detached house in the outer suburbs of Melbourne and they expect to continue renting long term, whether they want to or not.

Nearly a third of them have dependent children, about a third of those families being sole parent households. This is a growing sector — more and more children are growing up in rental accommodation.

These families are under housing stress. Two-thirds of Australians on low incomes in the private rental market spend more than 30 per cent of their income on rent. Even worse, 20 per cent of long-term renters on low incomes spend more than half their income on rent.

Residents of low-cost private rentals are more likely to be at home during the day, including pensioners, people with disabilities and chronic illnesses, people caring for small children and elderly people.

They are more vulnerable to high utilities costs, so when we take action to improve the health and environmental performance of rental premises, we are taking action to improve the lives of the most vulnerable Victorians.

### **A life and death issue**

The increasing numbers of children growing up in rental accommodation brings with it a greater government responsibility for health and safety.

One of the strongest arguments for basic rental standards are the tragic deaths of Chase and Tyler Robinson. The young boys died in their sleep three years ago when a gas heater with a clogged up flue poisoned the air in their rental home.

The coroner's report into their deaths from June this year recommended public awareness campaigns about the need to service heaters regularly — a stance backed by Vanessa and Scott Robinson, the grieving parents who had the courage to launch the Chase and Tyler Foundation in 2011.

The Residential Tenancies Act currently provides that the landlord must maintain the premises in good repair, but it does not specify what constitutes good repair. The Chase and Tyler Foundation wants mandatory servicing of heaters every two years, a stance which is backed by Energy Safe Victoria.

There is provision for the tenant to request an urgent repair of a heater that has broken down, but no standard that a house in Victoria must come with a heater, so if a tenant agitates for repair, the landlord can remove the heater before the premises is next let — no heater, no maintenance problem!

So the renter is left with more dangerous, more costly, less efficient portable heating options.

The coroner in the Chase and Tyler Robinson case wanted the public awareness campaign to result in tenants advocating for regular servicing of heaters. But why should it be up to the tenants alone?

We would not be content with a public awareness campaign if two boys had been killed by faulty brakes in a car. There are basic roadworthy standards. And that is what we need in rental accommodation — basic standards.

### **Split incentive**

Clause 5 of the bill inserts a new division 5A into the act. Landlords must ensure that rented premises meet the prescribed standard at the time of leasing and on an ongoing basis. If they do not, it sets out a range of options to resolve the issue.

The problem with negotiations between landlord and tenant is that the parties are not equals and the landlord might have some strong motivation not to comply.

Research shows that landlords in the lowest end of the market tend to own just the one dwelling and to self-manage its rental, they tend to be reliant on the income from that dwelling and they tend to have lower levels of income overall.

There is only a 3.7 per cent vacancy rate for rental accommodation in Melbourne, and 3 per cent in regional Victoria. So if a tenant complains that the lights flicker when it rains, the landlord can give the tenant 120 days notice of eviction for no reason then re-let the premises without fixing the problem.

Even the most responsible of landlords lack a financial incentive to take some measures and they are generally motivated by up-front cost savings.

Some low-cost measures like sealing around windows and doors have a big impact on energy bills and personal comfort, as well as reducing greenhouse gas emissions.

But landlords usually do not pay the utilities bills. It is the tenants who pay. The (then) Department of Sustainability and Environment, in its 2009 report on the energy efficiency of rental accommodation, refers to this as the 'split incentive'. It says:

The split incentive arises because the landlord, who is responsible for maintenance and upgrade of the premises and fixed appliances, outlays the cost of improvements but does not perceive any benefit. Instead, the benefit of improvements passes to the tenant in the form of reduced consumption expenses. Given the limitations of income, the requirement for the landlord's consent and the problem of restoration, and the varying length and uncertainty of tenure, most tenants are

unlikely to voluntarily upgrade their rented premises. That does not prevent tenants from making behavioural changes to reduce their energy usage, but the results of those changes may be limited by the underlying efficiency of the dwelling.

This bill lets the minister set energy and efficiency standards to overcome that lack of motivation.

### **Dispute resolution**

New sections 71B and C provide for the director of Consumer Affairs Victoria to investigate and give an independent report on whether a premises meets the prescribed standard, either at the renter's request or of the director's own volition.

If there is still a dispute, new section 71D provides for the renter to apply to the Victorian Civil and Administrative Tribunal for an order. New section 71E provides that the order tells the landlord which standard needs to be met, and when they need to meet it by.

New section 71F gives the tenant some options if they have signed the contract but not started living in the place. They can defer occupying the premises until it meets the standards and they do not have to pay rent until the place is fit to live in.

New section 71G is a powerful motivator. If the landlord has not complied within 28 days of receiving the consumer affairs report, the tribunal may order the tenant pay their rent into the rent special account. The rent is released to the landlord when the premises is compliant. Later in the bill, clause 9 facilitates the use of the rent special account.

Clause 6 of the bill provides an additional option for tenants who have signed a lease but not taken possession of the property when they realise it is not compliant. As well as the options I described earlier, they may terminate the lease.

Clause 7 amends section 239 of the act. The existing provisions of the section provide for a tenant to terminate the lease if the landlord has not complied with a VCAT order. My amendment adds an order in relation to the rental housing standards to that section.

### **Valid reason for eviction**

Clause 8 repeals section 263 of the act, which presently allows a landlord to evict a tenant for no reason.

There is no need for section 263 to exist. There is a full range of lawful reasons in the act for the landlord to evict a tenant.

Apart from the list of health and energy efficiency measures that I outlined earlier, clause 10 also provides that, in the case of inconsistency between these regulations and other acts, those other acts prevail.

Clause 11 provides for transitional provisions to be made and clause 12 for automatic repeal in the usual way.

This bill is a modest, economically efficient measure that falls squarely within government policy.

It is also a classic Greens initiative, in that action taken on the environment has collateral health and financial benefits, especially for the most vulnerable Victorians.

I commend this bill to the house.

**Debate adjourned on motion of Mrs COOTE (Southern Metropolitan).**

**Debate adjourned until Wednesday, 30 October.**

## DONCASTER RAILWAY LINE

**Mr BARBER** (Northern Metropolitan) — I move:

That this house calls on the Napthine government to immediately allocate funding for development of the Doncaster rail line.

Just before the 2010 state election, when the Greens were out in the eastern suburbs campaigning for the long-awaited Doncaster rail line, we also had a visit to that region by the then Premier, Mr Baillieu. What he told the assembled media, with a number of other MPs assembled around him, smiling broadly and nodding, as the *Age* reported, was as follows:

‘The easiest thing to do would be to do exactly what this ... government has done and do nothing. We are not going to do that; we are going to ... find the funds and get on and build it’, Mr Baillieu said —

in relation to the Doncaster rail line. Subsequently \$6.5 million was made available for a feasibility study, which many of us have paid close attention to. This area of Melbourne is one of the largest segments in our radial rail line system but is actually unserved by any kind of fixed rail, be it light or heavy, train or tram. Along with Rowville, along with the airport and along with a number of other areas that need to be electrified and have their services upgraded, it is a critical project that is long overdue and needs to be commenced immediately.

These projects should be commenced as a priority over and above any of these megaroad projects that are being floated at different times by different groups, because heavy rail is the fastest, most efficient and most

environmentally friendly method of moving large numbers of people, particularly in and out of our CBD and near-city area. The purported road projects that have been thrown up for a number of years by different governments have all tried to do the same thing. They have tried to address the big problem in Melbourne, which is getting large numbers of people in and out of employment centres, but roads will never be as efficient at doing that as rail can be.

By some versions of history the Doncaster rail line has been around as a promise for nearly 100 years. Certainly it received some coverage in the early Bolte era transport plans. Under the Cain government legislation was brought into this place to actually de-gazette the land reservation. Steve Crabb, the then Minister of Transport, introduced it into the lower house and said, ‘Don’t worry; we’re building you light rail instead. We don’t need this rail reservation anymore’.

Then of course most recently, and now most famously, we had Mr Baillieu’s commitment to ‘find the funds and get on and build it’. We did not get that. We got the \$6 million feasibility study and we got a lot of consultation and chances to stick sticky notes to whiteboards and talk about our priorities, and we got coloured diagrams and all the rest of it. We got a whole series of different options on paper — most of them poorly considered, by the way. Even the one that came closest to it — the straight down the middle of the freeway fast commuter model, the one that would hopefully get you from Doncaster to the city in about 20 minutes — became super expensive because it had to tunnel under the road tunnel. It was a given in that study that the road tunnel was going to be built, and various rail tunnels had to tunnel under the road tunnel.

Anybody who has spent any time on the Eastern Freeway on a bus or in a car can see the merit — and anybody who has been to Perth would have already seen the logic — of putting a rail line straight down the middle of that freeway reservation, getting people to the city even faster and unclogging the freeway in the process. In fact those trains roaring past the clogged freeway would be the best advertisement you would ever need for switching over to the train. People are already doing it in relation to buses. The upgraded buses have certainly led to increased patronage, but the extra time savings that are going to make public transport competitive with the motor car for most people, as well as the efficiency of greater capacity, mean buses are not a substitute for trains. But bus services are something we should be piling on there even as we move forward with the plan for the train.

Even if this government were to make a political commitment tomorrow to building the Doncaster rail line, it would take quite some years, and it is going to take quite some years for a number of these other rail projects that have been proposed as well, so it is about making serious moves to get started on all the necessary projects, because they will take differing amounts of time to be delivered and they will be desperately needed by the time they get there. The regional rail link was shovel ready, according to Mr Brumby, in 2009. It now looks like we will get trains on it in 2016; however, it is true that it does take quite a number of years to develop a project of this scale. That is why it is imperative that a political commitment is made now and that the necessary serious development work is commenced now so that the project itself can be brought on in a timely fashion along with a number of other urgent public transport projects here in Victoria.

Of course the most urgent, short-term and efficient project would be to upgrade the signalling systems, which would allow us to run more trains on the existing infrastructure. That is always going to be a better option than having to move to building new infrastructure, even though the new infrastructure is also needed to service new areas and to relieve the massive overcrowding that we are now getting in the morning peak on many of our train lines. The government is not moving particularly quickly on the efficient signalling matter either. It is sticking a toe in the water. It is going to try it on the Sandringham line and see how it works. I am here to tell the government that dozens of cities around the world are going full-scale ahead with different projects along the lines of high-capacity signalling. The government should be seeking to capture their learnings, maybe even poaching some of the people who are delivering those projects and getting them to come to Australia, instead of learning as it goes by starting with Sandringham and seeing how that works.

This is rapidly becoming a mature and established technology, brought on by the amount of change we have seen in the area of communications technology and computing that has permitted us to do things we never dreamt of doing in the 19th century, with signals popping up and down on the side of the track telling the driver to stop and go. We still have those, by the way; we are still using reliable but not particularly high-capacity 19th century technology on parts of Melbourne's rail system. It is time to leapfrog into the 21st century and look forward.

This is a project that may cost in the billions, but we will never get there if we stop with the initial \$6.5 million feasibility study. Serious money is needed to turn those concepts into an actual project by

examining particular situations on the ground with regard to construction. The government has piked out on this particular promise and, with no warning at all to anybody, brought in a new idea, which is an \$8 billion road tunnel from Collingwood to Kensington with a toll of maybe \$3.50, maybe \$5 or maybe higher. We do not know. It claims that 100 000 people will use it when there are only a few more than that actually using the existing free freeway, most of those headed for the inner city and destinations near the CBD. However, we have debated that matter enough times in this chamber for the battlelines to have been well established.

The government clearly played the switcheroo. It promised the train. It bought itself a bit of time to make it look like it was serious, and then it substituted a new project, a road tunnel that does not appear to have a constituency apart from a limited number of merchant bankers and construction firms, which is hardly the basis of a populous groundswell. It is only right and appropriate that the government be asked to go back to the initial promise it made to the people of Melbourne and particularly to the people of the eastern suburbs and commit to doing that and doing it right. The Greens already made that commitment and have campaigned on it at many elections up until now, and the Greens will be campaigning on it at the next as well. I invite other members of the chamber, including Labor Party members, to support me on this motion.

**Hon. R. A. DALLA-RIVA** (Eastern Metropolitan) — I am pleased to speak on behalf of the government in relation to this motion. Of course it is an important motion because the Doncaster rail line is an important project, as the government announced before the election and indeed has continued to support. On merit the motion by Mr Barber sounds good, but it seems to be smacking of some opportunism because the motion itself calls on the Napthine government to immediately allocate funding for the development of the Doncaster rail line. That in itself is fine, but it makes the assumption that no allocation is already being provided. The government will outline the fact that there are already moneys provided and already a process in place. There is already a system that the government has been undertaking since making that announcement. It is also important to note that for the east-west link tunnel project there was consideration for the continuation of the rail project as well.

In terms of the Doncaster rail line, I note that Mr Barber mentioned that this has been a project which has long been considered by many governments over many years — in fact decades. The fact is that we allocated money in the 2011–12 Victorian budget. Development funding of \$6.5 million was allocated to the Doncaster rail line. There is also the Doncaster rail study, which is

in progress, as I understand it. I had a look at it just before; it is [www.doncasterrailstudy.com](http://www.doncasterrailstudy.com). If people wish to see it, they will see that it has been undertaken.

**Mr Barber** interjected.

**Hon. R. A. DALLA-RIVA** — Mr Barber interjects, politely, and asks for an immediate allocation of funding for the development of it. I have just indicated that, in the initial stage, development funding of \$6.5 million has already been allocated for the Doncaster rail line. As Mr Barber and others in the chamber and indeed the community would understand, a proper process needs to be undertaken so that we can get the study and the progress of the development properly adhered to. The Doncaster rail study, as I said, is outlined on the website I indicated. The final recommendations of the report are due to be presented to government in the coming weeks, and further consideration of the Doncaster rail line will be carried out after receiving the final report.

In Mr Barber's contribution the question was raised about the progress so far. There was \$6.5 million to investigate the options. Public Transport Victoria has developed a network development plan. It recommends that a line to Doncaster be carried out after other major projects are completed, such as the regional rail link and the Melbourne Metro rail tunnel. The regional rail link is progressing well and is due to be completed in 2016. The Victorian government rescoped that project in 2011, which included signalling, level crossing removals and rolling stock, which was left out of the project by the former government. Planning is under way for the Melbourne Metro rail tunnel, with \$49.7 million already allocated towards statutory planning and development in the 2012–13 Victorian budget.

On 14 March the draft phase 1 report of the independent study into the Doncaster rail line was released. That phase 1 study showed that the preferred rail alignment is expected to carry 56 000 passengers per day by 2031. It would start at the Doncaster park-and-ride, pass under the Eastern Freeway via Bulleen and Kew and then pass under the freeway and connect to the Hurstbridge line near Collingwood station before continuing into the city on the existing tracks. A new tunnel would also need to be built between Clifton Hill and the city via Parkville for South Morang trains. The Doncaster rail line is estimated to cost between \$3 billion and \$5 billion in today's dollars, with the associated South Morang rail line tunnel estimated to cost a similar amount. As I indicated, a final recommendation report is due to be presented to the government in the coming weeks.

I also make the point that the Doncaster rail line was included in *Victoria's 2012 Priority Infrastructure Submission to Infrastructure Australia*, and Victoria's ability to deliver major projects such as the Doncaster rail line will depend on funding from the commonwealth. As we know, the commonwealth government has not offered any funding to Victoria in relation to this particular project. Notwithstanding that, the Victorian government will continue to inform the commonwealth about the importance of the Doncaster rail line as the project progresses.

The notion indicated in the motion that there is no funding allocated for the development of the Doncaster rail line is incorrect. The reasons I have outlined are that we already committed development funding in the 2011–12 Victorian budget and there is also a study in progress, the report of which the government will be in receipt of in coming weeks. For those reasons we will not be supporting the motion.

**Mr TEE** (Eastern Metropolitan) — I welcome the opportunity to speak on the motion, but I am surprised we are debating it today, because if the government committed to what it said it was going to do in opposition we would be using this rail line at the moment.

**Hon. R. A. Dalla-Riva** interjected.

**Mr TEE** — No, because what Mr Baillieu said when he was trying to get elected was that this line was the missing link in the public transport network and that we needed to get on and build the line. In November 2010, when Mr Baillieu was trying to get elected, he said:

'The rail alignment would be planned in consultation with stakeholders and would likely run from Clifton Hill, possibly through the centre of the Eastern Freeway, to Doncaster, with the option of extending to Ringwood.

'The first step is to plan it and find a route, in detail with the community, then find the funds and then build it', Mr Baillieu said.

'That's the order we're going to do it, and we're committed to proceeding down that path'.

Had the government done what it promised in opposition to do, this motion would be academic —

**Mr Barber** — I would be banging on about something else.

**Mr TEE** — As Mr Barber said, he would be arguing about some other form of public transport, I am sure. Unfortunately, notwithstanding that promise, nothing happened. It is also worth remembering what Mr Baillieu said when he was looking for votes in the

eastern suburbs, and again this was in November 2010. He said:

The easiest thing to do would be to do ... nothing.

That is what he said and he did. He said:

We are not going to do that; we are going to ... find the funds and get on and build it.

Mr Baillieu also said that buses were not the answer and that:

We already know the Eastern Freeway is clogged with vehicles so that makes it harder for buses themselves, so the more that we can get people on to public transport and not on the roads the better ...

In November 2010, when he was talking about how clogged the Eastern Freeway was, he said that getting more cars on the freeway, let us say via a tunnel, was not the answer. He said we needed to get people out of their cars and onto public transport. It was on that basis that the then opposition, now government, committed to the rail study, which it said would take two years. Here we are nearly three years in and the rail study is still not completed. We have seen some funding go towards the rail study, but it still has not seen the light of day nearly three years on.

What we have seen instead is a complete flip in the priorities of this government. Instead of being committed to taking cars off the Eastern Freeway — instead of its election commitment to get people onto public transport — it has now done a complete flip. What we see now is a commitment to putting thousands more cars onto the freeway. There is a commitment to spending \$8 billion on a road tunnel. It is a commitment that would forever get rid of the easement that has been set aside since the 1960s and was allocated for rail.

In front of us now we have got a very clear contrast. There is a contrast between what the Liberal Party promised in opposition — what it promised in order to get votes in opposition — and what it has delivered. What it said in opposition was that there were too many cars and too little public transport. What it has said in government is that we are going to have more cars — and we are forever going to put a nail in the coffin of public transport — down through the Eastern Freeway because the rail reservation will literally be tarred over. We are very concerned, and we urge the government to honour its commitment to the Victorian people.

In terms of Mr Barber's motion, we also have concerns, and we are still thinking about where we will land on this one. I am concerned by the proposal for a number of reasons. Importantly, I do support public transport, and I do support public transport in the eastern suburbs, because it does have the largest car usage in

Melbourne. That is because it suffers from a lack of public transport. What has emerged through the rail study is the importance of doing the Melbourne Metro rail tunnel first. The importance of doing it first is because otherwise where do you hook in Doncaster rail?

At the moment, if you go down the Eastern Freeway, the rail runs across the Eastern Freeway, but it is a bridge. It is not clear to me how you would connect any rail to the existing line. It is not clear to me how you would reach those heights from the Eastern Freeway — how you would be able to make the train airborne and then make it in effect take a very sharp turn to get to the Clifton Hill station.

I suppose I am a little concerned about jumping in and simply rushing for a particular solution. I am a little concerned about making sure that we introduce as much public transport as quickly as possible, but we need more of an understanding about how it will fit into the existing outer metro rail network. What we do know with this government, and particularly now with the federal government, is that the metro rail tunnel is a long way away. We know that all the money has been spent and all the money has been allocated towards one \$8 billion tunnel. It is almost impossible to imagine any funding being available, apart from a token commitment, for the metro rail tunnel. As I said, I am in two minds about Mr Barber's motion, but we are very passionate about public transport and about having public transport to the east. We want to sit down and hear the debate.

**Mr LEANE** (Eastern Metropolitan) — I am happy to be able to make a brief contribution to the debate on Mr Barber's motion. If there were not a capacity issue and the other issues that Mr Tee outlined in his contribution, it would be more than a fair thing to call on the government to fulfil an election commitment made in 2010. As Mr Tee said, a commitment was made to the people of the Doncaster area and they did not consider it was a hollow promise at the time. Unfortunately the coalition actually hoodwinked the people of Doncaster. There was nothing clearer than the commitment to build the Doncaster rail line. At the time the then Leader of the Opposition and the member for Doncaster stood in Doncaster saying, 'This is a great day for Doncaster because if we are elected to government, we will find the funds, do the study, do the plans and build the rail line'.

To date nothing has been done and nothing seems to be even moving. There is a lot of discussion around studies, consultation, meetings and all sorts of stuff. The thing is that you cannot catch a study to go from Doncaster to the city. No meeting that you sit in will

transport you from Doncaster to the city. All the bluff and bluster we have had since this solid commitment was made has been a huge disappointment to the people of Doncaster.

Many members on this side have had discussions with people out there. It is more than fair to say that people who voted for the coalition because they believed the coalition would fulfil its commitment must feel very duped. As members know, public transport is a huge issue in that part of town. I do not consider the Eastern Freeway to be as bad as the South Eastern Freeway or other arterials into the CBD from the west or the north. The remedy for the traffic on the Eastern Freeway could involve a heavy rail line from Doncaster, instead of the \$8 billion tunnel. In 2010, when election commitments were being made, none was made to build an \$8 billion east-west tunnel that will basically take cars on a tollway underground from a city exit to another city exit.

As I said, members on this side have had a lot of discussions with people out in the area. They thought that coalition members were genuine in the commitment they made at the time, and that is fair enough. This was the issue they voted on, and that is fair enough too. The then Labor government did not go to the 2010 election with a commitment to build the rail line. People who honestly believed that coalition members would genuinely fulfil what they said they would do in comparison with what ALP members committed to in the area had an option. It is outrageous, and I can understand why people out there are outraged about missing out on having a rail line built and about the government going from the mandate that it had to another so-called mandate to build an \$8 billion tunnel, which a lot of people do not want.

**Hon. D. M. DAVIS** (Minister for Health) — This is a motion brought to the chamber by Mr Barber. The community will understand that there has been long discussion about this topic.

**Mr Barber** interjected.

**Hon. D. M. DAVIS** — It is an important matter to discuss. The key thing here is that history is important in debating this motion.

**Mr Tee** interjected.

**Hon. D. M. DAVIS** — Mr Tee should not laugh. It was his party in government that sold the reservation. When she was the Premier, Joan Kirner sold the reservation out there, right through Doncaster. The land had been set aside since the 1960s. I invite Mr Tee to go back and look at some of the old *Melway*, where he will see the reservation land right out through

Doncaster and Templestowe. That reservation went for many miles, and it provided an opportunity for growth of rail into the future to deal with population growth as things went forward. Instead, as financial matters became more and more desperate, Joan Kirner, John Cain and others of that group who were in Parliament through that period just flogged off the land for a quick dollar, compromising the options for future development as the population grew and the requirements for public transport into the future grew.

These days there are many options for public transport in our city. The Minister for Public Transport, Terry Mulder, has been very focused on what we can do to get better public transport in operation. He has been very focused, and not only on delivering the regional rail project, which he is delivering very quickly. We saw the West Footscray station announced and opened on the weekend. That station is indicative of the progress that is being made on rail. In the history of our state it has been Liberal governments by and large that have extended rail lines. It has been Liberal governments that have been prepared to do things such as build the city loop. It has been Liberal governments that have been — —

**An honourable member** — How did Kennett go?

**Mr Barber** — He upgraded Upfield — that is how Mr Kennett went.

**Hon. D. M. DAVIS** — Indeed, when he was Premier Mr Kennett also extended the tramline to Box Hill. That important step was taken by the then Kennett government. It was delivered under the next government, but the decisions, funding and so forth were in place under the Kennett government.

Terry Mulder has also been delivering major changes on our suburban rail system, which will be much stronger as he goes forward. The \$100 million that has been committed to the Frankston rail line is a very significant step. Many of the level crossings along that line will be put in a much better position by this government as we go forward. In its 11 years the previous government did very little in that regard. There will be significant improvements on the Frankston line. The \$100 million that will be spent there will see better times and greater reliability, and we can already see significant evidence of that now. The signalling will be upgraded. We needed those changes to be made through the long years of the Labor government, which failed to upgrade that line.

**Ms Crozier** — In our region it failed to upgrade.

**Hon. D. M. DAVIS** — Indeed, in our region Southern Metropolitan Region members of Parliament

understand the challenge of having a better line running to Frankston, a better line running to Sandringham and a better line running through past South Yarra and down along the Glen Waverley line as well. Under the previous government we saw the performance of all our major suburban lines deteriorate massively. What is clear from the period under Labor is that the members of that government let our system run down.

Now we have new trains being organised and ordered, with a number of them on the lines already. New trams have been ordered as well. Those trams will make a large difference. I know from having moved around the suburbs in recent weeks that you can see those trams being tested.

**Mr Barber** — Have you seen one in West Brunswick?

**Hon. D. M. DAVIS** — I have not seen one in West Brunswick, but I have seen them out on lines through Camberwell and in those sorts of directions and I have seen them near the tennis centre. I can indicate that I have seen new trams under test, new trams that will make a significant difference. Those new trams were not ordered by the previous government but have been put in position by Terry Mulder, the Minister for Public Transport, and the Napthine government.

It is important to recognise the commitment to the Melbourne Metro rail tunnel project. We recognise the importance of that. There is funding in the budget this year that is designed to ensure that this project moves forward. Whilst the government has proceeded very quickly with the east–west link, it is progressing the metro project as well. That project will play a very important role in the forthcoming period. It will not only play a role for metropolitan rail; it will also play a critical role in moving freight and ensuring that key projects like the port of Hastings are able to deliver what is required for our community. What is required for our community is a new deepwater port and also the ability to move goods to and from that port. The metro capacity will not only be important for the metropolitan system but also for our freight movements. We need to progress that project for both of those reasons. I know my colleague Terry Mulder has been very focused on delivering an outcome in this regard.

The community understands the importance of the Doncaster rail line. The Doncaster Rail Study is in progress. It will come forward with final recommendations to be presented to government in coming weeks. Further consideration of a Doncaster rail line will be carried out after receipt of that final report. Development funding has already been allocated to the Doncaster rail line — \$6.5 million in

the 2011–12 budget. The Doncaster Rail Study, as I said, was an election commitment, and it is being delivered.

**Mr BARBER** (Northern Metropolitan) — I am gratified, first of all, that a number of members for Eastern Metropolitan Region got involved in this debate, including Mr Dalla-Riva, Mr Tee and Mr Leane, and of course Mr Davis gave us a useful and interesting historical perspective. To sum up the debate, Labor Party members were very forthcoming. They said they do not know what they think about Doncaster rail after, as I said, approaching approximately 100 years. We are heading up to 100 years, and they are still not sure if we need one, if we want one or when and how it might be funded.

Mr Dalla-Riva, representing the official position of the government, told me to go and look at a website. I am here to tell him that I have been hitting ‘refresh’ on that website every couple of weeks for a couple of years now. It is a cobweb site. There is no information there about what the government’s intention is, and it is for that reason, amongst others, that I have moved this motion.

Let us not get into semantics here. The government allocated \$6 million to do a study of the problem and what it got was some felt tip pens, some workshops and a few funky diagrams. That is not the development of a project. It should be very clear, and I would be amazed, I would be in wonder, if I were to see the tens or possibly hundreds of millions of dollars in the next state budget that are going to be needed to get serious about this project, whether you think the project can be delivered in 5 years or in 10.

However, Mr Dalla-Riva also told us that Doncaster rail is in a queue. It is waiting until we do the Melbourne Metro tunnel. According to the same document, the Public Transport Victoria *Network Development Plan*, not only is Doncaster rail in a queue behind the Melbourne Metro tunnel — that is the one that Prime Minister Tony Abbott defunded recently, so we have no sense as to when that project will happen — but according to the official Public Transport Victoria plan, Doncaster rail is on a list under something called stage 3. That is, the network will be extended within 15 years.

Mr Baillieu promised to get on and build this rail line. It will now happen within at least 15 years — possibly longer if Doncaster rail is stuck in the queue behind metro, north-west and other projects. We cannot afford to be doing it that way. We cannot afford to go and think about it a while, study it for a while and then start working on a rail project, maybe get one done and

think, 'That was fun! Maybe we should work out how to do another one in another 10 years'. These projects need to be constantly under development. By the way, if they were, if there were a clear signal that this rail plan was being rolled out in a timely fashion, then the industry would get behind it and the cost of some of these projects would start to come down.

I do not know why Mr Tee is so squeamish, worrying about where this line will connect to the other rail system. There are plans that have been around for decades on that. You could probably read the Bolte plan and see how it was all going to work. That is what engineers are for. I saw recently that engineers put a satellite around Pluto; they can surely find a way to connect a Doncaster median rail line to Victoria Park, as has been intended since the original Bolte-era plan, and as has been studied in more recent decades by people like Bill Russell. But it is quite clear from what the government has just told us that the answer is no. There will be no development of this project beyond some minor expenditure and tinkering on colourful diagrams and glossy brochures. And Labor, after all this time, cannot really form a view. That is very disappointing, given that heavy rail and the associated integrated public transport is really the whole future of the livability of our city, which is something we debate in this place every day.

#### House divided on motion:

##### *Ayes, 17*

Barber, Mr	Mikakos, Ms
Broad, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms ( <i>Teller</i> )	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Melhem, Mr ( <i>Teller</i> )	

##### *Noes, 20*

Coote, Mrs	Koch, Mr
Crozier, Ms ( <i>Teller</i> )	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	Millar, Mrs
Davis, Mr P.	O'Brien, Mr
Drum, Mr	O'Donohue, Mr
Elsbury, Mr ( <i>Teller</i> )	Ondarchie, Mr
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr
Hall, Mr	Rich-Phillips, Mr

##### *Pairs*

Viney, Mr	Atkinson, Mr
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#### Motion negatived.

#### Remaining business postponed on motion of Mr LEANE (Eastern Metropolitan).

## BUSINESS OF THE HOUSE

### Statements on reports and papers

**Mr LEANE** (Eastern Metropolitan) — By leave, I move:

That statements on reports and papers be now taken.

#### Motion agreed to.

## STATEMENTS ON REPORTS AND PAPERS

### Bushfires royal commission implementation monitor: report 2013

**Ms PULFORD** (Western Victoria) — I take this opportunity to make some remarks on the bushfires royal commission implementation monitor annual report of July 2013. All members will well recall the tragic circumstances surrounding the Black Saturday bushfires of 2009. The consequences for many communities in Victoria were catastrophic. There are communities that to this day require significant support from government as they continue in what will be a lifelong endeavour of recovery and rehabilitation. For those who experienced the greatest loss, the loss of a loved one, recovery may never be possible, certainly not a full and complete recovery.

The work of the bushfires royal commission implementation monitor is incredibly important. As all members will well recall, the 2009 Victorian Bushfires Royal Commission was initiated in the days immediately following the fires in the summer of 2009. That royal commission inquiry heard extensive evidence and it made 67 recommendations. All those who participated in and observed the deliberations of the royal commission will recall the determination with which Victorians resolved that whatever lessons could be learnt would be learnt and whatever preventive measures could be taken to ensure that such a tragedy was not repeated would be taken. That was the clearly stated desire of the commissioners. Members in this place debated at length both the interim and final reports of the bushfires royal commission. It is important that we monitor closely the implementation of those recommendations. Some of those involve very complex matters around land management and emergency management that take years to implement; others are more straightforward and have been implemented very quickly.

The report notes also the tragic loss of five Victorian lives during the 2012–13 fire season. Of course those are terrible and devastating consequences, but they are also a reminder that whilst it is very hard to eliminate

all risk, particularly in this part of the world where we reside, we need to be ever vigilant in ensuring that risk is minimised and that every lesson that can be learnt is learnt.

It is in that context that the report notes that at the time of writing, 47 recommendations comprising around 250 implementation actions had been completed. However, of the 67 recommendations, 20 recommendations comprising 43 actions for monitoring and reporting will roll over into the 2014 annual report. That report will be the implementation monitor's final report, although this 2013 report suggests some of the work in implementing those recommendations will continue over a number of years. I urge the government to ensure that that oversight is adequate and that, in accordance with the commitments that all members of Parliament made in this regard, the bushfires royal commission recommendations are implemented. When in opposition government members said the recommendations would be implemented lock, stock and barrel. With only one more annual reporting period available for the implementation monitor, it is worth noting that 20 recommendations still require ongoing work.

The monitor's report for 2013 is quite scathing in some respects. I urge members to consider the comments at page 7, where it talks in particular of its concern about:

... the growing evidence of a state of complacency about bushfires in the Victorian community.

As we approach the fire season, all members should be very conscious of this.

### **Tourism Victoria: report 2012–13**

**Mr FINN** (Western Metropolitan) — I rise this afternoon to make brief comment on the Tourism Victoria annual report for 2012–13. As many members of this house would be aware, tourism has been a passion for me for a number of years, going back to an earlier life in another place when I was a member of the tourism committee in the Kennett government. We had an outstanding tourism minister then, who just happens to be the same tourism minister that we have now, and that of course is the Minister for Tourism and Major Events, the Honourable Louise Asher, who has done and continues to do a remarkable job in the tourism area.

People underestimate tourism as a contributor to the economy. People underestimate tourism as a contributor to employment growth, investment and a whole range of areas where tourism makes a huge contribution. The bottom line is that on a whole range of scales tourism is money in the bank. I remember

many years ago going to a meeting to discuss tourism. I had been overseas to have a look at a number of tourist destinations and have discussions with tourism boards in places as diverse as London and New Orleans — and I know how it is pronounced now.

**Mrs Coote** interjected.

**Mr FINN** — I learnt a great deal. I have to say to Mrs Coote that it was one of the great learning experiences of my life. I came back and I was explaining to some of the local operators some of the ways in which they could involve themselves in tourist promotion and bringing more dollars into their local regions. I was staggered at the time when a local member of Parliament, who shall remain nameless, got up and said, 'We don't need tourists out here. They fill our rubbish bins and they wreck our roads'. I thought to myself that this bloke would have to be the most short-sighted individual I had ever met in my life. I think he is still pretty close to being the most short-sighted individual that I have ever met in my life. Tourism provides jobs and investment and supports small business. There is not much that tourism does not do.

Just down the road from my electorate office in the Western Metropolitan Region we have a very important component, possibly the most important component, of the Victorian tourism industry — that is, Melbourne international airport. Anybody who has seen the growth of that airport over recent — —

**Mrs Coote** interjected.

**Mr FINN** — There is no curfew, as Mrs Coote points out by interjection. Sydney Airport is a basket case. In fact Melbourne is on the verge of taking over from Sydney on the basis that our airport is far superior. I think I have said it before: Melbourne Airport is the best airport in Australia. I do not think there is any doubt about it at all.

You just have to look at some of the new flights: Sichuan Airlines launched its Australian services to Melbourne in February and will operate two to three flights per week to Chengdu; Singapore Airlines introduced a fourth daily Singapore service in June; AirAsia X increased its flights from Melbourne to Kuala Lumpur to nine services per week in June; Garuda Indonesia increased its daily Denpasar to Melbourne services in May as well as adding five Melbourne to Jakarta services per week; Etihad Airways announced in February that it would upgrade to larger aircraft on its Melbourne to Abu Dhabi flights from December, providing 13 104 additional seats per year for Victoria; and Qantas commenced a new A380

service between Melbourne and Dubai in April. For those members who have not been on the A380, I can highly recommend it. It is an extraordinary aircraft, and those of us who live close enough to be able to watch the planes from our backyard know that watching the A380 taking off is one of the most extraordinary things you will ever experience. How it ever gets off the ground I do not know.

There are a number of others as well. Melbourne Airport is going absolute gangbusters, tourism in Victoria is going gangbusters, and this can be put down not just to the natural — and sometimes unnatural — attractions we have in Victoria but also to the fact that the Napthine government is prepared to put the taxpayers money where its mouth is and support tourism in a way that will bring that investment and that benefit back to the people of Victoria.

### **Auditor-General: *Asset Confiscation Scheme***

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Auditor-General's report on the asset confiscation scheme of September 2013. I view this report with great interest. As a member of this Parliament I have on occasion contributed to debate on amendments to the Confiscation Act 1997, an act which essentially enables the Victorian government to confiscate the financial assets gained through proven organised criminal activities and by criminal families via a departmental framework — in this case the Department of Justice. The intent and application of the legislation was to send a clear message to the criminal underworld that proceeds of crime will be confiscated and utilised to compensate victims of crime, deprive criminals of the proceeds of crime, disrupt further criminal activity and act as a deterrent to others from engaging in criminal acts.

The intent is clear but the application is not. According to the Auditor-General's report it would appear that Victoria Police is not in fact carrying out the scheme to its fullest potential. In fact the reporting mechanism is so muddled it is almost non-existent. It appears that via legislation the Parliament can establish as many schemes devised for the common good of the state as it wants, but the reality is that without sufficient resources to adequately implement those schemes it is, in my view, a fruitless exercise. What immediately stands out as an inherent weakness of the confiscation scheme is that it does not provide a clear mechanism to identify criminal assets. The report found the department had failed in its oversight and leadership role because it had not set a strategic focus for the scheme or ensured that its objectives were being achieved.

The scathing report highlights a lack of clarity and strategic direction. It is like owning a richly seamed goldmine but having no workers to dig out the gold. How useless and senseless is that? Victoria Police is a major player in the asset confiscation scheme but its work is undermined by administrative weakness and the Napthine government's budget cuts to its budget of \$100 million and its sacking of 400 staff. One assumes that priorities have been set in the wake of these savage budget cuts and that the police must continue to perform their core function to safeguard and protect the Victorian community. There is no doubt that Victoria Police is also severely handicapped by the government's own asset confiscation scheme executive management group, which failed to meet for the first two years of the Baillieu-Napthine government. Let us hope it can at least start meeting again and identify a way forward out of this mess.

### **Disability services commissioner: report 2013**

**Mrs COOTE** (Southern Metropolitan) — I would like to speak on the report entitled *Disability Services Commissioner — 2013 Annual Report*. As I have said many times in this chamber, I would like to acknowledge the extraordinarily fine work that the commissioner, Laurie Harkin AM, does in very difficult situations, and together with a team led by Lynne Coulson Barr he does a remarkable job.

If everyone in this chamber could think about how day in and day out we listen to people's complaints — some of the clerks and the Hansard reporters may believe that is exactly what they do in here — they would realise that that is what the staff of the Office of the Disability Services Commissioner do. They hear about some very difficult circumstances, they mediate well and they are extremely good listeners. It is one thing to listen to someone outlining a problem, but you have to do something about it. I would suggest that some of the things the commissioner's staff deal with are poignant and challenging and require an enormous amount of skill to resolve. Those staff members are totally professional and all possess great skills, and I would like to record my praise for them all.

It is interesting to see what the trends are for complaints in the 2013 annual report. The key issues and emerging trends identified for complaints include the need for effective communication, including with families. It is interesting that this is an issue for the disability services commissioner, because I know that poor communication is also one of the biggest areas of complaint for the health services commissioner. We in this chamber take communication for granted. Most of us are communicators, and we learn to get our message

out effectively. However, while many service providers are very good at service provision, their ability to communicate what they need to say to the people they are providing services to is not always as sharp and clear as it could be, which can be disconcerting for their clients.

Another key trend is the impact of support planning on the provision of quality support. This is a very important issue. Increasing numbers of people speak up about issues relating to alleged assaults, abuse and neglect by staff towards people receiving services. This does not relate only to the relationship between staff and clients. These are difficult and complex situations where people with a number of challenging behavioural issues are living in a house together. It is extremely difficult to manage that. There are also client-to-client altercations. If we reflect on our own families, especially where small children are involved, we know that fisticuffs can occur. There is now an opportunity for people in these houses to say, 'This is not working. We are finding this combination difficult'. Laurie Harkin and his team have considered the issues and made their recommendations.

There has been an increase in complaints about the impact caused by service providers ceasing services without providing a support plan review or transition. One of the case studies referred to concerns a man named Simon, who I believe was told that his service provider could no longer provide him with the majority of his services, and was given only a week's notice. This was very distressing to Simon and his family. He then had the difficulty of attempting to find alternative services. Simon took the issue to the disability services commissioner, and they worked with the service provider. It turned out that the service provider did not have the skills base necessary for Simon's challenging circumstances, but the disability services commissioner was able to resolve the issues and help find a better option for him. That is the type of work the commissioner does, which is to be commended.

The disability support commissioner uses a formula for complaint resolution: acknowledgement, answers, action and apology. The action involves an agreement on ways to address the concerns, a meeting and a review arranged by the service provider, followed by actions addressing the communications issue.

The work that the disability services commissioner does is extremely important. Some of the statistics are quite amazing. I do not have time in the 20 seconds remaining to go through them, but this is an important annual report and I would like to bring it to this chamber again. Before I conclude, I would like to once

again commend the disability services commissioner, Laurie Harkin, and his team. They do a phenomenal job.

### **Auditor-General: *Managing Traffic Congestion***

**Mr LEANE** (Eastern Metropolitan) — I would like to make a statement on the Victorian Auditor-General's report on managing traffic congestion, April 2013. Unfortunately the report contains concerns regarding the management of congestion, which the current government should have a serious look at. The biggest concern that this report identifies is addressing the demand-side causes of congestion. The report states that:

There is no statewide demand management strategy in place to complement or inform infrastructure expansion and enhancement initiatives related to congestion management.

This is a grave concern that the Victorian Auditor-General has identified that. He goes on in the same chapter to say that:

As a result, congestion management strategies remain heavily weighted towards the supply side with little attention to demand management. Continuing this approach poses a significant risk for achieving any congestion reduction benefits attached to the MPS' preferred vision for Melbourne's future growth.

I do not wish to verbal the Auditor-General, but he may see this emphasis on the supply side for Melbourne's future growth reflected in the government's willingness to put a lot of eggs in one basket, as reflected in its commitment to the east-west link project. Even if the government does get the contract for this project signed a number of weeks before the end of next year, it will take a long time to construct, which means that it will not address the immediate issue of congestion on our roads.

The report goes on to say that there are a number of smaller projects that could be tackled and funded by the government. In the area that I represent, the Eastern Metropolitan Region, a number of smaller projects could alleviate congestion, and to the government's credit, it has started some of them, including the duplication of Stud Road in Wantirna. Work has been done on the extension of High Street in Scoresby — or actually still in Wantirna.

The member for Ferntree Gully in the Legislative Assembly made a commitment to ensure that the extension of the south end of Dorset Road, Ferntree Gully, was begun in this term of government. Unfortunately recent articles in the local media indicate that this commitment will not be fulfilled. This is a

great shame for the people in that area, who want that project to be completed and who supported the local member when he made his commitment prior to the election. This is similar to the coalition's commitment prior to the election to building the Doncaster rail link, which would be another good way of alleviating congestion.

The Victorian Auditor-General has his concerns around the management of congestion. Easing congestion was one of the promises that the government made in the previous election campaign. I remember it being one of the 10 points that it had on all its how-to-vote cards. Unfortunately, that is one of the promises among the 10 that have not been delivered, and there are probably another 8, but that is an aside to what this report is all about. I look forward to the next report in this area from the Victorian Auditor-General, and hopefully things improve.

**The ACTING PRESIDENT (Mr Ondarchie)** — It is a delight to give Mrs Millar the call.

### **Harness Racing Victoria: report 2013**

**Mrs MILLAR** (Northern Victoria) — Thank you, Acting President, and I will also say what a delight it is to see you in the chair, especially at a time when I am pleased to make a statement, as I know you will be, in relation to the Harness Racing Victoria (HRV) annual report 2012–13. Harness racing remains an important sporting industry which creates both social and economic benefits, particularly in regional Victoria. A national report released in March notes that Victoria punches significantly above its weight in the harness racing industry, with our state contributing more than \$422 million to gross state product. That equates to just over 34 per cent of the total national impact generated by harness racing. The economic output generated by harness racing in Victoria is responsible for sustaining 3990 full-time equivalent jobs, largely in regional Victoria. It should be noted with pride that Victoria dominates in the area of horse breeding for harness racing, with Australia's leading stallions being strongly concentrated in regional Victoria.

Harness Racing Victoria has reported a strong outcome across a range of measures in 2012–13. This includes a strong financial performance which saw a net profit of \$2 million, which is a significant turnaround after reporting an overall loss of \$6.6 million in the previous year. The financial success is due to both a 4.9 per cent increase in revenue and a \$5 million reduction in expenditure. Several factors impacted on this result, including the restructuring of the business to drive

down costs and the settlement of a Federal Court proceeding against Sportsbet.

During this year HRV has reduced the number of race meetings to 453 at 26 tracks, which is a reduction of 44 race meetings from the previous year. But it is important to note that the number of races and nominations did not significantly decrease due to additional races being added to Friday and Saturday night meetings across the season. It is also important to note from the report that in 2012–13 harness racing returned to Gunbower, St Arnaud and Wedderburn, having returned in the previous year to Wangaratta, Boort and Ouyen, bringing both social and economic benefits to these communities.

In terms of investing in infrastructure to support harness racing into the future, the coalition state government, together with Harness Racing Victoria, jointly funded a new \$3.5 million track and venue at Swan Hill, which opened in October 2012 in front of a massive crowd; a new training complex at Cranbourne; and a \$620 000 upgrade of the Ballarat track, which opened in March. As well as investing in physical infrastructure, the state government has continued to make a strong investment in breeding Australia's best horses by its support for the Vicbred Platinum program. It is noted in the annual report that this \$3.4 million scheme has proven immensely popular with breeders, owners and trainers in Victoria. This scheme supports Victoria to continue its dominance in the breeding quality horses into the future. The report notes the strong contribution made by the Premier, the Honourable Denis Napthine, to Harness Racing Victoria, a contribution which I know is widely recognised and acknowledged, especially in rural and regional Victoria.

I congratulate Harness Racing Victoria on a successful year and recognise the contribution of all involved in harness racing in Victoria, including breeders, owners, trainers and drivers, professionals and volunteers, the dedicated team of stewards and the board and staff of Harness Racing Victoria. Together they bring economic wealth, jobs, charitable contribution and much pleasure to the communities they serve.

### **Taxi Services Commission: minister's report of receipt of 2012–13 report**

**Ms MIKAKOS** (Northern Metropolitan) — I rise to speak on the Taxi Services Commission 2012–13 annual report, or in fact the minister's report of receipt of this 2012–13 annual report. All that has been tabled is a one-page letter that runs for just six lines from the Minister for Public Transport and Minister for Roads,

Terry Mulder, to the Clerk of the Parliament. It informs the Clerk that he has received this annual report for the 2012–13 financial year, and states:

As the expenses and obligations of the entity do not exceed \$5 million ... this entity's annual report is not presented for tabling.

I am quite concerned by this. As we all know, the Taxi Services Commission has had the responsibility of overseeing the implementation of quite wide-reaching changes to the operation of the taxi industry in Victoria. There are still many current issues in relation to these reforms, and it is disappointing that we do not have the opportunity to look in detail at what the Taxi Services Commission has been doing for the past financial year. We will be requesting that that report be tabled in accordance with the provisions of the Financial Management Act 1994.

I note that the acting shadow Minister for Public Transport wrote to Graeme Samuel, chair of the Taxi Services Commission, on 3 October requesting that there be a further briefing to update interested members on what has been happening since the passage of the legislative package. In his correspondence he particularly refers to the following issues:

You may recall a number of issues emerged at our original briefing in June which we discussed and which I and other members would appreciate an update on. In particular:

- impact on the capital value of licences;
- value the banking sector is placing on licences;
- recurrent lease value of licences; and
- support for individuals experiencing financial and emotional hardship.

It was disappointing that the Taxi Services Commission responded to the acting shadow public transport minister by saying that these requests had to go through the minister's office. I hope that briefing will be provided on a subsequent date.

Many licence-owners bought their licences as an investment, and in many cases they provide retirement income for self-funded retirees. They are concerned that the unrestricted access to taxi licences in the market will have a massive downward effect on the value of their licences, having a devastating impact on their families. Many people have mortgaged their homes against these licences, and they are incredibly anxious at the thought of losing their entire livelihood.

I have spoken to two individuals on the steps of Parliament who have been on a hunger strike since yesterday. Fateh has borrowed \$400 000 and is worried

that he is about to lose his home. Leo is 80 years of age and has not eaten since yesterday morning. He had hoped that his licences would be his superannuation, as many elderly migrant self-funded retirees particularly do not have traditional superannuation because of their age and the industries they have worked in.

Apart from the obvious financial implications, I am very concerned about the health and wellbeing of the affected licence-holders. I have been advised that there have been some deaths and people are experiencing stress and depression. Government members continuing to ignore their plight only adds to their anxiety. It is important that we have the ability to scrutinise the work of the Taxi Services Commission to date in terms of these issues, which are having a wide-ranging impact on many thousands of our fellow Victorians. Their plight should not be ignored by the government, which has ignored their many pleas. I know that they continue to email both government and opposition MPs on a regular basis, trying to have their concerns heard. It is worrying that their plight seems to be falling on deaf ears.

### **Budget sector: financial report 2012–13**

**Mr RAMSAY** (Western Victoria) — I rise to make a statement on the Treasurer's 2012–13 financial report, which was released earlier this week. The report shows that Victoria's economic fundamentals are strong. The general government sector recorded a surplus of \$316 million, with the overall surplus for Victoria recording a net surplus of \$9.5 billion.

Victoria is now the only jurisdiction in Australia forecasting a budget surplus for every year over the forward estimates period and holds a AAA credit rating and stable outlook from both major international credit rating agencies. This is an important good-news story because globally, as we have seen in the US, there is some financial uncertainty in the short term, particularly in relation to the ongoing US treasury but also about where international investors will invest. While the \$316 million is significantly more than the election commitments of over \$100 million per year, it is still a small amount in relation to a \$50 billion budget. Victoria is now the only jurisdiction in Australia forecasting a AAA rating, and that includes the mineral resource states of WA and, to a lesser extent, Queensland. We hold that in great regard.

Key findings of the report show that employment is growing, inflation is low and the unemployment rate, while having increased slightly over the past year, remains at historically low levels. Conditions in the Victorian property market improved slightly in the

second half of 2012–13, with increases in Melbourne auction clearance rates and total sales. The Victorian economy has also benefited from a stronger than expected labour market in the second half of 2012–13, with employment strongest in the service industries, led by gains in health care and social assistance, retail trade, and professional, scientific and technical services, despite some issues with the car manufacturing industry.

The government continues to make significant investments to deliver high-quality services to the community, particularly in the transport, health and education sectors, with a total of \$6.9 billion invested in infrastructure projects, such as schools land acquisition, modernisation, regeneration and construction; hospitals like the Ballarat Base, Box Hill, Bendigo, Geelong, Monash Children's and the Royal Victorian Eye and Ear hospitals; the Victorian Comprehensive Cancer Centre; the Arts Centre Melbourne; the redevelopment of Southbank cultural precinct and Melbourne Park; new trams, rolling stock and supporting infrastructure, with the eight X'trapolis trains from Alstom Ballarat's workshops; the regional rail link; the M80 upgrade; the increase in prison capacity; metro level crossings removal; the Shrine of Remembrance; the Koo Wee Rup bypass — and I could go on.

Revenue for the year was recorded at \$48.6 billion — 1.1 per cent or \$507 million higher than the revised estimate and \$731 million higher than the previous year. Total liabilities were recorded at \$3.2 billion lower than the 2012–13 revised budget, driven by a decrease in the superannuation liability due to favourable bond yield movements, which has offset the government sector liabilities of the desalination plant — that beautiful white elephant — thanks to Labor's legacy; Peninsula Link and the biosecurity research centre. The desalination plant resulted in significant increases in both non-financial assets and borrowings. It was good to hear yesterday that a refinancing agreement was reached by the Minister for Water, Minister Walsh, and AquaSure, which will enable the state government to pass on savings to Melbourne water customers. The ongoing cost of the desalination plant is a Daniel Andrews Labor legacy that Victorians will not forgive or forget.

Exports also grew in line with 2012–13 expectations. In particular I mention the announcement made yesterday by the Premier and the Minister for Agriculture and Food Security, Minister Walsh, of an increase of 111 per cent, or \$213 million, in meat shipments to China. There was also a 400 per cent increase in grain exports to the United Arab Emirates (UAE), with the UAE rising from 12th to 5th place in Victoria's list of

major export markets. There was also a 27 per cent increase in the export of horticultural products.

Expenses grew by 2.1 per cent — which is significantly less than Labor's expenditure increases of 8 per cent — from the previous year, at \$48.3 billion. This includes employee expenses such as new enterprise bargaining agreements and growth in the numbers of police, protective services officers and hospital staff; a depreciation of assets; the desalination plant finance lease; and grants awarded to local governments in anticipation of the completion of the first home buyers bonus program. Victoria also increased its net assets by \$8.7 billion.

### **Outer Suburban/Interface Services and Development Committee: growing the suburbs**

**Mrs KRONBERG** (Eastern Metropolitan) — I am pleased to make my contribution to the Statements on reports and papers debate on the report of June 2013 entitled *Outer Suburban/Interface Services and Development Committee Inquiry on Growing the Suburbs: Infrastructure and Business Development in Outer Suburban Melbourne*. From the outset I state that in its conduct of this inquiry, the committee gathered evidence interstate, overseas and intrastate and throughout all of the interface councils in metropolitan Melbourne. The quest of the committee was to provide a stimulating account of what is going on and to set future directions.

To strengthen that case I turn to chapter 4 of the report, which for the purposes of *Hansard* starts on page 89, under the heading 'Infrastructure challenges'. Some of the sources, the stimulating and inspiring people we relied upon for their wisdom, included Professor Richard Weller, who now has a chair at the University of Pennsylvania in the United States. We dealt with him whilst he was still operating in Western Australia. Together with a Dr Julian Bolleter, he has written a book entitled *Made in Australia — The Future of Australian Cities*, published this year. To set the scene, we are talking about infrastructure challenges. I would like to quote verbatim:

We acknowledge Australia's 21st century is likely to be one of rapid and continual growth so as to offset our ageing population and supply our labour market. Our concern is how to best direct that growth.

...

What we build this century will make or break our country.

This is the nature of our contribution in providing advice and support to the Minister for Planning in particular. We are directing attention today to the

concept of smart growth and decentralisation. The report says:

One such strategy involves the selective adoption of 'smart growth' and 'landscape urbanism' principles and approaches, complemented by the 'decentralisation' of a significant proportion of future population growth to new and existing regional centres.

I have to say, and I think I can say this on behalf of the committee that helped put this report together, that this is precisely the direction taken by the new metropolitan planning strategy that the minister released last week, so we are overjoyed by the acceptance of these concepts. The report continues:

As the committee noted in the liveability report, 'smart growth' is an approach to urban planning and design that is aimed at enabling cities to grow and prosper while minimising the need for urban expansion. For example, smart growth emphasises the potential of urban renewal on brownfield sites —

hence directing what is going on, in terms of growth, in places like Fishermans Bend —

to reduce the need for new greenfield developments and the resulting demand for new infrastructure. Smart growth also emphasises the principles of transit oriented development —

the new employment precinct in the city of Wyndham that has recently been announced by the Minister for Planning is driven by transit-oriented development —

and sustainable development, including the preservation of rural areas, agricultural land and environmentally sensitive areas.

All these things are enshrined in the future direction of planning for this state. The report says:

The potential for smart growth urban planning approaches to deliver economies of scale in the provision of infrastructure was articulated by Todd Litman in a 2013 article for the Canadian research organisation, the Victoria Transport Policy Institute, in which he stated:

Land use patterns affect various costs to consumers and society. Many of these costs ... can be reduced with smart growth (more compact, mixed, multimodal development). Smart growth tends to reduce the costs of providing public infrastructure and services — —

**The ACTING PRESIDENT (Mr Ondarchie)** — Order! I appreciate Mrs Kronberg's contribution this afternoon, but her time has expired.

### **Port of Melbourne Corporation: report 2012–13**

**Ms CROZIER** (Southern Metropolitan) — I am pleased to be able to rise and speak this afternoon on the Port of Melbourne Corporation 2012–13 annual

report. I do so because the port of Melbourne is situated in the electorate of Southern Metropolitan Region, which I represent, along with two other members who are in the house at the moment, Mrs Coote and Mr Lenders; I see him sitting on the opposition benches. I think they would both agree that the port is a very significant piece of infrastructure for the state, and we are very fortunate to have such a significant piece of infrastructure in our electorate.

This report discusses the very strong figures the Port of Melbourne Corporation has been able to achieve in the last 12 months. I congratulate the chair, Mark Birrell, and the board's directors on achieving such significant growth figures. The corporation has achieved substantial growth. I also congratulate them on their strategic focus in relation to the port of Melbourne project. The report highlights and discusses the vision for the port of Melbourne, stating that the vision is for the port to be Australia's best connected port. The corporation has a number of goals, which include delivering world-class port facilities and services, driving integrated freight transport outcomes, enhancing Australian and international trading activities, ensuring sustainable business performance, nurturing a shared port-city vision and developing the talented and committed people I am sure are working within the organisation.

The port of Melbourne is Australia's largest container, automotive and general cargo port, and the report states that in the previous year it handled around 37 per cent of Australia's container trade. It is incredibly important to not only Victoria's economy but also the nation's economy, and it is significant to note that the coalition government and certainly the Premier, who was previously the Minister for Ports, understand this exceptionally well. When he was the minister Dr Napthine was forthright in driving the redevelopment of the port of Melbourne, and the current minister, Mr Hodggett, is now realising that significant initiative for the coalition government.

**Mr Lenders** — Thirty freight trains a day through our electorate.

**Ms CROZIER** — Mr Lenders, you interject, but you have to admit that the port of Melbourne project is a significant infrastructure project that will deliver very good results for the entire Victorian economy. We have not only cargo but also cruise ships that come into the port, contributing to our very important tourist trade.

**Mr Lenders** — Thirty freight trains a day.

**Ms CROZIER** — You may interject again, but the government is not resiling from what needs to be done and will be seriously looking at the infrastructure needed to handle the significant amount of goods that are going to be exported through the port of Melbourne — which, as I said, will contribute to the Victorian economy overall.

While I am on that issue, I note that the Victorian food and fibre export performance report, which was launched today by the Premier — Mrs Coote and I attended the launch at Ralph's Meats at South Melbourne Market — documents the significant growth in trade and the export market in the food and fibre area, which the coalition government is very much committed to further developing. That says a lot about the trade missions undertaken by the coalition government since coming to office in 2010. It shows what a huge success they have been for both our trading partners and our businesses here in Victoria.

I note from the media release today that \$10 million in exports was achieved as a direct result of the super trade mission to China in 2012. The highlights of the 2012–13 Victorian food and fibre export performance report include a 330 per cent increase in grain exports to China alone, so we certainly know that market is developing. It is growing, and it will be a significant strategic partner for Victoria most certainly in the years to come, as it is now. The next trade mission to China will see significant results, and I am sure that all those who are attending that trade mission will get benefits from it.

## COURTS LEGISLATION AMENDMENT (JUDICIAL OFFICERS) BILL 2013

### *Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. E. J. O'DONOHUE  
(Minister for Liquor and Gaming Regulation) on  
motion of Hon. M. J. Guy.**

### ADJOURNMENT

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

That the house do now adjourn.

### **Feral goat control**

**Mr LENDERS** (Southern Metropolitan) — The matter I raise is for the attention of the Minister for Agriculture and Food Security, and it deals with the ongoing and growing scandal known as Goatgate. I

have raised this with a number of ministers to date, including yesterday with the Minister for Sport and Recreation. Tonight I am raising it with the Minister for Agriculture and Food Security because Goatgate is a sign of poor administration by this government, and I will draw his attention to those matters.

As I mentioned last night, two national parks in northern Victoria have a goat problem. As I mentioned some months ago, East Gippsland national parks have a goat problem. Of course this government has tried to fix the goat problem in the most inefficient manner possible. To recap, in East Gippsland the government did a shonky tender where for \$44 000 four New Zealanders and their dogs were brought into Victoria to hunt 60 goats. They only managed to get 23 of the goats. This cost about \$2000 a goat. Last week Parks Victoria got in shooters from New South Wales and a helicopter — at \$1000 a goat — to hunt down some more goats in national parks, again unsuccessfully.

Last night I said to the Minister for Sport and Recreation, 'Let the sporting shooters in. They will do the job for you cheaper'. Tonight I am saying to the Minister for Agriculture and Food Security, 'If you won't get the sporting shooters in, at least use the doggers — the staff who are already employed by the Department of Environment and Primary Industries — to do the job they're employed to do, which is to hunt feral animals'. We have about 20 of these doggers, correctly called wild dog controllers, who are currently employed by the Department of Environment and Primary Industries to hunt feral animals, including wild dogs. These employees have all the necessary equipment, whether it be road vehicles, horses, guns and, if need be outside firefighting season, helicopters.

We have these resources on hand. We have the trained staff on hand. If we are not going to get the sporting shooters in, who will do it for free, we should get these people who are employed by the state at modest wages to do what they are good at doing, which is getting rid of feral animals. They have been performing the job for years and years. I am advised that they are currently not being fully utilised, and that the government is slowly reducing the number of doggers across regional Victoria and that staff are not replaced when they are on leave. The feral goats are a problem. We have a government which is trying to manage the problem in every non-functional manner possible. The action I seek from the minister is to apply some common sense, put the staff he has onto the job and stop getting these New South Welshmen and Kiwis in, because what it means is that we have a scandal of growing proportions known as Goatgate.

### Police protest response

**Mr FINN** (Western Metropolitan) — I raise a matter for the attention of the Minister for Police and Emergency Services. As a long-time supporter of Victoria Police, it distresses me enormously to bring this matter to the minister's attention, but the events I witnessed in Melbourne's streets last Saturday afternoon threaten the good name of what I have long believed is the best police force in Australia.

Last Saturday, 12 October, some 5000 opponents of Victoria's evil abortion law gathered in the Treasury Gardens for the fifth annual March for the Babies. At this point I will declare my interest: I am president of March for the Babies Inc. The gathering included many family groups — children right through to senior citizens. Shortly after the march left the gardens it came under physical attack from a group of pro-abortion demonstrators. These thugs assaulted many of the marchers, including me. Projectiles, eggs, paint bombs and balloons containing unspecified liquid were launched into the peaceful crowd. Women and children were singled out for the vilest forms of obscenity, both verbal and visual.

After a 90-minute stand-off in Flinders Street, the March for the Babies participants decided to avoid further confrontation by backtracking and changing the route to its ultimate destination in front of this building. Violent attacks continued along the new route until we reached Parliament House, where an all-in brawl was threatening. Marchers were punched, kicked and stomped on. It was a dreadful day for free speech in Victoria. The ferals who did this set out to destroy our march. I am delighted to say they did not.

What upsets me is the attitude and inaction of Victoria Police. Police officers saw individuals assaulted, property stolen or destroyed and a number of laws broken, yet not one arrest was made. More than that, they did nothing to protect a group of citizens exercising their basic rights from being violently set upon. All this happened in full view of police. They did nothing to stop it. Pleas for help were ignored. A number of police members almost apologetically explained that they could not intervene because they were 'following orders'. The only thing that avoided bloodshed was the restraint of marchers under the most extraordinary provocation.

I ask the minister, in conjunction with the Chief Commissioner of Police, to instigate an inquiry into the police actions surrounding the lead-up to and during the 2013 March for the Babies. My 15-year-old daughter still has a bruised face from where she was struck by

this cowardly scum. She begged for help from police, but they were clearly too busy 'following orders'. Through tears she asked me, 'Dad, why won't the police protect us?'. She deserves an answer. We all deserve an answer. I ask the minister to ensure that that answer is provided.

### Retirement village resident rights

**Ms MIKAKOS** (Northern Metropolitan) — My matter is for the Minister for Consumer Affairs. The matter I raise relates to apparent deficiencies in the Victorian Retirement Villages Act 1986 and how these deficiencies are impacting on the lives of senior Victorians. As a case in point I particularly want to refer to the circumstances of Norma, an age pensioner residing in the Lifestyle Villas retirement village in Brighton.

In 2005 Norma used all her life savings to pay a \$200 000 entry bond to move into this retirement village. Norma was comfortable in her new home and found the retirement village owners to be professional in their dealings with residents. However, two years later her situation and that of the other residents changed dramatically when the retirement village was sold to new owners. Under the act she only acquired a right to occupy her unit, while the ownership remains with the owner of the retirement village. The lack of a residential tenancy means that she and others are ineligible for Centrelink rent assistance, which acts as a disincentive to entering a retirement village in the first place. Of most concern was the decision by the new owners to convert the village from 'retiree-only' to 'open-age' tenancies. This new policy resulted in an influx of much younger tenants, which has completely changed the living environment and left the remaining retired residents feeling isolated and disenfranchised. Of the 16 units only 3 are now occupied by seniors.

As with many other retirees in similar circumstances, Norma relies solely on the age pension as her only means of support and regularly experiences financial stress and cost of living pressures. Unfortunately, the high exit fees and the tenancy agreement have prevented her and other aged residents from leaving the village.

Currently, there are no provisions in the Victorian Retirement Villages Act 1986 that require an owner to maintain a minimum number of retiree tenants. There is also nothing to prevent an owner from converting a retirement village into residential tenancies occupied by people of all ages. That would mean councils granting permits for retirement villages are being circumvented by the inadequacies of the act. The definition of a

retirement village in the act does not designate a retirement village as a group of dwellings in which the overwhelming majority of residents are retired persons.

Neither Consumer Affairs Victoria nor the local council has been able to assist Norma and the other residents to date. I am concerned that Norma's predicament is one that is shared by many other Victorian retirees. I ask the minister how many other cases Consumer Affairs Victoria is aware of that are similar in nature. I specifically request the minister to ensure that Consumer Affairs Victoria provides assistance to Norma and others in this situation.

### **Police protest response**

**Mr ELSBURY** (Western Metropolitan) — The matter I raise is for the attention of the Minister for Police and Emergency Services, the Honourable Kim Wells, and relates to a number of incidents which occurred in the Melbourne CBD during the annual March for the Babies rally on Saturday, 12 October. I attended the rally, and like many there I planned to participate in a peaceful protest against this state's laws relating to abortion. I have strong views on this matter. I have made that clear in the past in this place. I do not expect everyone to agree with my views on this issue, and I know that there are some on this side of the house who do not agree with me. However, I feel passionately enough to participate in peaceful protest.

I congratulate the organisers of the March for the Babies, including my colleague Bernie Finn, for their organisational skills and acceptance through experience that there will be a counter protest of a significantly smaller size to shadow this event. I witnessed the organisers accommodate the pro-abortion protesters in undertaking their rally, by delaying sound checks with speakers, and I also saw an area put aside to allow the counter protest to occur peacefully. I doubt any other protest group would be so accommodating towards its opposition.

When I attend citizenship ceremonies, I speak about a great country where we use facts and our intellect to have a battle of ideas, rather than using force. What happened to me on Saturday was the use of violence and intimidation to stop me from expressing my views. When the march approached, I was standing in front of a stage set up at Parliament House for speeches to be heard. A March for the Babies banner was behind me. As the rally arrived at this stage area, it was rushed by a number of pro-abortionists, ignoring the area set aside for their views to be expressed. I attempted to reason with those people, but instead found that the banner behind me was being ripped down and wrapped around

me. I attempted to stop it from dragging me down, but unfortunately I lost my footing and was dragged from the footpath at the front of Parliament House to the middle of Spring Street. I was then stomped on by at least one individual before I was able to regain my footing and then recover the banner and help my fellow marchers. Fortunately I only sustained mild bruising and grazes, and the pants I was wearing had a section of fabric worn through.

The pro-abortion crowd sought to further provoke with a sign saying 'God raped Mary, she should have had an abortion', which raises issues of religious tolerance. Control was lost in full view of the police, and I ask the minister to work with members of Victoria Police so that an explanation can be found as to why the pro-abortionists were allowed to assault me and my fellow pro-life, peaceful protesters without sanction.

### **Sunshine Leisure Centre learn-to-swim program**

**Mr MELHEM** (Western Metropolitan) — My adjournment matter is directed to the Minister for Local Government, Jeannette Powell. It regards the long waiting times for learn-to-swim classes in the city of Brimbank. The action I seek is for the minister to provide additional funding to Brimbank so that Sunshine Leisure Centre can keep its outdoor pool open for longer periods during the year. There are local news reports that parents are waiting from one term and up to 18 months to secure spots in the learn-to-swim program at the Sunshine Leisure Centre. The Victorian government recommends that children start learning to swim at six months of age. If six months is the recommended age to start swimming lessons, as Sunshine resident Mr James Clarke pointed out, parents would have to book classes before even conceiving a child so that their children can get the best swimming education possible. This is a ludicrous situation for local families to be in, and it is detrimental to their children's wellbeing.

The National Drowning Report 2012 shows that learning to swim remains a very important issue, as 284 people in Australia drowned last year. Tragically, 12 per cent of those fatalities were children under the age of 15. Worryingly, this national drowning figure is higher than the Victorian 2012 road toll, which stood at 208. The Victorian government has a responsibility to ensure that families across every part of the state have access to affordable, quality swimming education for their children. This is particularly important in areas of higher disadvantage.

Community wellbeing director from the City of Brimbank, Neil Whiteside, notes that it would cost \$150 000 to operate the outdoor pool for seven extra months during the year, with \$100 000 going to the cost of heating and maintenance. He believes that very little revenue could be raised for these extended months. However, greater pool access during the year would reduce the waiting times local families have to endure and will ensure that all children in Brimbank will have access to quality affordable swimming education.

That is why I ask that the Minister for Local Government provide this relatively small amount of funding, possibly in the form of a grant to the City of Brimbank, so that the Sunshine Leisure Centre can open its outdoor pool through the off-peak season and improve its service delivery of swimming lessons to local families.

### **Terrara Preschool future**

**Mr TEE** (Eastern Metropolitan) — My adjournment matter is for the attention of the Minister for Roads, who is also the Minister for Public Transport, and it relates to the Terrara Preschool in Vermont South, which is in my electorate. It has been operating from its current site since the early 1970s and in that time has been attended by three generations of some families. The kindergarten is in effect on two blocks of land. One block accommodates the building and the primary outdoor area. A second block of land contains the major area of the kindergarten's licensed outdoor play area. That area is owned by the state government.

That parcel of land is part of the former Healesville freeway reserve. It is about 270 square metres in area. The committee of management of the preschool, which is made up of community representatives, leases the land directly from VicRoads and, as I have said, has done so for a number of years. The committee of management has been advised that the government has offered to sell the land as part of the disposition of the former Healesville freeway reserve and has advised the committee of management that it may purchase it.

Obviously that is not feasible. The committee of management is not in a position to purchase the land, and its members are concerned that if the government goes ahead and sells the land, then the preschool and the service that it has operated on the site since the 1970s, as I said, will no longer be able to continue. I ask that the minister intervene and protect this preschool and ensure that this important community asset is not lost to the community.

### **Black cab trial**

**Mr SOMYUREK** (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Public Transport concerning the trial of black London cabs in Western Australia, which was announced recently. The aim of the company involved is to spread this trial to other states. I am informed that these purpose-built London cabs are imported from China. London Taxi Company CEO Evan Simeon told Australian Associated Press (AAP) that his company was in negotiations with the states ahead of the launch of the trial program. Mr Simeon also told AAP:

We will do our due diligence, and so will the states, and hopefully these taxis will be out on the road somewhere soon.

There are many issues facing our critical automobile industry. Time constraints do not allow me to go through the various issues, but one of the biggest issues currently is the drop in domestic demand for locally produced vehicles. The taxi industry is an important source of demand for locally produced vehicles. The loss of the local taxi industry would be a significant blow to our local automobile manufacturers.

I ask the Minister for Public Transport whether the Victorian government is currently in negotiations or plans to be in negotiations with the London Taxi Company to trial these foreign-manufactured cabs.

### **Asian Cup soccer tournament**

**Ms TIERNEY** (Western Victoria) — My adjournment matter this evening is for the Minister for Sport and Recreation, Hugh Delahunty, and it is in relation to the Asian Cup soccer tournament due to take place in Australia in 2015. The tournament will be held in Australia for the first time between 9 and 31 January 2015, and it will involve 16 teams competing for the cup. The competing teams will arrive in Australia some weeks prior to the tournament and embark upon a two-week training period to acclimatise to the conditions and prepare themselves for the tournament.

It is my understanding that around 21 locations along the east coast of Australia will put in bids to host a team competing in the tournament for that two-week period. I believe the minister is aware that two townships in my electorate are very serious about bids to host teams; they are Ballarat and Torquay. Both municipalities have gone to significant lengths to strengthen their bids, and I wish them all the very best. Having been in both locations in recent weeks, I understand that the work to be done by the earthmoving equipment is well and truly under way at both those sites.

I am asking the minister to press ahead to see if he can provide both locations with the necessary funds that they need to actually sow the turf. The turf needs to be sown in about six weeks time. If it is not sown, they will not have the grounds ready and available for the teams to practise and prepare themselves for the tournament. It will be a major missed opportunity if this does not go ahead, particularly for Torquay and the Surf Coast shire. As members know, the visitation in terms of tourism will be enhanced as a result of not just the players who will come but also families who will accompany the players.

As I said, the action I seek is that the minister be able to provide money in a very timely fashion so that both those facilities can be utilised for the Asian Cup and that we in western Victoria can be very proud to be heavily involved in what is a very important international tournament.

### Responses

**Hon. M. J. GUY** (Minister for Planning) — There are eight adjournment matters to reply to. The first one was raised by Mr Lenders. I am fascinated by Mr Lenders's interest in Goatgate. I know that as the shadow Minister for Agriculture and Food Security he has raised this matter a number of times. All of us are deeply fascinated by Goatgate, and I look forward to Minister Walsh's written response to the Leader of the Opposition's request about Goatgate and goat hunting and what it may bring for future adjournment matters in relation to goats and other quadrupeds that are on the run in vermin numbers in country Victoria. I will pass the matter on for response because the substantive point is obviously a very important issue and it does need to be addressed.

Mr Finn raised another extremely important issue in relation to the police portfolio of Mr Wells. It was in relation to the March for the Babies event on the weekend, which was interrupted and hijacked by a bunch of complete ferals. I should say that that is the politest term I could possibly use for them given how they performed and how they behaved to disrupt a peaceful march that had been organised. It was a sensible, peaceful march in Melbourne, and our democracy should be better than having people do what they did to others who were simply marching with their children on behalf of other children. Mr Finn did a very good job in organising that rally and, more to the point, needs to have a response to the adjournment matter he raised tonight, which is most pressing. I will pass it on to Minister Wells to respond to it.

I will skip down to Mr Elsbury's matter. He also needs a response to his take on what occurred on Sunday at the March for the Babies, where he was assaulted by some people who decided to crash a peaceful protest in Melbourne. That was a disgrace, and Mr Elsbury also needs from the Minister for Police and Emergency Services, Mr Wells, a response to his adjournment matter. I will refer the two matters to the minister for his reply to both Mr Finn and Mr Elsbury.

Ms Mikakos raised a matter for the Minister for Consumer Affairs about issues related to the Retirement Villages Act 1986. I will have the minister respond to the matter she raised.

Mr Melhem raised a matter for the Minister for Local Government, Mrs Powell, in relation to waiting times for learn to swim classes at the Sunshine Leisure Centre in the city of Brimbank. I can tell Mr Melhem that I know firsthand from my experience a couple of years ago that getting into learn to swim classes can be a long and arduous task. He is quite right about that. I will have Mrs Powell respond to his matter with some urgency, because it is quite important that children learn to swim. The matter that he has raised is legitimate, and it needs a serious response.

Mr Tee raised an important matter in relation to Terrara Preschool in Vermont South for the Minister for Roads, Mr Mulder. I will have Mr Mulder respond directly to Mr Tee.

Mr Somyurek raised a matter for the Minister for Public Transport, Mr Mulder, in relation to the trial of black London cabs in Western Australia, which sounds most interesting. I will have Mr Mulder respond directly to Mr Somyurek also.

Finally, Ms Tierney raised a matter for the Minister for Sport and Recreation, Mr Delahunty, in relation to the Asian Cup being held from 9 to 31 January 2015, to which I will have the minister provide her a direct response which will satisfy her concerns.

I have a written response to the adjournment debate matter raised by Ms Mikakos on 19 September.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 6.17 p.m.**