

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 8 May 2014

(Extract from book 6)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 17 March 2014)

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Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
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Minister for Housing, and Minister for Children and Early Childhood Development	The Hon. W. A. Lovell, MLC
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Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention	The Hon. E. J. O'Donohue, MLC
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
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Minister for Police and Emergency Services, and Minister for Bushfire Response	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mrs I. Peulich, MLC

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Ms Lovell, Ms Pennicuik, Mrs Peulich and Mr Scheffer.

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

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, Mr D. D O'Brien, #Mr Ondarchie, Ms Pulford, Mr Ramsay and #Mr Scheffer.

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

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

Environment and Planning References Committee — Mr Dalla-Riva, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Ronalds, 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 D. R. J. 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 D. R. J. O'Brien, #Mrs Peulich, #Mr Ramsay and Mr Viney.

Participating member

Joint committees

Accountability and Oversight Committee — (*Council*): Mr D. R. J. O'Brien and Mr Ronalds. (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Drum, 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, Mrs Millar and Mr Ronalds. (*Assembly*): Mr Burgess and Mr McGuire.

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 Delahunty.

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

Family and Community Development Committee — (*Council*): Mrs Coote. (*Assembly*): Ms Halfpenny, Mr Madden, Mrs Powell and Ms Ryall.

House Committee — (*Council*): The President (*ex officio*) Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Ms Campbell, Ms Thomson, Mr Wakeling and Mr Weller.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Viney. (*Assembly*): Ms Kanis, Mr Kotsiras, Mr McIntosh 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 D. R. J. O'Brien and Mr Ondarchie. (*Assembly*): Mr Angus, Ms Garrett, 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 D. R. J. O'Brien. (*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

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr Elasmr, Mr Finn, Mr Melhem, Mr D. R. J. O'Brien, Mr Ondarchie, Ms Pennicuik,
Mr Ramsay, Mr Tarlamis

Leader of the Government:

The Hon. D. M. DAVIS

Deputy Leader of the Government:

The Hon. W. A. LOVELL

Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. D. K. DRUM (from 17 March 2013)

The Hon. P. R. HALL (to 17 March 2013)

Deputy Leader of The Nationals:

Mr D. R. J. O'BRIEN (from 17 March 2013)

Mr D. K. DRUM (to 17 March 2013)

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Melhem, Mr Cesar ²	Western Metropolitan	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Millar, Mrs Amanda Louise ⁴	Northern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr Daniel David ⁸	Eastern Victoria	Nats
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 ⁵	Eastern Victoria	LP	Pakula, Hon. Martin Philip ¹	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 ³	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 ⁷	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark ⁶	Eastern Victoria	LP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leanders, Mr John	Southern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

¹ Resigned 26 March 2013

² Appointed 8 May 2013

³ Resigned 1 July 2013

⁴ Appointed 21 August 2013

⁵ Resigned 3 February 2014

⁶ Appointed 5 February 2014

⁷ Resigned 17 March 2014

⁸ Appointed 26 March 2014

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Thursday, 8 May 2014

The **PRESIDENT** (Hon. B. N. Atkinson) took the chair at 9.35 a.m. and read the prayer.

CRIMES AMENDMENT (PROTECTION OF CHILDREN) BILL 2014

Introduction and first reading

Received from Assembly.

Read first time on motion of **Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation); by leave, ordered to be read second time later this day.

RESIGNATION OF MEMBER

Ms Broad

The **PRESIDENT** — Order! I bring to the attention of the house — and it is with a tinge of sadness that I do so — that I have been advised by the Honourable Candy Broad that she intends to visit the Governor to convey to him her intention to resign from the Legislative Council. Ms Broad came into this place in 1989 and has served as a minister, and served with distinction in this house. I am sorry to see another one of our number leave ahead of the election, but there are some family commitments that she wishes to fulfil. She has placed a high priority on that, as indeed we all should. I understand that the Leader of the Government and the Greens have agreed that later this day Ms Broad will be able to direct some remarks to the Parliament reflecting on her time in this place. As I said, she has certainly served with distinction.

PETITIONS

Following petition presented to house:

Boral Western Landfill

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the proposal by Boral to expand the capacity of the Western Landfill site at Christies Road, Ravenhall, which will have a long-term detrimental impact on surrounding communities.

The petitioners therefore request that the Minister for Planning, Hon. Matthew Guy, intervene to reject the proposal to expand the site, and ensure any decision by the Melton City Council that approves expansion is overturned.

By **Mr MELHEM** (Western Metropolitan) (3412 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Gambling Regulation Act 2003 — Amendment to the Monitoring Licence pursuant to section 3.4.59C of the Act.

Parliamentary Committees Act 2003 —

Government response to the Education and Training Committee's Report on the Extent, Benefits and Potential of Music Education in Victorian Schools.

Government response to the Family and Community Development Committee's Report on Handling of Child Abuse by Religious and Other Non-Government Organisations.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 12.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 27 May 2014.

Motion agreed to.

MEMBERS STATEMENTS

St Albans level crossing

Mr MELHEM (Western Metropolitan) — It is with delight that I note the Napthine government decision to pitch in enough money to remove the Main Road level crossing in St Albans by 2017. This decision to remove the deadliest level crossing in the state is long overdue but nonetheless welcome.

Hon. D. M. Davis — Labor didn't do it.

Mr MELHEM — You are a bit late. We would have liked it done before 2017. We will do it before then. Labor committed to getting it done last year, but this government refused to come to the table. We know it is election time, so it has finally seen common sense and agreed to remove it.

However, next to the Main Road West crossing is the Furlong Road crossing, which is also dangerous. Unfortunately its removal is not part of the government's plan, but it is part of the Labor opposition's Project 10 000 to remove that crossing. There have been 39 near misses at that crossing since 2006.

Labor will remove a further 48 or 49 level crossings. The removal of the Main Road level crossing at St Albans is welcome news. It is about time this government paid attention to the west.

Northern Victoria Region funding

Hon. W. A. LOVELL (Minister for Housing) — Thank you, Premier. The state budget that was delivered this week was a fantastic investment in my electorate as well as in all other electorates around Victoria.

Honourable members interjecting.

The PRESIDENT — Order! There has not been a coup; I am still the President.

Mr Lenders — On a point of order, President, Ms Lovell has twice in two days addressed you as Premier. The point I make is that it would be a breach of the constitution for a minister to be the Presiding Officer. I seek clarification.

The PRESIDENT — Order! I do not think there are any difficulties, constitutionally.

Hon. W. A. LOVELL — As I was saying, this week's state budget has obviously got up the nose of the opposition such that it wants to make petty points of order. It is a fantastic budget that is benefiting all electorates around Victoria.

I was pleased to join my colleagues Attorney-General Robert Clark and Deputy Premier Peter Ryan to announce the Victorian coalition government's commitment to delivering a new court complex and facilities in Shepparton. This is a \$73 million investment in the Shepparton community and has been well received by that community.

I was also pleased as Minister for Housing to announce that \$5 million will be provided for the operating costs of the Education First Youth Foyer in Shepparton. This is part of a \$201 million investment in social housing and homelessness and is an example of how the Victorian government is building a better Victoria by assisting Victoria's most vulnerable.

The Victorian coalition government is delivering a record \$2.8 billion in funding for schools in the 2013–14 budget. Schools in my electorate that are benefiting from upgrades or rebuilds are Winters Flat Primary School, Quarry Hill Primary School, Maldon Primary School, Kyneton Primary School, Kyneton Secondary College, Benalla education regeneration project, Wangaratta High School,

Yarrowonga College P–12, Robinvale P–12 College, Merbein P–10 College, Kerang Technical High School, Warracknabeal education regeneration project, Yea High School, Kinglake Primary School and Wodonga West Primary School. This is in addition to two other schools in Wodonga we have already announced funding for — Wodonga's Belvoir Special School and Wodonga Senior Secondary College.

National Centre for Farmer Health funding

Ms TIERNEY (Western Victoria) — It is fair to say that the Minister for Health and his staff have drawn the longest bow in history for the government's latest excuse for why it will not support the health and wellbeing of Victorian farmers. In the *Hamilton Spectator* a member of the Minister for Health's staff was quoted as saying:

It was the ... Labor government that failed to fund the National Centre for Farmer Health beyond four years.

You heard it right: the Minister for Health is now trying to blame the Labor government — the government that invested \$2.4 million to establish the centre in 2008 — for the fact that his government will not support the centre and Victorian farming families. The excuses and rhetoric from David Davis and the Napthine government have now gone so far beyond ridiculous it is insulting. Unfortunately this is the type of below-the-belt politics that this government plays whilst doing anything and everything except focusing on farmer health. These excuses are not only petty and dishonest; they are an absolute insult to farmers and their families.

What is certainly clear, though, is the fact that Victorian farmers and the National Centre for Farmer Health stakeholders are not for a second buying the ridiculous excuses this government is throwing up. In the same *Hamilton Spectator* article Western District Health CEO Jim Fletcher stated:

The reality is had Labor won the last (state) election the farmer health centre would have received ongoing funding.

... accusing Labor is a useless excuse.

When will the Napthine government stop playing politics with the health and livelihood of our farmers and properly fund this very important institution in Western Victoria?

Field of Women

Hon. D. M. DAVIS (Minister for Health) — I rise to praise the work of the Breast Cancer Network Australia and its important Field of Women event to be

held at the football on Saturday. I am not a great football-goer, although my 10-year-old is. Having said that, this is a great Victorian occasion, an opportunity to celebrate the contribution of many people and to focus on achieving an outcome not only for the fundraising work of Breast Cancer Network Australia but also for research and fir work on finding solutions to breast cancer.

This is a very significant disease faced by our community, one for which we need to find a cure and better outcomes. Increasingly we are doing that. The state has placed a very important focus on cancer treatment with both its paediatric focus and also the integrated cancer services that do such great work. The \$1.1 billion Victorian Comprehensive Cancer Centre will deliver world-class cancer treatment and research.

I will certainly be attending Saturday's football match and am very keen to join the thousands of people who will also be there, all of whom are trying to make an important point that will be embraced by our community.

The PRESIDENT — Order! I will also be at that important event. It is a very significant marshalling of the people of Melbourne in support of a very important cause.

Local government rates

Mr EIDEH (Western Metropolitan) — Each year Victorian homeowners and businesses, many of them my constituents, are hit with an increase in the cost of living. These people are from hardworking families. They are people from all walks of life and from businesses great and small. They are struggling to make ends meet, encumbered by enormous cost of living pressures, including rising utility prices and ever-increasing water rates. Council rates also increase each year. In recent years they have risen above the consumer price index, putting extra strain on ratepayers.

Although councils that increase these rates present a real need for funding of essential services and infrastructure in the municipality, there is often a significant amount of spending which is unnecessary and inefficient. Therefore it was a relief to hear the good news announced last weekend by the Leader of the Opposition in the Assembly, the Honourable Daniel Andrews. Amending the Local Government Act 1986 to require draft budgets to be submitted to the Essential Services Commission will ensure that council rates are determined fairly and that the increases are capped at the CPI. Local councils will be responsible for

informing their residents as to where every dollar will be spent, and ratepayers will no longer be kept in the dark on where their hard-earned money is going. This is a sensible and practical policy, and I thank the Leader of the Opposition for recognising and addressing this serious issue.

Barwon community leadership program

Mr KOCH (Western Victoria) — I was delighted to represent the Deputy Premier in Geelong last week to launch the 2014 Barwon community leadership program. The program, first established in 2011 through the Committee for Geelong, is designed to develop the region's next generation of leaders. The committee has a great working relationship with business and community leaders, stakeholders and all levels of government. Participants in the program come from a wide range of community groups and backgrounds. They share a passion for supporting their communities, with many already very active in community roles or in volunteering. Throughout the 10-month program, participants will develop their leadership skills and meet business and community leaders who have expertise in many fields. Topics covered vary from law and order to arts and culture, with a particular focus on health, education, welfare and rural issues. Participants will also visit Parliament later in the year. The program aims to develop strong leaders and advocates who can speak out on behalf of groups within the community.

The Victorian coalition government is providing \$30 000 towards this \$94 000 program through the \$1 billion Regional Growth Fund. The remaining funding is being provided by Avalon Airport, the Hugh Williamson Foundation, numerous community partners and generous philanthropic contributions. My congratulations to the 15 participants in this year's Barwon community leadership program and to the Committee for Geelong on its overall leadership in the Geelong community and particularly on its mentoring of this great and important project.

Shire of Nillumbik information session

Mr ELASMAR (Northern Metropolitan) — On Thursday, 10 April, with some of my parliamentary colleagues I attended an information session provided by Nillumbik Shire Council councillors and officers which outlined future strategic directions. Important issues were discussed, and future challenges were identified. All in all it was an interesting exercise, and I thank Nillumbik Shire Council officers for organising this informative event.

City of Hume volunteers

Mr ELASMAR — On another matter, also on Thursday, 10 April, I was honoured to be present at a civic reception held at the Hume Global Learning Centre in Craigieburn. Organised by the Hume City Council, the reception recognised and thanked all those community volunteers who, during the bushfires on 9 February this year, provided much-needed assistance and support to sorely fire-affected communities. It was heart-warming and inspiring to see how well Melburnians rose to the challenge of helping out their fellow neighbours in their time of need.

Austin Health mental health program

Mr ELASMAR — On another matter, on Thursday, 17 April, I attended the formal opening of a community recovery program organised by Austin Health in partnership with Mind Australia — Mr Ondarchie was there as well. Whilst this program was an initiative of the Labor government, it was good to see it finally up and running.

Gippsland Immigration Wall of Recognition

Mr D. D. O'BRIEN (Eastern Victoria) — On Sunday, 13 April, on behalf of my good friend and colleague the member for Morwell in the other place, Russell Northe, who also is the Minister for Energy and Resources, I had the pleasure of attending Kernot Hall in Morwell to unveil the latest names on the Gippsland Immigration Wall of Recognition. This is a fantastic community-driven initiative around Kernot Hall in Morwell that was supported by the coalition government's Regional Growth Fund as well. Work is continuing on the Gippsland Immigration Park. It was great to be there with Latrobe City Council mayor Sharon Gibson to help celebrate the occasion and unveil the latest 30 names to be inscribed on the wall. There are now some 2000 family names on the Gippsland Immigration Wall of Recognition, which appropriately highlights the contribution that immigrants have made to Gippsland and particularly — with the wall located in Morwell — the Latrobe Valley.

Growing up in the Latrobe Valley it was wonderful to be part of a multicultural region that celebrated the contribution of immigrants from all around the world. Congratulations to Gippsland Immigration Park committee president Don DiFabrizio, who is one of the greatest immigrants to Gippsland; he has made an outstanding contribution to the community, particularly in Morwell and the Latrobe Valley. I heartily congratulate Don and Maggie and Serge Auciello and the rest of the Gippsland Immigration Park committee.

They have done a great job recognising the contribution that immigrants have made to our region.

Local government rates

Mr BARBER (Northern Metropolitan) — I was momentarily stunned when I opened my copy of the *Herald Sun* on Sunday and read that Daniel Andrews, the Leader of the Opposition in the Assembly, had resuscitated a failed Kennett government-era policy of local government rate capping. 'It's time to do something about the council rates, the wasteful spending and the lack of transparency', Mr Andrews thundered.

Councils deliver critical services such as child care, maternal and child health, meals on wheels, libraries and infrastructure maintenance. This could all go into rapid decline if Labor's rate cap is put in place. The costs in delivering these services go up faster than inflation, and then there is the regular cost shifting from state and federal levels of government or when new and expanded tasks are handed over to local government without the funding to deliver them.

I would like each Labor MP to personally explain where the wasteful spending is in their local council budgets and where cuts should be made. In fact Richard Wynne, the member for Richmond in the Assembly and Labor's local government spokesperson, could start with Yarra council, as its budget is now out for public comment. I suggest that Jennifer Kanis, Jane Garrett and Fiona Richardson, the members for Melbourne, Brunswick and Northcote in the Assembly, could go next. Daniel Andrews ought to ask some of his MPs who were local councillors under Jeff Kennett how well this policy worked.

Bendigo aquatic centre

Mrs MILLAR (Northern Victoria) — It gives me great pleasure to reflect today on the very welcome announcement in Tuesday's state budget of \$15 million for the Greater Bendigo Indoor Aquatic Leisure and Wellbeing Centre, to include 50-metre indoor pool which will be used by residents from right across Bendigo as well as the wider region, from Castlemaine, Maldon, Harcourt — and the list goes on. There was great excitement in Bendigo at the announcement of this project, which the Greater Bendigo City Council has listed as its no. 1 priority. I quote from the council's media release about this announcement:

Mayor Cr Barry Lyons is ecstatic following news today the City of Greater Bendigo will receive one of its biggest ever government grants to fund the new Greater Bendigo Indoor Aquatic Leisure and Wellbeing Centre.

I pay tribute to my colleagues the Honourable Wendy Lovell and the Honourable Damian Drum and Liberal candidates Greg Bickley and Jack Lyons, as we have worked together to call for this project to be prioritised.

While to some a pool sounds like a big fun thing, central to the business case for this project was the need to provide infrastructure to ensure that more people, especially our children, are able to participate all year round in sport and other physical exercise. Currently Bendigo and the wider region has one of the state's highest rates of obesity and associated health consequences, including type 2 diabetes. This facility will allow more people, especially children but also elderly citizens, to be active all year round, providing a preventive approach to tackling these serious health challenges.

As I have said in this place before, the sense of excitement in Bendigo at this time is just electric, with the new Bendigo Hospital, the new Ulumbarra Theatre at the Old Bendigo Gaol site, the extension and new public sculpture at the Bendigo Art Gallery and now the pool. The coalition government is delivering for Bendigo, creating huge incentives to attract even more families to this beautiful and exciting regional city.

Yvonne Herring

Mr TARLAMIS (South Eastern Metropolitan) — In its third year, the Wes Eggleston Community Service Award has been presented to Yvonne Herring, who was selected from a number of deserving candidates by a panel comprised of the City of Greater Dandenong mayor, Cr Jim Memeti; the chairperson of the Noble Park Community Action Forum, Cr Roz Blades; the president of the Springvale Benevolent Society, Joe Rechichi; the chairperson of the Springvale Community Aid and Advice Bureau, Ross Hepburn; and the manager of the Dandenong Community Advisory Bureau, Jinny McGrath.

Yvonne Herring has assisted countless people and organisations through her work with the Springvale Benevolent Society, where she has been a member for more than 15 years, including as the secretary since 2009. She also served as a City of Greater Dandenong councillor for 13 years. Yvonne has given freely of her time, tirelessly and selflessly, to help countless families and individuals in crisis and, where necessary, has referred them to other relevant agencies for specialist help and support. Yvonne has always treated the individuals who have called upon her for assistance with the utmost respect and sensitivity, and her dedication to the community of Springvale and the surrounding neighbourhood is to be commended. I have

personally known Yvonne throughout this time and believe that she is truly worthy of this award. Given that Wes Eggleston and the previous recipients of the award, John Beus and Max Anstis, had all been good friends of Yvonne, it is fitting that she received this award.

Wes Eggleston died in 2009, and the Wes Eggleston Community Service Award was established in his honour as an annual award to recognise an individual in the community who has enriched the lives of others through their own selfless actions and through their care, compassion, courage and leadership. These are all traits found in abundance in Yvonne Herring, as they were in Wes Eggleston, John Beus and Max Anstis, who sadly are no longer with us. I take this opportunity to thank the members of the selection panel for their deliberations and their selection of Yvonne and look forward to their participation in an ongoing capacity with this award.

Member for Clayton

Mrs PEULICH (South Eastern Metropolitan) — One of the strengths of multicultural Victoria is the bipartisan support for multicultural policy among the various political parties, which is particularly important in a region such as mine, which is the home to people of over 220 nationalities. Many of us who serve that area spend a lot of time going to various community events, and it is a great honour to do so.

Recently I went to a Cambodian community event for the Cambodian New Year. It was a magnificent event, and well organised. Some community awards were presented. I was asked to participate in that. Regrettably the local member clearly does not have the same disposition towards multicultural policy. The behaviour on that night of Hong Lim, the member for Clayton and candidate for the new seat of Clarinda in the Assembly, was absolutely despicable, and I would ask the Leader of the Opposition in the Assembly, Daniel Andrews, and his party to discipline Hong Lim. Not only did he berate, intimidate and bully the organisers, but he threatened them to the effect that if they did not give him the chance to speak they would get into big trouble and they would be breaching protocol — even though technically no government funding was involved.

This is unlike the situation with City of Monash mayor Geoff Lake, when he breached protocol by stopping me from speaking at the Clayton festival, taking a photograph of my derriere and tweeting it. That is certainly inappropriate behaviour that contrasts with the respectful manner with which most MPs across the

parties and certainly across the south-east engage with their communities.

Kalyan Ky has been berated and vilified. Hong Lim then used that event to publicise his fundraiser — to call for people to attend and distribute news about it. He is a disgrace, and he is abusing his Cambodian community.

STATE TAXATION LEGISLATION AMENDMENT BILL 2014

Second reading

**Debate resumed from 3 April; motion of
Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

Mr LENDERS (Southern Metropolitan) — I rise to speak on this bill, which has had a bit of an extraordinary journey through the Parliament. The bill really is in three parts. There are amendments to the fire services property levy, which the Labor Party will not oppose. In fact we have sought to introduce a private members bill and have also sought to move amendments ourselves to deal with some of the anomalies around this. The government has addressed many of those, and my colleague Mr Pallas, the member for Tarneit and shadow Treasurer, has spoken about those in the Legislative Assembly, and I will not reprosecute any of that debate, other than to say that we do not oppose those parts of the bill. There are two parts of the bill, however, with which we have grave concerns. One is the changes to the taxes on electronic gaming machines and the other is the tax changes regarding the congestion levy in the inner city. We will vehemently oppose those two clauses, and I will go through that in the debate.

I am pleased the Assistant Treasurer is in the house. He is a courteous minister who comes in during debates on his bills, although probably me saying nice things about him does not help him. I think it is exemplary that a minister is here for the debate. I flag with him that I will have some questions for him on the objects clause and that the Labor Party will be voting against the clauses I mentioned dealing with the electronic gaming machines and the congestion levy.

I would like to sum this up in a way by quoting — and I do not think I have ever done this in this Parliament before — from a comment article by James Campbell in the *Herald Sun*. I have it here for the members who wish to see it. He opens up with the comment:

If Victorian politics were a drawing room comedy, Denis Napthine would be a dead cert to win the role of Geoff Shaw's butler.

He goes on to say:

Like Jeeves, Dr Napthine endeavours to give satisfaction.

Is Mr Shaw unhappy with the Speaker? Watch the Premier hurry off stage to fetch a new one more to his taste.

What about the government's taxi reforms? Is there a hint that Sir is dissatisfied with them? Voila! Dr Napthine reaches into his coat and produces some amendments ...

Hon. D. M. Davis — On a point of order, President, the Leader of the Opposition is straying a long way from the bill. He is quoting from an article that is fundamentally not about the State Taxation Legislation Amendment Bill 2014. The member is seeking to make a much broader series of points. While lead speakers always have significant latitude, they do not have infinite latitude to talk about any matter of public interest in a debate on a bill.

The PRESIDENT — Order! The member's point was well made as such, but the speaker has been on his feet for about 2 minutes. As Mr Davis rightly said, the lead speaker has a fairly broad brush in terms of their speech. I agree that it is not infinite latitude, but nevertheless the lead speaker has the opportunity to provide context and to rely on information that he or she believes is relevant to the issue at hand. It may be that as this argument develops there are stronger grounds for this point of order. At this point in time, given the length of time the speaker has been on his feet and the fact that his remarks have been introductory, I do not uphold the point of order.

Mr LENDERS — I will confine my quotes from the James Campbell article to the bill. The next paragraph in the article refers to poker machine taxes, which are part of this bill. It states:

Poker machine taxes? Dr Napthine will send in his footman — played expertly by the Treasurer, Michael O'Brien — to slice \$10 million off the revenue.

It would be funny if it weren't so sad.

Unfortunately for Dr Napthine, he had no choice but to give in to the renegade Liberal over pokies taxes as Labor is opposed to the changes and without Mr Shaw's vote the bill would have been dead.

I will not refer to taxis again, due to the fact that they are not part of this bill. The article goes on to discuss how the government is beholden to Mr Shaw, the member for Frankston in the Assembly. It states:

Instead Dr Napthine preferred to deal with Mr Shaw —

rather than the Labor Party. The final line of Mr James Campbell's article states:

You rang, Sir?

I raise this article in the context that this bill has had a tortured journey through the Legislative Assembly; the government made compromises with the member for Frankston to get the bill through. That is an interesting context here. The government ran 100 miles away from the member for Frankston a few months ago, but just recently it desperately sought his support to get this legislation through. That is just part of the journey of the bill. It has come through the Legislative Assembly. It has come to us in this house, and now we have it in front of us to deal with.

There are a few things about the bill that are worth noting. Firstly, as I said, we do not oppose the amendments related to the fire services property levy. They are worthwhile amendments. They could go further, but we will support those. The two parts of the bill that we have issues with are those dealing with increases in the player loss rate in gaming revenue, which will allow the government to put a higher tax on poker machines.

At this stage I draw into the debate comments regularly made in this house by the Minister for Liquor and Gaming Regulation, and I do find that to be an ironic name for a minister in a government that says it is against red tape and against regulation, but that is an aside. I digress. The minister often erroneously or selectively refers to an Auditor-General's report that speculates that, if the global financial crisis had not occurred and the government had basically rammed through legislation to stop local communities having any say in whether we have gaming machines in this area, Victoria would potentially have been \$3 billion better off. There was a global financial crisis, and there was actually a thing called a government at the time. Forgetting amendments made in this house to the legislation that protected country clubs and reduced revenue, the former government was not prepared to ram through planning laws that would force every local community to accept an unlimited number of gaming machines.

Leaving aside that technical, factual detail that the minister forgets, the minister constantly laments the fact that there could be \$3 billion more revenue. We hear it again and again. The minister is actually speaking the truth about this government, that it wants more revenue. Here we have an extra \$67 000 tax being imposed on each pub and club. They will pay an extra \$67 000 in tax because of the stamp duty on the top two rates. The tax rate on the top two levels goes up by 4.2 per cent, and obviously not all of the pubs and clubs will be in that top rate, but on average most will pay an extra

\$67 000. As a way to try to ease the burden on pubs and clubs the government has allowed the loss rate to drop by 2 per cent. The government has said, 'Let's try to buy off the pubs and clubs. We'll take the pressure off them, but who will we get the money from? We'll take it off the punters'.

On average there will be \$67 000 more revenue collected from each pub and club through these machines. The government I was part of did the same, so I am not arguing that it should or should not be done. What I am pointing out is the absolute hypocrisy of this government, where its members say, 'My gosh, you could have got all this money out of these machines if only you'd tried harder', and then tries to claw the money out of pubs and clubs and increases the loss rate for every punter in the state by 2 per cent. Previously by law the average rate of return to players needed to be 87 per cent of any coin they put into a slot machine anywhere in the state. The government has said, 'Well, let's make it 85 per cent. Then we'll get that average of \$67 000 in tax from every pub and club. We'll gouge more revenue out of the system, nobody will notice and everybody will be happy'. I just point to the hypocrisy of this legislation. It is a cash grab from the minister.

Hon. D. M. Davis interjected.

Mr LENDERS — I take up the minister's interjection. If he had been listening to me, rather than scurrying in and out of the chamber, panicking like most of this government is doing at the moment and looking for the next crisis, he might have heard me say that I am not against the concept of taxing this industry. Governments of all persuasions have done so for the last 20 years. But it is hypocritical of a government that says that it is not putting up any taxes, that it is going to help Victorians with the cost of living and that it is taking the burden off people to then sneakily increase the loss rate so that the return rate for a punter goes from 87 to 85 per cent. The punters will not notice, and each of the clubs gets taxed an average \$67 000 extra. It is stealth; it is hypocrisy. That is the argument I am raising.

Mr Ramsay — What was it in New South Wales and Queensland?

Mr LENDERS — I take up Mr Ramsay's interjection. What is it in other states? That is a relevant consideration for public policy. It reminds me of what the Treasurer has been saying about the congestion levy: 'There is nothing wrong with the congestion levy. We've broken a promise, we've done a backflip and we've been totally hypocritical, but it is still more in New South Wales'. That is relevant to public policy if a

government has not been elected on a promise of being different or if a government has not said it will not impose it. I was not going to do so, but I will quote for the benefit of Mr Ramsay what some of his esteemed colleagues like the Premier, the Attorney-General, the Minister for State Development and the Minister for Police and Emergency Services have said about the congestion levy. It is rank hypocrisy. They said that they would never do it, but they have backflipped on all these things.

If Mr Ramsay wants to have a public policy debate about the merits of a congestion levy, let us have one, but this is a debate about holding a coalition of political parties to account for what they said they would do in government as opposed to what they are doing in government. Mr Ramsay's interjection about New South Wales — what about New South Wales? — is relevant, as I said, in a public policy debate that is not contaminated by the solemn pledges of a party about what it will or will not do. That is the point I make in that context.

The second area with which the Labor Party takes grave exception is the issue of the congestion levy. When the congestion levy was put into place in 2005 — I may stand corrected as to the year, but my memory is that it was in 2005 — there was a debate as to whether a congestion levy for long-term parking places would assist with moving people who commute into the CBD back off the roads and be an economic incentive for them to then take public transport. The classic case would be a person coming in from Edithvale or somewhere down the Frankston line. If there is an extra cost with the car for a long-term commute, it would (1) provide revenue to improve public transport, and (2) might be a price signal to the Edithvale resident to catch the train into town. That was the rationale. It was a temporary levy. It was explained to see if it would work, and that was the nature of the legislation introduced by the Bracks Labor government. The opposition at the time went hysterical. If 'bunta' is a technical parliamentary term, it went bunta over this issue. It just screamed it was a revenue grab and it would not work.

For the edification of Mr Ramsay, who has invited this, I will quote a few of his colleagues to him. On 20 October 2005 a person no less than the current Minister for Finance, Mr Robert Clark, said in the Legislative Assembly:

The opposition opposes this bill. This so-called congestion levy, or parking tax, is purely and simply a grab for extra revenue, dressed up with a fabricated claim that it will ease inner city congestion. It is a grab to raise an extra estimated \$40 million a year, and that extra revenue comes, of course,

on top of all the other taxes, charges, fees and so on that the Bracks government has increased over recent years ... This is a bill that will impose a substantial compliance burden not only on car park operators and the owners of large city buildings but on everybody who owns a car parking space within the area to which this levy applies.

He also said on that day:

It is going to be yet another tax on motorists on top of the increases in registration charges —

interesting —

and drivers licences —

interesting —

and on top of the ever-present misuse of speeding fines as a revenue-raising device.

Of course I have added the two 'interesting's', which Mr Clark did not say. The point I make is that this was criticised as a revenue grab on top of increases in registration charges, the cost of drivers licences and misuse of speeding fines. The misuse of speeding fines is judgemental. I will not go into that, but the cost of drivers licences have increased above and beyond CPI. Registration charges have also gone up above and beyond CPI, so what we are seeing is this government doing in spades everything the Minister for Finance criticised in 2005.

On 25 October 2005 Mr Clark asked a question of the then Treasurer, Mr Brumby. He said:

... after months of incompetence, confusion and delay, will the Treasurer guarantee that there will be no future extension of his tax to residential parking and no extension of this tax beyond its current boundaries?

Of course Mr Brumby said there was a review, and he was not doing it. Perhaps Mr Clark should have asked himself the question. To go on further, on 16 November 2005 the now Deputy Premier, Mr Ryan, referred in the house — wait for it — to thievery. He said this levy, congestion levy or whatever you call it by its formal name is thievery. I can go through a number of other statements, but I have made the point that there is more than just an element of hypocrisy here from leading members of the current government. I could embarrass some other people in the chamber, which I have done before — but, with respect, I will not — but there has been a lot of comment on this.

More immediately I will go to some of the commentary on this latest announcement, which is iteration 2 of this current government's backflip of hypocrisy. I refer to a *Herald Sun* article, which I have done a few times today, headed 'Car park crunch to hit as Naphthine government increases parking levy'. The government

had done it at the time of the midyear budget update, right on the eve of Christmas last year, when people were thinking of other things.

I quote from the *Herald Sun* article and some of the comments in it:

Russell Zimmerman, executive director of the Australian Retailers Association, said now was not the time to hit shoppers with car park fee increases.

'We understand that governments need to balance budgets. But at a time when retail is doing it very tough, we're obviously disappointed that a government would increase parking fees', he said.

'It certainly is not going to drive people into the city and is more likely to drive them out of the city — and that's not good for business'.

I also go to the comments of Craig Smith from Wilson Parking reported later in the article as follows:

'What we are witnessing here is just another tax on property in Melbourne and a further cost of doing business within Victoria', he said.

It also reports:

... Craig Smith said the levy increase was 'a knee-jerk reaction' to the federal government's ...

so-called budget hit. The words 'knee-jerk reaction' remind me of the word 'panic', which seems to upset the Minister for Planning unduly if you mention it in this house. It has all the hallmarks of a government that is panicking for revenue.

We will talk about this particular one. I will ask the minister some questions, some of which I will be courteous enough to flag for him, in the committee of the whole. On this issue there are some amazing anomalies. There seems to be an extraordinary correlation in public policy between areas that get this new congestion levy that happen to vote Labor versus areas that happen to vote Liberal. There is an extraordinary correlation between the electoral boundaries of Prahran and Melbourne and who is getting the tax and who is not getting the tax.

The government may think that is good politics, but it is certainly not good public policy to put tax rates based purely on how people vote. I put that case to the house. I cannot find any other correlation between these new boundaries of the second zone proposed here other to suggest than that it is a punitive tax on people who have not voted for the coalition. I will be very interested to hear the answer to the question I will ask in the committee stage, and I will do the minister the courtesy of flagging it for him now: what is the public policy

rationale for the Melbourne-Prahran electoral boundary line?

There is also the issue, as we go through this, that we have different rates now. There is no pretence any more by iteration that it has anything to do with managing congestion coming in and out of the city. There is no pretence any more on why there is one area that has \$1300 levies and other areas that have \$950 levies. It is a shemozzle. It is a panic-driven revenue grab by the government. I will ask the minister, as a courtesy to the house, for future generations and for those who may not have seen the electoral map so they can try to work it out, what the policy rationale is for these particular punitive taxes on some citizens which appear to be based primarily on the way they voted.

I jump back to the issue of the pubs and clubs and the effect of some of the changes that have occurred in these areas. They have been fairly savagely criticised by Clubs Australia. I refer to a media release from Carissa Simons from Clubs Australia of 28 March this year. This was after the Geoff Shaw amendments, as I will phrase them, were announced by the Treasurer. The second paragraph of her release states:

The unprecedented tax grab, which will cost community clubs \$75 million over four years, is essentially a fundraising measure for the Napthine government in an election year — at the expense of clubs, community groups and charities.

That is the nature of some of the comments that have been made on this. Given that much of my contribution to debate on this piece of legislation is remarkably similar to my contribution on the first iteration, I will not bore the house by going through it again. If anyone wants a more comprehensive picture on these matters and some more examples of the hypocrisy, I suggest they go to *Hansard* to see the debate on the previous legislation or the comments of my colleague Mr Pallas, the member for Tarneit in the Legislative Assembly, on the Fire Services Property Levy Bill 2012.

I will conclude in this second-reading debate on one issue that my colleague the member for Richmond, Mr Wynne, raised in the Legislative Assembly. Mr Wynne raised the issue that if exemptions have been made for Olympic Park and for the Melbourne Zoo, there is a logic to an exemption being made for the Abbotsford Convent. For those who are not familiar with the Abbotsford Convent, it is an amazing not-for-profit community organisation that has to be one of the largest in Victoria.

My colleague Mr Wynne raised this matter in the Assembly, and because of the nature of debate there he did not get an answer. I raise again with the minister in

this house Mr Wynne's concern about why the Abbotsford Convent would not be exempt when those other bodies are exempt. It is a not-for-profit organisation so it serves community purposes. Without wishing to steal any thunder from other speakers, we will obviously support any moves in this house that seek to remove that anomaly.

Labor Party members will support the second reading of the bill on the basis that we hope the government will consider our efforts to delete the two parts of the bill dealing with the shameless gaming tax grab and the even more shameless congestion levy backflip — the hypocritical tax grab version 2. We will certainly support the second reading of the bill, but in the committee stage we will vigorously oppose all the clauses in both those parts.

Mr BARBER (Northern Metropolitan) — The bill comes in a number of separate parts. There is a section in relation to the congestion levy, which the Greens will be supporting. However, we intend to move an amendment to create an exemption for the Abbotsford Convent area. There is a section in relation to the fire services levy, which we will support. There is also a section amending the Valuation of Land Act 1960, which we will support. My colleague Ms Hartland will address the section on gaming taxes later in the debate.

The congestion levy was introduced in 2006 on non-residential off-street parking spaces within the levy area with the aim of reducing traffic congestion in the CBD and inner Melbourne and encouraging a greater use of public transport. There are exemptions for visitor parking, disabled parking, hospital visitor parking and loading bays. From 1 January the levy applied to public as well as private car parks and to short-stay off-street parking spaces. The levy is assessed on a calendar year basis, and operators lodge a return with the State Revenue Office. The current rate is \$1300 for each car parking space, which is obviously a huge increase from the 2006 introduction when it was \$400.

Between 2007 and 2013 there was a cheaper rate for that part of the congestion zone bound by Montague Street and the West Gate Freeway, CityLink and the Yarra River, which was described as a temporary parking area. That temporary area became permanent. The money goes into the Consolidated Fund with no strings attached. However, the City of Melbourne negotiated \$7 million per year, connected to the levy, for bike and walking programs, and that money has helped to pay for things such as the Swanston Street upgrade and the La Trobe Street bike lanes.

The changes made by the bill include that the levy boundary will be expanded to include two new category areas to the north and south of the CBD, mostly in the city of Yarra and the city of Port Phillip. There is also a substantial wedge in the municipality of Moreland and a small part in the city of Darebin. In that area the levy will be charged at a cheaper rate, being \$950. The same exemptions apply as in category 1. In addition there are extra special exemptions for the Melbourne Zoo and temporary public parking at Yarra Park, which the Greens think there should be less of. It should be a public park for public enjoyment and not a muddy mess as it is now, with cars running over the ground and occasional dog walkers coming in between games. There are also exemptions for Melbourne Park and Olympic Park.

I am sure Mr Ondarchie will be gratified to know that the Yarra City Council voted to support the introduction of the expanded levy in its area. There will be at least one decision made of the Yarra council this year that Mr Ondarchie will stand up and applaud as a sensible approach to supply and demand of transport in the inner city. But that vote was subject to the government making good on its vague commitment to spend it on sustainable transport initiatives. Yarra council also first raised the issue of the Abbotsford Convent and requested that it be added to the list of exemptions.

I turn specifically to the issue of the Abbotsford Convent. I have prepared an amendment to clause 8 in order to exempt the Abbotsford Convent car park from the congestion levy in the same way that Melbourne Zoo, Yarra Park, Melbourne Park and Olympic Park are exempt. The Abbotsford Convent Foundation (ACF) does not receive government funding. It is a fully self-supporting not-for-profit group that nevertheless has taken on the task of looking after and showcasing a state heritage-listed precinct of enormous historical and cultural significance. It is up there with Werribee Mansion and the rest of them, but unlike others, Abbotsford Convent is being preserved due to the efforts of the community without government funding.

Mr Ondarchie — Lentil as Anything.

Mr BARBER — You have got to eat a lot of lentils, Mr Ondarchie, in order to keep the Abbotsford Convent running. The impact of this amendment will be to the benefit of the convent's car park, which is also shared by the Collingwood Children's Farm, and I am sure Mr Ondarchie would not want to be the one to explain that he has put the Collingwood Children's Farm at threat, given it is a part of his electorate.

The development and operational agreement, which interestingly was signed between the Abbotsford Convent Foundation and the then Minister for Finance, John Lenders, provides that the ACF must be economically viable or the minister may order the land to be surrendered under clause 19.3 of that agreement. The convent was granted the car park in July 2005 under a restricted Crown grant, in part to ensure its financial viability. The ACF relies on car parking income to fulfil its obligations under the development and operations agreement.

This is a topic I know something about because at the time I first ran for the Yarra City Council the future of the convent was by no means certain. The land had been handed over to La Trobe University, which promptly realised the value of the asset and wanted to flog it off to a developer. The historic convent buildings, which are now available to be enjoyed by all, were to be turned into a bunch of boutique apartments. The land next door, which we now know as the car park, was to simply be sold off for maximum yield.

At the time the Yarra council was completely controlled by the Labor Party, so there was a backroom debate going on between Labor councillors and local MP Mr Richard Wynne, the member for Richmond in the Assembly, as to how the car park was going to be saved and who would save it. The government took the attitude of, 'If you want it, you buy it. If you have to buy it, you're going to be paying market rate because La Trobe University has already signed an option with a property developer, so you're competing against him'. How is the community interest ever going to stack up, in raw profit terms, against the plans of a property developer to make a mint?

It was the Greens candidates in that election for Yarra council who first committed to providing \$1 million of council funds to assist with the securing of that asset. When the Greens councillors of that year, including me, Gurm Sekhon, Deborah Di Natale and Jenny Farrar, romped in, it was not long before the ALP councillors who had been sympathetic to the cause joined with us and the council put its money where its mouth was. Who knows what would happen if that occurred under Daniel Andrews's rate-capping policy, where they are not allowed to increase their rates over CPI. There would not even be enough money for current services, much less for a council to get involved in a critical asset so important to people statewide and in a local area.

It was then over to the state government — then the Bracks government — to see what commitment it could make. There was a great deal of fuss. Eventually the historic portion of the convent was gifted to the

foundation that was established. There was still an argument, however, about the car park. The children's farm and the convent were clearly not going to be financially viable without some kind of public access. Though it is in the inner city, this area is reasonably remote from fixed rail infrastructure such as trams and trains. There are a few buses running along Johnston Street, but they are not terribly reliable and they are not likely to be good enough to deliver the thousands of people who want to come to the venues on weekends or the groups of visitors who come during the week. Many school groups also come from around Melbourne and Victoria to study the farm.

I recall as a councillor waking up one morning and finding that the then Minister for Planning, Mary Delahunty, had rezoned the car park for residential development. Another great battle ensued until eventually the government, incredibly begrudgingly, decided that it was not going to flog the car park off to a developer and that it would instead transfer it to the convent through an amended deed.

The Abbotsford Convent Foundation informed us that income from the car park is approximately \$400 000 a year. That is a significant amount. The congestion levy calculated on the basis of this bill would be about \$280 000 per year. Under a memorandum of understanding with the children's farm 20 per cent of the profits from the car park are shared with the children's farm. This forms an important source of income for the farm. If the government does not see fit to support my amendment, the farm and the convent are going to have to go back and have a serious look at whether their business plan still stacks up.

There is great similarity between this situation and that of the Melbourne Zoo and other reserves that currently get an exemption. The Abbotsford Convent is an arts, education and cultural precinct. The main purpose of the car park is to remove parking pressure on surrounding streets. The convent is a major attraction, but it is in the middle of a closely settled residential area. Any increase in fees to cover these charges is going to encourage people to simply spread out through surrounding streets and create a whole new set of problems. That is why car parking fees have been kept low; it encourages the use of the car park. Fees are currently \$8 per day or \$1 per hour. Parking is free for half an hour.

The car park site is not used as a general commercial car park. It is in an area isolated from other commercial developments, so it is not going to be used by people travelling to other parts of the congestion tax area. As I said, public transport access to the site is just made up

of buses on Johnston Street. Inexpensive parking facilitates the use of the convent precinct and children's farm by people with disabilities and people who bring their families down there.

I have prepared an amendment. The current legal situation is that there is a restricted Crown grant over the site. The car park site is Crown allotment 2230, parish of Jika Jika. The precinct in my amendment is redefined to mean the arts, education and cultural tourism precinct and car parking facility, which the ACF is to establish on the site. This is from the variation deed itself, which my amendment references.

Mr Wynne, the local member in the lower house, has asked the minister to redraw the boundaries to exclude the convent. I hope that counts as a commitment by the Labor opposition that if in government it will bring in legislation along the lines of my amendment. We are talking about a piece of land that in any case is going to be held in public ownership.

It is interesting to read in the Treasurer's second-reading speech his declaration that revenue from the levy will be used to support public transport and road infrastructure initiatives. In fact it goes into general revenue; it does not go into any special bucket for public transport or road infrastructure. I would be very keen to know whether the minister at the table, the Assistant Treasurer, can tell us in relation to the Treasurer's second-reading speech claim, how much of the revenue will be used for public transport, how much of it will be used for road infrastructure — I see the price of the east–west road tunnel has risen to \$18 billion in forward estimates — how much of it is flagged to go into projects in the city of Yarra and the city of Port Phillip and whether the funds will go into the east–west toll road.

Moving briefly to the other provisions of the bill, the fire services property levy amendment fixes some of the glitches in the rollout of the levy. In the briefing these were described as 'teething problems'. There are also a raft of changes which fall into two different categories. They are about reallocating the Australian valuation and property codes and making administrative changes and also reallocating some types of property to different land use classifications. Short-stay investment flats that are allocated as commercial will now be residential, so there will be one rate for places where people live. Dams, reservoirs and other water catchments and outdoor sporting grounds will be reallocated from whatever they were before to the public benefit category, and commercial and industrial land with buildings that add no value will be

reallocated as vacant land. There are also a number of other minor amendments.

They are all the comments we wish to make on this bill. We have formulated a specific amendment to exempt the Abbotsford Convent's car park from the levy. I hope that amendment will gain the support of all members of the house, including the local upper house member Mr Ondarchie, who has finally found common ground with Yarra City Council. I am sure he is a great supporter of both the Abbotsford Convent and the Collingwood Children's Farm. This may have even been an oversight in the original drafting of the bill, but its impact on the convent and the children's farm will be significant in financial terms. I hope the government will consider my amendment.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the State Taxation Legislation Amendment Bill 2014. I start by advising the house that this bill contains amendments to implement revenue measures announced in the budget update. These are moderate, targeted measures that include an expansion of the congestion levy boundary and tax changes for hotels and clubs with gaming machines to fix our declining share of gaming tax revenue following Labor's botched auction of gaming machines, which cost this state, according to the Victorian Auditor-General's report, \$3 billion. The bill also makes some refinements and improvements to the fire services property levy following its successful implementation by the coalition government.

In relation to Mr Barber's amendment about Abbotsford Convent — which I have visited; I know Maggie Maguire and her well-known pink dress code and have even eaten at Lentil as Anything — I advise that the government will not be supporting it. I am confident the minister will deal with that matter in the committee stage of these discussions.

From 1 January 2015 the area covered by Melbourne's CBD congestion levy will be expanded. Off-street non-residential car parks in the new areas will be levied at a concessional rate of \$950 per space. Current exemptions will also apply in the new areas, including for hospital visitor parking, residential parking, parking for emergency vehicles, spaces owned by councils or charities, disabled parking, parking for shift workers, garaging of fleet vehicles, bus layovers, car sales displays and car service spaces.

The average daily cost of Melbourne's congestion levy per space will be \$3.40, compared to \$4 in Sydney. Revenue from this initiative — around \$28 million per year — will support the government's road and public

transport infrastructure initiatives. The levy will continue to be applied only to owners and operators of non-residential off-street car parking spaces.

New exemptions will be introduced for parking at Melbourne Zoo and special event parking at Yarra Park, Melbourne Park and Olympic Park in Melbourne's sports precinct.

The Victorian coalition government is fixing yet another gaming mess left by the Labor government. The Labor government's gaming legacy is one of failure and waste. Nothing demonstrates this record of failure better than Labor's \$3 billion pokies auction disaster — \$3 billion of taxpayers money flushed down the drain thanks to the incompetence of the Labor government.

However, the incompetence does not stop there. The Labor government allocated electronic gaming machine licences to pubs and clubs and legislated new tax rates that would apply from 16 August 2012. The industry was advised that the tax rates were designed to collect a share of revenue broadly similar to the historical average government share of 36 to 38 per cent. The industry was also advised that pubs could continue to pay gaming tax rates of 8.33 percentage points higher than clubs, the same differential that existed prior to the new industry structure. The industry was also advised that these new tax rates would be regularly reviewed to ensure that government received a broadly similar share of gaming revenue.

Since August 2012 the government's share of electronic gaming machine revenue player loss has fallen to 34 per cent. The government is taking corrective action to fix Labor's botched tax rates and restore the government share to the historical average. At the same time, the government will adjust the minimum return-to-player ratio from 87 per cent to 85 per cent to enable venues to recover from the impact of those changes. This means Victoria will have the same minimum return-to-player ratio as applies to New South Wales and Queensland, and these changes will commence on 1 May 2014.

Fixing Labor's mistakes will ensure that Victorian taxpayers receive the share of gaming revenue it was always intended they would receive. Importantly the money will be used to invest in infrastructure and services. Labor has indicated that it will oppose this part of the legislation. Labor members need to explain why they favour a windfall gain for pokie operators over investment in schools and hospitals. To reduce the impact of clubs the government has announced that a six-month extension on payment terms will be offered

to all club venue operators in Victoria. These payment extensions will assist those clubs who are experiencing cash-flow problems. In addition, clubs and hotels are able to apply for extensions of up to two years on their payment terms if they are experiencing significant financial hardship. We are working with them.

The fire services property levy introduced by this government replaces the insurance-based levy with a property levy collected through the council rates process. The implementation of the levy has been very successful, with 2.5 million assessments issued and \$610.9 million in levy revenue to be raised in 2014–15. This has been the most significant state-based tax reform in decades. Following any major tax reform, some issues emerge during implementation, and these are addressed by the bill. They do not really alter the basic structure of the fire services property levy and will not significantly alter the fire services property levy rates in future years.

The Fire Services Property Levy Act 2012 assigns all land in Victoria to one of six land use classifications — residential, primary production, commercial, industrial, public benefit and vacant — based on the Australian valuation classification code. This bill reallocates a small number of those classifications to different land use classifications. Residential investment flats and short-term holiday accommodation are reallocated from the commercial classification to residential classification. This also ensures that properties owned or managed by registered community housing organisations will attract the residential rate of the fire services property levy.

Outdoor sporting grounds that have a degree of commercial application are reallocated from the commercial classification to the public benefit classification. This is consistent with the current treatment of community sporting grounds such as local football ovals and race tracks. Water catchments, reservoirs or dams that are part of water authority infrastructure are reallocated from the industrial component to the public benefit land use classification, and vacant land with buildings that add no value are reallocated from the commercial industrial classification to vacant land use classification. There are also further minor technical amendments which streamline the administration of the levy to ensure that the valuation system can better support the Victorian fire services property levy. This is a progressive government.

This bill is clear evidence of the Victorian coalition government's commitment to strong financial and economic management. Victoria has the strongest state

finances anywhere in Australia. We are the only state with a AAA credit rating with a stable outlook from both major international ratings agencies. We are the only Australian jurisdiction forecasting a budget surplus every year over the forward estimates. This is not an academic exercise; it means we pay less money on interest bills and more on essential services. That is how we are building a better Victoria.

On the latest Australian Bureau of Statistics jobs figures, Victoria has the second strongest statewide jobs growth in Australia, behind resource-rich Western Australia, with 64 200 jobs created since Labor left office. In the year to February this year, full-time employment in Victoria increased by 18 900 jobs. Victoria continues to have the highest labour force participation rate of all the non-mining states, and it has the strongest regional jobs growth anywhere in Australia, with 25 800 jobs created in regional Victoria since Labor left office.

This year the Victorian government is delivering a record \$5.8 billion worth of investment in infrastructure, rising to \$7.2 billion in 2014–15.

Mr Elasmarr interjected.

Mr ONDARCHIE — I know Mr Elasmarr is very interested in our infrastructure investment. The infrastructure program will provide for new and upgraded schools, hospitals and health facilities, roads, public transport and police and fire stations across our wonderful state. This government has significantly progressed a number of major projects to develop or upgrade Victorian hospitals, including the new Monash Children's hospital, the Bendigo Hospital and the Royal Victorian Eye and Ear Hospital. We are delivering investment to improve productivity that includes the east–west link and the regional rail link projects.

In December last year Moody's reaffirmed Victoria's AAA credit rating with a stable outlook. Moody's confirmed that the Victorian coalition government is managing Victoria's finances well in challenging times.

Mr Barber — Have you read its rating report?

Mr ONDARCHIE — I am happy to quote it at some point, and Mr Barber will hear more about it. Standard & Poor's also supports the work the Victorian government is doing. There is a \$24 billion record investment in transport infrastructure, the largest ever investment in transport infrastructure in Victoria. It is job-creating infrastructure that will transform the way we move goods, services and people throughout Victoria. The projects will create 26 000 jobs in Victoria, which is the largest ever investment in jobs.

Mr Leane interjected.

Mr ONDARCHIE — This is good news, Mr Leane. You should be supporting this, with jobs for Victorians. Your union mates are right behind it; why aren't you?

The budget makes the largest investment ever in transport infrastructure, creating tens of thousands of jobs. There is \$8.5 billion to \$11 billion for the metro rail link, including a rail link to Melbourne Airport — something that has been talked about for years. This government is going to deliver it. There is \$8 billion to \$10 billion for the western section of east–west link. I know that those who represent the western suburbs will be delighted with the work we are doing. There is \$2.5 billion for the Cranbourne-Pakenham rail corridor project, which will boost capacity on one of Melbourne's busiest corridors by 30 per cent. There is \$850 million for widening the CityLink Tullamarine Freeway, cutting travel times.

Daniel Andrews, the Leader of the Opposition in the Assembly, said, 'If they build the east–west link, they won't have any money for anything else'. Wrong, Daniel, wrong.

Mr Leane — He's not here!

Mr ONDARCHIE — This is how governments with responsible fiscal and appropriate management of our finances deliver projects. This is a wonderful budget. There will be new schools in Epping North, Mernda South and Mill Park. There will be a high school for Coburg and upgrades to schools in Wallan, Broadmeadows, Eltham, Kinglake, Kyneton and Sunshine and to Whittlesea Secondary College and Wattle Glen Primary School. They have all been winners out of this state budget.

It is not just government members telling the story. Moody's is saying it is a great budget and Standard and Poor's is saying it is a great state budget. The ANZ bank has said:

The Victorian budget is in good shape ahead of the November state election and arguably the healthiest of all Australia's states and territories.

Mr Leane — On a point of order, Acting President, I bring to your attention that the member is straying from the bill. Responses to the budget are usually made after the Assistant Treasurer has moved a motion to take note of the budget papers, so the member is a bit premature in his comments.

The ACTING PRESIDENT (Mr Tarlamis) — Order! I am of the view that the member is straying

somewhat from the bill. There will be an opportunity to debate the budget papers at some point. I ask him to come back to addressing the bill.

Mr ONDARCHIE — Members of the Labor Party do not want to hear good news. This bill is about state taxation; it is about revenue and expenditure. It is no surprise that they raise a point of order — because they simply cannot understand money. They simply cannot manage money, and they do not understand the process of revenue and expenditure.

This state taxation bill is a strong bill for the future of Victoria. It fixes up the electronic gaming machine option licences botched by the Labor government. We are bringing this state back to being the state of opportunity. I commend this bill to the house.

Ms HARTLAND (Western Metropolitan) — Mr Barber has, as usual, addressed extremely well most of what the Greens needed to discuss. I will deal with just the issues around pokies and gambling which are addressed in clauses 25 and 26. I will be quite brief now and will be asking questions during the committee stage.

Clause 25 increases the losses on average pokies machines from 13 per cent to 15 per cent. The Greens oppose this clause because it will increase the losses on pokies. The Greens are concerned about limiting the harm for problem gamblers caused by electronic gaming machines. Late last year the Victorian Competition and Efficiency Commission released a report that found the social costs of problem gambling were up to \$2.8 billion in 2010–11, so we obviously know that problem gambling is a major issue hurting many Victorian families and communities. I am surprised that yet again the government has not considered that maybe it needed to deal with this issue through this bill rather than having the situation where losses can actually be increased. Increasing the losses people can have from gambling hurts all gamblers and their families, and this is something the Greens cannot support.

Clause 26 increases the tax on pokies machines. The Greens are not opposed to the introduction of a higher tax rate on pokies when that revenue is invested back into the community and is also used to address problem gambling. However, we have some concerns about the government's dependence on gambling revenue, and we consider that ultimately it should be reduced over time.

On the tax rates, there are important reasons for the different tax arrangements between clubs and pubs,

clubs being not-for-profit venues that return benefits to the local communities. The Greens support having progressive tax arrangements under which the casino and the pubs pay more than the clubs — that is, the larger venues pay more tax than the smaller venues. Looking at the figures that have been developed, it appears that the tax increase will have a greater impact on clubs than pubs. There is no increase in the tax rate for gaming machines with the lowest return — that is, those with average revenue that does not exceed \$2666 per calendar month. The bill provides for a 4.2 per cent increase on taxes across both clubs and pubs on machines that earn more than \$2666 per calendar month. Because clubs start from a lower tax base, this bill will have a greater impact on clubs. For clubs the increase on the tax rate is 9.9 per cent, whereas for pubs the increase is 7.5 per cent.

We know that clubs exist to benefit communities and many want to reduce the harm of problem gambling. Clubs should not bear a greater burden of tax increases. In making a distinction between clubs and pubs, I am referring to small clubs, such as sporting clubs, that might have 20 machines. I am talking about the little community clubs, not the big clubs or the huge pubs that have enormous numbers of machines. I do not understand why the government has decided to tax all clubs at a much higher rate than the rate for large venues such as the casino and pubs.

Mr RAMSAY (Western Victoria) — It gives me great pleasure to speak on the State Taxation Legislation Amendment Bill 2014. In rising to do so I congratulate the Treasurer, the Honourable Michael O'Brien, for a fantastic budget for the people of Victoria this week. I congratulate also the Assistant Treasurer, the Honourable Gordon Rich-Phillips, for his work in producing a budget that provides significant benefits to all of Victoria and nationally.

One purpose of the bill is to amend the Congestion Levy Act 2005 to expand the congestion levy boundary with a concessional rate from 1 January 2015. The bill also amends the Gambling Regulation Act 2003 to increase the two top tax brackets for hotel and club venue operators by 4.2 percentage points and to reduce the minimum return-to-player ratio from 87 per cent to 85 per cent by 1 April 2014. I have a special interest in the proposed amendments to the Gambling Regulation Act. I have had constituents from both hotels and sporting clubs come to see me in my Ballarat office and raise concerns about the initial impact of the proposed changes, and I am delighted to see that after representations from my colleagues some changes have been made.

The bill amends the Fire Services Property Levy Act 2012 to reallocate, from the 2014–15 financial year, the land use classification assigned to residential investment flats, short-term holiday accommodation, water catchments, dams and reservoirs, and industrial and commercial zone land with derelict buildings and land that is used for outdoor sport. Again, I am pleased to see that there have been some minor changes to the fire services property levy amendments, because again constituents came to me raising concerns about some of the impacts the initial proposals were likely to have on their businesses, particularly in relation to residential investment flats. I am pleased to see that through its members the government has again listened in relation to the possible impacts and has made the appropriate changes.

There will also be minor technical amendments in relation to the Fire Services Property Levy Act and the Valuation of Land Act 1960, including aligning the eligibility requirements for the fire services property levy concession with arrangements for the concession available for council rates. There have been some changes to the proposed amendments, but they are good changes, and they come in response to concerns raised by constituents with government members. I am pleased to see, as I said, that the government has responded accordingly.

I want to say what a wonderful budget it is. Without raising the ire of Mr Leane in particular, who has now left the chamber, and without straying too far, I would like to say what a wonderful budget it is for Western Victoria Region. I will just quickly make a couple of points about some funding announcements. One is of \$220 million to deliver key country freight rail upgrades. This is something country Victoria has been crying out for for decades, and it is really pleasing to see that the increase in axle loadings and standardisation will enable the provision of freight direct to ports in Portland and Geelong. This is wonderful news not only for farmers, who will be able to access standardised track for moving freight, particularly grain, but also for the ports of Geelong and Portland, which provide delivery and obviously sea access. This is going to reduce costs and allow farmers direct access to the ports through the standardisation of rail lines. For road commuters of course this means less freight on roads and more back on tracks, where it should have been in the first place.

I mention also a \$30 million investment in the Ballarat West employment zone, which is fantastic news and represents 9000 jobs. This is certainly a priority —

Mr Lenders — On a point of order, Acting President, this is a bill with four distinct parts. I put it to you that, excluding the drawing of an extremely long bow in that the revenue from this bill might go towards some of those budget initiatives, the member is straying very much from the bill and the comments he is making should be made in his address on the appropriation bill in a week or two.

Mr Finn — On the point of order, Acting President, I listened with interest to Mr Lenders's point of order. The contribution Mr Lenders made to the debate on this bill wandered far and wide from the bill. In fact at one stage I thought he was in far outback Western Australia so far was he from the bill, so for him to be getting up and pointing the finger at anybody on this score is a bit rich. Clearly Mr Ramsay is discussing a matter of revenue, and that clearly is what this bill is about. I would suggest to you most humbly, Acting President, that there is no point of order.

Mr Barber — On the point of order, Acting President, it should not really be a two-wrongs-make-a-right argument, which is the argument Mr Finn just put. The scope of debate on the bill is determined by the second-reading speech and the comments of the lead speakers, being Mr Lenders and me. Later speakers are able to address matters raised in either the second-reading speech or the lead speakers. I know government members are very proud and want to talk about their budget, but at the moment they have more longbows than there were at the Battle of Agincourt, and they should be brought back to addressing either arguments raised so far in debate or the second-reading speech.

The ACTING PRESIDENT (Mr D. R. J. O'Brien) — Order! When Mr Barber raised Agincourt I was tempted to give the salute that is said to have arisen from that battle, but, much as that temptation sometimes exists, that would be most unparliamentary. I uphold the point of order, and I do so for the reasons put by Mr Barber. I think Mr Ramsay would be the first person to acknowledge this, because in his preface to what did seem to stray into a budget speech — notwithstanding his view of the relevance of the budget to debate on this bill — he admitted he was perhaps straying. I think he was responding, however, to an earlier contribution made by Mr Leane, which I was not in the chamber to witness —

Mr Leane — I didn't make a contribution.

The ACTING PRESIDENT (Mr D. R. J. O'Brien) — Order! He referred to Mr Leane perhaps objecting, but Mr Leane was outside the chamber, so it must have

been Mr Lenders. Irrespective of the contribution, the advice from the clerks, which is consistent with Mr Barber's point, is that subsequent speakers, notwithstanding the breadth that is offered to lead speakers, should generally confine their remarks to the contents of the bill, except when they wish to respond to remarks made by lead speakers, but, again, those remarks must be relevant to the bill. I call Mr Ramsay to continue his contribution on the bill.

Mr RAMSAY — I take note of the Acting President's ruling. I will certainly use it as a precedent when I am in the chair.

The ACTING PRESIDENT (Mr D. R. J. O'Brien) — Order! I do not take that to be a vote of dissent against the Chair.

Mr RAMSAY — Thank you, Acting President. My contribution has lasted only 2 minutes up to this point. I had aimed in my opening remarks to provide an overview of the bill and, given this is a taxation bill, make mention of the budget released this week by the Treasurer and talk about the millions that have been poured into western Victoria. I was surprised to see that the only contribution the member for Ballarat West in the Assembly could make on the latest budget was to smear the Premier, but that is not surprising given that her electorate officer came straight out of John Brumby's dirt unit. That is probably something we will see more of in the future from our Labor politicians in Ballarat.

Mr Leane — On a point of order, Acting President, if the member wants to make allegations against a member of this house or the other house, it needs to be done as a substantive motion. Furthermore, the President has ruled before that members should not take gutless pot shots at electorate officers employed by the Parliament.

The ACTING PRESIDENT (Mr D. R. J. O'Brien) — Order! I call on Mr Ramsay to continue his contribution to the debate. In relation to the matter about electorate officers, if Mr Ramsay's remarks had been more serious, I would have referred them to the President for further guidance, as they relate to his previous rulings. I have taken Mr Ramsay's remarks to have been about his views of another member of Parliament, and I do not consider those remarks to have been a personal attack. However, as per my earlier ruling, I ask Mr Ramsay to continue his contribution on the bill.

Mr RAMSAY — I am very happy to speak about the bill, which is evidence of the Victorian government's commitment to strong financial and

economic management. It is pleasing to note again that Victoria has the strongest state finances in Australia. We are the only state in Australia with a AAA credit rating and with a stable outlook from both major international rating agencies.

The State Taxation Legislation Amendment Bill 2014 contains amendments to implement revenue measures announced in the budget update. That is why I referred to the budget in my opening remarks. These are moderate, targeted measures, including an expansion of the congestion levy boundary and changes to the taxation system relating to gaming machines in hotels and clubs — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr D. R. J. O'Brien) — Order! There is a conversation occurring between members to my left and right. I ask those members to cease interjecting.

Mr RAMSAY — I am surprised, given Mr Leane's comments, that he is not interested in my contribution and is talking over the top of it.

Mr Leane interjected.

Mr RAMSAY — Mr Leane might learn something from my contribution to this debate. The bill makes refinements and improvements to the fire services property levy following its successful implementation by the coalition government. These measures are strongly supported by the constituency that I represent in western Victoria.

From 1 January 2015 the area covered by the Melbourne CBD congestion levy will be expanded. Off-street non-residential car parks in the new areas will be levied at a concessional rate of \$950 per space. Current exemptions will also apply in the new areas, including for hospital visitor parking, residential parking, parking for emergency vehicles, spaces owned by councils or charities, disabled parking, parking for shift workers, garaging of fleet vehicles and bus layovers, car sale displays and car service spaces. The average daily cost of Melbourne's congestion levy per space will be \$3.40, compared to \$4 in Sydney. Revenue from this initiative, which will be around \$28 million per year, will support the government's road and public transport infrastructure initiatives. The levy will continue to be applied only to owners and operators of non-residential off-street car parking spaces. New exemptions will be introduced for parking at the Melbourne Zoo, and special event parking at Yarra Park and Melbourne and Olympic parks in Melbourne's sports precinct.

I turn to gaming machine reforms. The government is fixing yet another mess in the area of gaming left by the former government. The former government's legacy in relation to gaming is one of failure and waste. Nothing demonstrates this record of failure better than Labor's \$3 billion pokies auction disaster — that is, \$3 billion of taxpayers money was flushed down the toilet thanks to the incompetence of the former government.

The incompetence does not stop there. The former government allocated electronic gaming machine (EGM) licences to pubs and clubs and legislated new tax rates that would apply from 16 August 2012. The industry was advised that the tax rates were designed to collect a share of revenue broadly similar to the historical average government share of 36 per cent to 38 per cent. The industry was also advised that pubs would continue to pay gaming tax rates 8.33 percentage points higher than clubs, and that is the same differential that existed prior to the new industry structure. The industry was also advised that these tax rates would be regularly reviewed to ensure that the government received a broadly similar share of gaming revenue.

Since August 2012 the government's share of EGM player loss has fallen to 34 per cent. The government is now taking corrective action to fix Labor's botched tax rates and restore the government's share to the historical average. At the same time, the government will adjust the minimum return-to-player ratio from 87 per cent to 85 per cent to enable venues to recover the impact of these changes. This means Victoria will have the same minimum return-to-player ratio as applies in New South Wales and Queensland. These changes will commence from 1 May 2014.

In fixing Labor's mistakes, the government will ensure that Victorian taxpayers receive their share of gaming revenue — it was always meant to go to them. This money will be used to invest in infrastructure and services.

The ACTING PRESIDENT (Mr D. R. J. O'Brien) — Order! The member's time has expired.

Motion agreed to.

Read second time.

Committed.

Committee

The ACTING PRESIDENT (Mr Elasmr) — Order! Mr Barber has circulated amendments. As the bill primarily deals with taxation within the meaning of

sections 62 and 64 of the constitution, the Legislative Council may only suggest amendments to the bill for the Legislative Assembly's consideration. If any of the suggested amendments are agreed to by the committee, the relevant clauses so affected will stand postponed and the committee will report progress, whereupon a message will be sent to the Assembly seeking its consideration of the suggested amendments. The committee will then resume its consideration of the bill once the Assembly has responded via message to the Council.

Clause 1

Mr LENDERS (Southern Metropolitan) — I have three questions for the Assistant Treasurer on clause 1, and if the chamber is comfortable with it, I will take clause 1 as an opportunity to briefly speak to the Chair's ruling on the constitutional issue he has just raised. I want to make it clear that I am not disputing the Chair's ruling, but in relation to the objects of the bill in clause 1 there are constitutional issues for this chamber. For example, for clause 3 and onwards I will be seeking that the chamber not support those provisions. Under the course of action the Chair has suggested, for this chamber to do that, it would need to suggest an amendment to the Legislative Assembly.

I am politically savvy enough to know that the chamber will not do this today, so this is a constitutional issue rather than an issue affecting this particular vote, but the course of action the Chair has suggested means that for me to seek to block clause 3 of the bill I would need the support of 21 members of the chamber — a majority — to effectively suggest to the Assembly that the clause not be agreed to. In the last Parliament we had a taxation bill, and one issue that was dealt with concerned whether money received by financial institutions for the stamp duty paid on houses was to be handed over to the State Revenue Office by the institution after 30 days or 90 days. Without dwelling on the details, a compromise of 45 days was reached. In that instance there were 20 votes for that course of action and the government of the day decided that 20 votes was sufficient to block the clause. I know there were nuances around whether it applied to the stamp duty itself or to the institution paying the stamp duty, but the matter was able to proceed.

I do not wish to dwell on that, but I am saying that this is a significant issue. While I would adhere to the Chair's ruling and follow the advice to move suggested amendments, I would seek that the Chair refers this issue to the President and the Procedure Committee to consider this constitutional issue. It does not need to be resolved for this bill, but I seek that this bill not be set

as a precedent for future bills dealt with in this chamber. I think that is a course forward without contaminating this bill with debate. I am fearful that this bill will be seen as a precedent for the Legislative Council where the house may be divided 20-20 rather than 21-19 or 24-16, or whatever the various combinations are. Others may wish to speak on this part of clause 1, but I flag that I have three questions for the Assistant Treasurer on clause 1 which are separate to this.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — The point Mr Lenders raised is an important one about the way the Legislative Council considers the omission of clauses on bills which are taxation bills. As best I can recollect, this is a new recognition of the treatment of the omission of clauses as opposed to suggested amendments that clauses be omitted. I note from the running sheet that it is proposed that the standard form of the committee is that a question be put that a clause stand part of the bill. Indeed if omissions of clauses can only be suggested, it would seem somewhat redundant to put the question that the clause stand part of the bill. I think it is a significant issue which goes to the procedures and practices of the Council and I would support Mr Lenders's proposal that the President, or indeed the Procedure Committee, be invited to consider this matter and return to the Council, with a considered position on it. I certainly thank Mr Lenders for his willingness to proceed on the basis of the Chair's earlier ruling with respect to suggested amendments. That is a way forward through the debate today; but it is a very significant issue for the Council, and the government would certainly welcome some considered views from the President.

The ACTING PRESIDENT (Mr Elasmarr) — Order! I have heard Mr Lenders and the minister, and I am happy to refer this matter to the President. However, if the committee is happy to proceed at this time, I am happy to continue following normal committee procedure. We are all on board with this, so we will return to clause 1.

Mr LENDERS (Southern Metropolitan) — I have three questions arising out of clause 1 that refer to the bill as a whole. I will seek to address those to the minister under this clause rather than under later clauses. As I mentioned when reading from the James Campbell article in my contribution to the second-reading speech debate, the first question goes to government process and intent.

The Premier has previously made it very clear that it is his government and that Mr Shaw, the member for

Frankston in the Assembly, is not the person who determines a range of things. That is a political debate I will save for another day, but I ask the minister what the government's policy is on dealing with the member for Frankston when the Premier has made it clear he himself calls the shots, when Ms Asher, the Leader of the House in the Assembly, has made it clear the member for Frankston has a role in this, and the Treasurer, Michael O'Brien, says he has negotiated with the member for Frankston. I am wondering if the minister can make it clear how the government deals with a crossbench MP, and what should the Parliament know about the transparency of such a discussion given that there are so many contradictory things on the public record. I invite the minister to say what is the public policy of these negotiations.

Mr Finn — On a point of order, Acting President, I have been listening to the points raised by Mr Lenders, and I am struggling to see any relevance to this bill or to the committee stage at all. The President has ruled on a number of occasions during the course of this Parliament, and I think during previous parliaments as well, that we in this house are not responsible for what goes on in the other place. Therefore, how Mr Lenders could expect the minister to comment on this is beyond me, and I ask you to rule him out of order.

Mr LENDERS — On the point of order, Acting President, the objects of the bill are issues of public policy, and if the public policy behind the bill is affected by negotiation either in the Parliament or outside it with third parties, that is a relevant aspect of public policy that relates to the objects of the bill. It is not a matter dealing with the affairs of the other house.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for raising the matter and, having been the Leader of the Government in this place, particularly through the period 2006 to 2010, I would say that he more than most people in this chamber would appreciate the role the Parliament plays in shaping the government's legislation. The government brought forward this bill with the policy intent and revenue measures that are set out in the bill, but ultimately the government needs to receive the support of a majority in both houses of Parliament for this legislation to be enacted.

There is nothing unusual about a government negotiating with members of Parliament. There is nothing unusual about governments talking to members of Parliament about the passage of legislation. Members of Parliament are elected to support, to oppose and to amend legislation in this place. This is something that occurs on a regular basis in the Council;

it may not be something we see with such frequency in the other place. However, there is nothing unusual about a government passing legislation and amending legislation to ensure its passage through the house. With my own rewriting of the WorkCover legislation late last year, it passed the other place with the support of the opposition after the government accepted amendments from the opposition. This is no different. The government has brought forward legislation which it believes to be appropriate and which ultimately needs the support of both houses for its passage.

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer. I will not pursue the issue further because I do not think we will get very far, but I thank him for his reasoned answer.

A second question to the minister relates to my contribution to the second-reading debate where I referred to stakeholder groups talking about the value of the parking zone expansion. The minister would certainly be familiar with the statement from the Property Council of Australia on 13 December in which Asher Judah, with whom I am sure the minister is familiar, said a few things. He said:

Starting January 1 2015, Melbourne will have the nation's highest car parking taxes making the city a far less attractive place to do business.

He also made the comment:

I am not aware of any business taxes which lead to increased economic activity or job creation.

Given that very strong advice from a major Melbourne stakeholder with whom you would expect the government to discuss economic issues, particularly when so much of the government's narrative is about generating jobs and growing the economy, in a policy context I ask the minister: were the views of the Property Council of Australia taken into account in drafting this bill, and how does he respond to those very critical comments by Asher Judah as to the effects of this part of the bill on economic activity in Melbourne?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I say to Mr Lenders that I am yet to see any business group or indeed any group at all call for increases in levies and charges. That is the reality.

Mr Barber interjected.

Hon. G. K. RICH-PHILLIPS — Mr Barber raises the carbon tax. Nobody likes increases in levies or charges. However, the reality is the government in considering the budget update at the end of last year had to make decisions around expenditure and revenue

priorities, and it deemed this an appropriate measure to meet the needs in that budget update. We accept it is not necessarily going to be popular among business groups and others, but we believe as a government that it is an appropriate measure having regard to investments the government is making in public transport and transport infrastructure more generally in the inner city, which is the area in which this levy will apply.

Mr LENDERS (Southern Metropolitan) — I note the minister's answer, but it was not a case of the property council saying, 'Whoopee! We like taxes'. It was a question of the property council using two measures for how such a tax increase would actually dampen economic activity. I would have thought that a dampening of economic activity at a time of a jobs crisis, or grave concern about jobs, would be something the government would be paying attention to. I again invite the minister to explain to the house why the radical transformation of the view on this levy by the Minister for Finance, the Deputy Premier in particular — who I quoted in the second-reading debate — and, dare I say, the Assistant Treasurer himself, given his behaviour in this house when the original legislation came through? What was the event on the road to Damascus that convinced senior members of the budget and economic review committee of the cabinet to do a 180-degree turn on this issue in a matter of just a few years?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — The first thing I would say to Mr Lenders is: there is no jobs crisis in Victoria. Employment is growing under this government, and with the budget announced on Tuesday we will continue to see employment grow under this government. To pick up the point around the economic impact of this levy and the quotes from the property council, the revenue from this levy is not going to be held in consolidated revenue; these measures are being put in place to allow the government to invest. The investment activities of the government — in public transport et cetera and the projects announced on Tuesday — will contribute to job creation and economic activity. It is not like this revenue is being collected as a savings measure; the government is investing heavily in infrastructure, which will lead to job creation.

The other question Mr Lenders raised was: what has changed for the government? The reality is, firstly, that when the levy was introduced in 2005 or thereabouts it was pushed by the previous government as a 'congestion levy'. The previous government was not willing to say, was not willing to admit, it was a revenue measure — presumably deemed a necessary

revenue measure by the Treasurer of the day. It was painted, dressed up, as a congestion levy that was going to solve congestion in inner Melbourne. That is something the coalition did not accept then and does not accept now. This government is quite open in what it says around this levy. This levy was put in place as a revenue measure in the budget update last year in recognition of the investment this government is making in public transport and infrastructure more generally.

Mr LENDERS (Southern Metropolitan) — I genuinely do not want to start a debate on this again. Without asking the minister, I just refute a couple of things and say I think we have to agree to disagree. I think the incredibly emotive language of three members of the budget and expenditure review committee then versus now just beggars belief. But we are not going to agree on this, obviously. My comments are on the record, and the minister will undoubtedly leave his on the record.

Again I am not asking for a comment, but I must admit I am surprised to hear the minister say there is no jobs crisis. I would have thought there is, with the auto industry having walked out of the state and with a number of iconic manufacturing employers in the position they are. I will not debate the issue. The minister asserts that there is jobs growth in some areas; I assert that there is a massive dislocation in others. We are debating the clauses of this bill so I will not pursue that, but I just make my statement.

The third area I wish to pursue with the minister on clause 1, which I flagged in the second-reading debate, is: what is the public policy foundation for this extended zone? There are little maps in the schedule, but again I put to the minister that there is a remarkable correlation between the boundary of Labor-voting electorates and a Liberal-voting electorate and where a line has suddenly been drawn as to who incurs this punitive tax and who does not. I think I know what his public policy answer is going to be: it is in the spiel — sorry, it is in the informed tomes — that we have read, but I would ask him to comment on the coincidence of such a remarkable correlation between the punitive zones imposed by this legislation and the voting patterns of Victorians in the inner city.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I guess what I say to Mr Lenders is that the original levy as imposed by the previous government related to the Melbourne CBD. It has been expanded by this government to suburbs or to areas surrounding the Melbourne CBD as a logical extension of the original levy and, with the rate set at \$950 per

annum, as a transition to the areas where there is no levy. The fact that those areas are Labor-held seats inevitably means the levy is going to be in Labor-held seats. The government has no control over the suburbs surrounding the Melbourne CBD. That is where the levy logically extends to from the original CBD footprint, and the fact that those seats are currently held by the opposition is mere coincidence. I am advised that with respect to areas around Prahran the levy area does in fact extend into the Prahran electorate.

Mr BARBER (Northern Metropolitan) — Just on the broader issues of the bill while we are on clause 1, but relating to my later amendment as well and the Abbotsford Convent issue, as the minister has noted, the purpose of the legislation is to introduce a levy on car parking so as to discourage people from using those car parks. That is the purpose of a tax disincentive. The Abbotsford Convent, which is a not-for-profit organisation and does not have access to government funds, has its own car park, which is used solely for the purpose of its patrons. It is not a place where people are likely to drive for the purpose of parking and then visiting the Melbourne CBD. There is no significant public transport there, apart from a few bus lines running along Johnston Street.

My question is: is it the government's intention with this legislation that the \$250 000 of tax that would now be due would come out of the not-for-profit convent foundation's surpluses or would it raise prices on parking, having the effect of discouraging people from using the car park and thereby visiting the facility? As that would also have a revenue impact on the Abbotsford Convent, has the government entered into any discourse with the Abbotsford Convent as to how these effects are going to be dealt with or mitigated?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — Ultimately the question of passing on the levy is a matter for the operators of car parking facilities, as it is under the current footprint. The government, as the member is aware, is extending the footprint as outlined in the bill at the rate of \$950 per annum on car parking spaces, or \$2.70 per day per space, but it will ultimately be up to operators of these car parks whether they elect to absorb the levy or pass it on to people using the car parks. We would expect in the vast majority of cases that it will be passed on to the users of those car parks.

Mr BARBER (Northern Metropolitan) — Why did the government exempt the Melbourne Zoo and the MCG but not the convent?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — That is basically a policy decision of government, recognising the state significance of the zoo. With respect to the parks and the function they play with major events, and in providing parking for major events, it was a policy decision of government that it was appropriate for those exemptions to be in place. No other specific exemptions have been applied as part of this legislation. Mr Barber would be aware that there are categories of exemptions set down in the principal legislation, which are assessed and applied by the State Revenue Office (SRO).

Mr BARBER (Northern Metropolitan) — The convent is on the Victorian Heritage Register. I understand it was a policy decision of the government, but why? What rationale is behind that policy decision that gave exemptions to certain not-for-profit entities that are of state significance, he says, or that host major events, but not to this particular state significant facility, which also hosts reasonably major events?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — In response to Mr Barber there is not much I can really say beyond reiterating that it is a policy decision of government. Governments need to make judgement calls as to these questions, and it is the government's view that the zoo is a facility of state significance and that, similarly, providing an exemption for car parking used for those major events in Yarra Park et cetera was appropriate. The government has taken a decision not to extend a statutory exemption to other facilities. As I said, and as Mr Barber is aware, there are criteria for exemptions applied by the SRO within the principal legislation. It was a government policy decision that those were the state significant facilities within this new area and that the exemption should be applied and limited to those.

Mr BARBER (Northern Metropolitan) — I understand it was a policy decision, but I am trying to get to what the rationale for that policy decision was. Other members of this place, in considering whether to vote for my amendment, might want to consider the government's reasoning for exempting certain types of entities and not exempting others that seem to be of a similar nature. One is starting to believe that perhaps this was just an oversight, that the bill landed in the Parliament and that the government was then made aware of the kind of unique situation of the Abbotsford Convent but is too stubborn to admit this simple oversight. The possible effect of this will be to pull \$250 000 out of the operating budget of this entity. If the government does not want to proffer a rationale for this — if it just wants to keep saying, 'We did it because that is what we decided' — then members have

to make their own judgements. I have laid out my rationale very clearly for why I think the convent should be exempt.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — Without wanting to go around in circles, the government formed the view that the zoo is a state significant institution. The Abbotsford Convent is recognised in its local community as important, but it is not the same as the zoological gardens, so the government made the policy decision around the zoo based on the parks exemption for major events, and that is what is reflected in the legislation.

Mr LENDERS (Southern Metropolitan) — I move:

That it be a suggestion to the Assembly that they make the following amendment in the bill:

1. Clause 1, lines 5 to 8, omit paragraph (a).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for circulating his suggested amendments. I am pleased we have found a far simpler process than the way we traditionally did this.

Mr LENDERS (Southern Metropolitan) — I do not seek to speak any further to my suggested amendment; I think it has been addressed. I would just say that amendment 1, if it is adopted, will be a suggestion to the Assembly that part 2, which contains the Congestion Levy Act 2005 proposals, not be proceeded with.

Mr BARBER (Northern Metropolitan) — The Greens will not be voting with the opposition on this matter; we are actually in support of the broader expansion of the congestion levy. It is the issue of Abbotsford Convent, which I will be dealing with in a separate amendment, that is our particular concern.

The ACTING PRESIDENT (Mr Elasmr) — Order! Mr Lenders has moved that it be a suggestion to the Assembly that it make his amendment 1 to the bill, which tests the omission of part 2.

Committee divided on suggested amendment:

Ayes, 14

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

Noes, 23

Atkinson, Mr	Kronberg, Mrs
Barber, Mr (<i>Teller</i>)	Lovell, Ms
Coote, Mrs	Millar, Mrs
Crozier, Ms	O'Brien, Mr D. D.
Dalla-Riva, Mr	O'Brien, Mr D. R. J.
Davis, Mr D.	O'Donohue, Mr
Drum, Mr	Pennicuik, Ms
Elsbury, Mr (<i>Teller</i>)	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hartland, Ms	Ronalds, Mr
Koch, Mr	

Pairs

Viney, Mr	Ondarchie, Mr
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Suggested amendment negated.

Mr LENDERS (Southern Metropolitan) — I move:

That it be a suggestion to the Assembly that they make the following amendment in the bill:

2. Clause 1, page 2, lines 25 to 31, omit paragraph (c).

This amendment is a test for all my other amendments. I ask that the committee support the suggestion to the Assembly that all parts of the bill dealing with the Gambling Regulations Act 2003 be taken out.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — The government will not be supporting Mr Lenders's amendment.

Ms HARTLAND (Western Metropolitan) — The Greens will support Mr Lenders's amendments to remove those references from clauses.

Committee divided on suggested amendment:

Ayes, 17

Barber, Mr	Mikakos, Ms
Broad, Ms (<i>Teller</i>)	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	

Noes, 20

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

Pairs

Viney, Mr	Atkinson, Mr
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Suggested amendment negated.

Clause agreed to.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Government advertising

Mr LENDERS (Southern Metropolitan) — My question is to the Leader of the Government in his capacity as minister representing the Premier. I refer the minister to the Liberal and Nationals pre-election promise that their government would set up an independent review panel to ensure that taxpayer-funded government advertising campaigns were not party political and did not inappropriately use taxpayer funds to promote the government of the day and also to his answer to a question put by Mr Pakula, then a member for Western Metropolitan Region, on legislation on this matter in this house on 28 June 2011. When will the independent government advertising review panel, which the minister promised would be his first piece of legislation, be established?

Hon. D. M. DAVIS (Minister for Health) — As the member correctly points out, I represent the Premier in this chamber. I will take the details of the question on notice for a response by the Premier. My understanding is that the panel has been set up.

Supplementary question

Mr LENDERS (Southern Metropolitan) — The minister told Mr Pakula in 2011 that this would be a bit of legislation coming out of the Assembly. Given that he said the review panel has been set up, I ask: whether the panel has been set up or not set up, will the government reveal the total cost of this outrageously expensive Moving Victoria advertising campaign prior to the November election?

Hon. D. M. DAVIS (Minister for Health) — I will take the details of the question on notice for the Premier and will make sure that he can respond to the details of the specific points. By way of a more general comment to assist the house, I indicate that I am aware that the Master Agency Media Services expenditure, as reported on a government website — I happened by chance to look at this site the other day — has fallen from \$130 million under Labor to \$98.4 million at the end of 2012–13, which is the last reported period. Government advertising expenditure has fallen massively. It has collapsed in scale over the period that has been reported formally. I am informed it is reported every 12 months in a formal and proper way. But I will take the details on notice.

By way of further comment, I note that Ms Barker, the member for Oakleigh in the Assembly, appears to be authorising advertisements on Dandenong Road. Those are incorrect.

Regional and rural aged-care funding

Mr RAMSAY (Western Victoria) — My question without notice is to the Minister for Ageing, the Honourable David Davis. Can the minister inform the house of any recent announcements supporting country aged care?

Hon. D. M. DAVIS (Minister for Ageing) — I thank the member for his question and for his strong support of government aged-care services around country Victoria. The government is very committed to country aged-care services. In this budget the \$14 million allocated to the Boort hospital includes an aged-care component of 25 aged-care beds. We are investing in aged care in country Victoria, recognising the importance in country towns of an integrated service where aged care, acute care and primary care are brought together in a structured way. That is a government commitment in this budget.

In earlier budgets we put \$18 million into Swan Hill to redevelop the aged-care component there. The Rural Capital Support Fund has also been supporting aged care around country Victoria, with more than \$4 million allocated through it to support aged-care services across the state. More than \$12 million in minor capital equipment grants has been put out over the recent period and also more than \$40 million to develop aged-care facilities at Kerang and Charlton. Many of those country services that have that integrated model have had additional support under this government.

This week I was proud to announce an additional \$2.9 million-odd for targeted aged-care funding for

capital upgrades at 10 country residential aged-care facilities. Heathcote, Creswick, Wangaratta, Omeo, Inglewood, Red Cliffs, Ballarat, Tallangatta, Maldon and Warragul will all share in that funding, which is targeted to make sure they can lift the quality of their service and capital stock and attract greater payments under the commonwealth government's changed aged-care payment system — introduced by the previous Labor government — which has put many of our country services at a significant disadvantage.

Our government is putting targeted money into those services to enable them to attract greater funding by undertaking selected and important capital upgrades. We are quite proud to see Heathcote Health get \$600 000; Creswick, \$500 000; Wangaratta, \$375 000; Omeo, \$300 000; Inglewood, almost \$270 000; Red Cliffs, more than \$200 000; Tallangatta, more than \$250 000; Ballarat, \$100 000; Maldon, \$100 000; and Warragul, \$250 000. This is \$2.954 million of targeted grants to assist services, meet requirements and attract a greater payment under the federal government's payment arrangements.

As the house well understands, aged care is federally regulated and funded. Our government is ensuring that our services attract the maximum benefits available for their patient groups. The important announcement at Boort is one of which I am particularly proud. I know that local members in that area have been very active in advocating for Boort and its upgrade. This is another example of a service that had been run down under the previous government; 11 hard years of Labor saw Boort's capital position in a terrible state, and now this government is reinvesting there.

The Victorian Healthcare Association figures before the election were very clear. Despite 27 per cent of the state's population living in country Victoria, it only got 17 per cent of the funding under the Labor government over its 11 years. Country Victoria received only 17 per cent of the funding despite having 27 per cent of the population.

Health funding

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. Table 4.9 at page 171 of budget paper 5 sets out the commonwealth payments for health services in Victoria, which total \$4.407 billion this year. Can the minister confirm that those payments will be in the budget — according to the Department of Treasury and Finance — and will all that money end up in the minister's portfolio?

Hon. D. M. DAVIS (Minister for Health) — I can indicate that there is always uncertainty about what other national level governments do. As we have seen recently, in 2012 — —

Mr Jennings — Uncertainty? You can't confirm the budget papers.

Hon. D. M. DAVIS — My concern is that the budget papers are cut in a way that presumes the national partnership agreements (NPA) money is not coming, but I very much hope the NPA money does come — —

Mr Jennings — You can't confirm the budget papers.

Hon. D. M. DAVIS — I have just said I do confirm the budget papers. What I have said is there is uncertainty about what funding will come from the federal level. If you look at the NPA on the second line of the same table, you will see that the national partnership agreement on improving public hospital services falls off its perch on 30 June. The Labor government did not make that a permanent arrangement; it only put a four-year funding cycle on it, and it falls to zero.

We are advocating with the federal government that that money be increased or returned in some way. We are very open to having a reasonable discussion as to how that might occur, but we do not know what will be in the commonwealth budget. We will wait to see what is in the commonwealth budget, to be handed down on Tuesday next week.

Mr Jennings interjected.

Hon. D. M. DAVIS — Do you know what is in the budget? If you do, I am very happy to hear it, but none of us in this chamber know what is in the commonwealth budget.

Mr Jennings interjected.

The PRESIDENT — Order! Mr Jennings will have an opportunity to ask a supplementary question, so I suggest that he pull all his threads together and make them a supplementary question rather than a process of interjections.

Hon. D. M. DAVIS — I am confident that the budget papers have been put together very carefully. We hope there is a useful negotiation and discussion on the NPA on improving public hospital services and its replacement and the replacement of the capacity that comes with it. I have made contact on a number of

occasions with the commonwealth Minister for Health to formally put forward the government's position. I know that the Treasurer has also put forward the government's position very strongly with respect to a number of these national partnership agreements.

Our government is prepared to advocate for this state, unlike the Labor opposition, which was not prepared to support Victoria's position with the last government's cuts. To refresh the house's memory, in December 2012, \$107 million was cut from Victorian hospitals with the active support of the Labor Party at the state level — outrageously and treacherously — —

Mr Jennings — On a point of order, President, you gave me a clear instruction to give the minister the latitude to answer the question. He then proceeded, after a minute of silence, to debate the question and accuse me of things he has accused me of before, which are not true. He was clearly debating the question and abusing the effect of your direction to me.

The PRESIDENT — Order! I will deal with something else first. Why is there a laser on Mr Finn? Is it Mr Somyurek? Technology is getting beyond us, but it is extraordinary and a matter of concern to have that sort of device aimed at a member. It was not just once; it appeared on his forehead a couple of times.

Hon. D. M. DAVIS — Especially in the eyes.

The PRESIDENT — Order! I am less worried about Mr Finn's eyesight than I am about a sniper and our beloved Mr Finn. Whatever the device is, it is clearly a device for that purpose. That is extraordinary. I thank Mr Somyurek for indicating where it came from. He is very lucky in this circumstance that I do not send him out of the house because I regard it as being that serious.

The point of order was in respect of the minister debating the answer. I am fairly conversant with the subject matter that the minister has brought to his answer in question time today because I have heard it on a number of occasions, and I regard it, as I have indicated, as debating the answer. I appreciate the fact that Mr Jennings has curtailed his interjections and is considering what his supplementary question will be on this matter. The minister does need to stick to the substantive question and perhaps move on from debating the answer, as was occurring in his last few remarks.

Hon. D. M. DAVIS — I indicate that the government has been conservative in the way it has looked at these matters. Of course I will not speak about the other national partnership agreements that are

referred to elsewhere in the budget, but with respect to the health ones I am confident in the position we have taken, that unless we are otherwise notified, this funding will not be available. But I make the point very strongly that the government is advocating for that funding. By way of example I could point to the home and community care services for veterans. I was very vocal when the previous federal government removed \$4 million of additional funding, which is listed in the very table that the member is referring to. Four million dollars was taken from veterans by the previous government. I think this was wrong, I was quite opposed to it, and I have made this point to the current commonwealth Minister for Health as well. I believe that \$4 million ought to be restored.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — In response to the President's challenge for me to pull the threads together, not only has the minister not been able to confirm that the money for 85 000 subacute bed days will be paid for by the commonwealth in the current financial year but he has not been able to provide the Parliament with the certainty that all the allocations will be transferred to his department. He was not able to confirm that the payments under the national health reform agreement — the \$3.756 billion — will actually be paid by the commonwealth this year. In fact there is a potential for them to be added to the \$277 million cuts that were taken out in the midyear economic update. Given that the minister has already said he cannot confirm these payments, can the minister refute that further money may not be withdrawn by the commonwealth in Tuesday's budget?

Hon. D. M. DAVIS (Minister for Health) — I am not going to be verbed by the member, and I did not say I could not confirm these payments, as Mr Jennings tried to outline then, so I reject that assertion. It is true that I cannot confirm — and frankly no-one in this chamber and perhaps no-one other than the federal Treasurer and members of federal cabinet can confirm — what will be in the budget on Tuesday. I do not have a crystal ball. I wish I did. It would suit me down to the ground if I knew what is going to be in the federal budget on Tuesday, but I do not. We will all watch and see what is in the federal budget.

I can indicate that we have advocated very strongly on behalf of Victoria on all the items on the list — all of the national partnership agreements and all of the intergovernmental agreements that are relevant here — and we will continue to advocate on them. That stands in stark contrast to the toady-like behaviour undertaken

by the Labor Party in December 2012. It was prepared to sell Victoria out. We are not.

VicConnect

Mrs KRONBERG (Eastern Metropolitan) — My question without notice is directed to the Honourable Gordon Rich-Phillips, the Minister for Technology. Will the minister update the house on the VicConnect project and what it will achieve for a better connected Victoria?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mrs Kronberg for her question and for her interest in VicConnect. I am delighted to advise the house that as part of building a better Victoria, in Tuesday's budget the coalition government allocated \$9.5 million over four years to deliver the VicConnect project. VicConnect is the government's project to refresh and revitalise the way in which the Victorian government uses and procures telecommunications. A decade ago Victoria initiated the telecommunications purchasing and managing strategy, which reflected the marketplace of the day for telecommunications within government and delivered savings over a number of years to government. We are now operating in a very different environment for telecommunications in Victoria, and indeed throughout Australia, and it is appropriate that the government respond in a new way to the purchase and management of telecommunications.

VicConnect is designed to ensure that as a government we can be flexible in the way in which we procure telecommunications so that we can get the best value for money for Victorian taxpayers, recognising that the market for telecommunications has changed dramatically over the last decade in the types of services which are being provided, in the number of providers working in the marketplace and in the rates which are paid for those services. VicConnect will allow the Victorian government, in serving the Victorian people, to take advantage of those changes in the marketplace to get the most responsive and best value-for-money services for the Victorian taxpayer as communications are purchased across government.

We also recognise through VicConnect that the marketplace has changed. The introduction of mobile devices in the last five years has dramatically changed the way in which the public service works and the way in which members of the public sector go about providing services for the Victorian public. VicConnect will allow us to respond in the provision of devices and in the use of cloud technology, as well as in the purchase of telecommunications, to ensure that we get

best value for money for Victorian taxpayer dollars, so that we can provide a responsive service to the Victorian taxpayer and so that we can also provide opportunities for the telecommunications market.

What this government has sought to achieve with its ICT policies generally is to provide more opportunities for market engagement with Victoria; to move away from traditional models where providers in the public sector were locked out of contracting with government for four and five years at a time, particularly in communications and ICT, where the market changes so rapidly; to provide opportunities for new players and new entrants to contracts with government; to provide a boost to the ICT and telecommunication sectors in Victoria; and to provide best value for money for Victorian taxpayers.

CenITex

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Technology, Mr Gordon Rich-Phillips. On Tuesday there was an announcement in the budget of \$6 million in funding for the CenITex transformation, which will involve outsourcing the ICT services it provides. There have been various media reports that about 600 jobs are at risk. I ask: how many jobs will be lost by this transformation?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Somyurek for his question, and I know about his use of technology from earlier in question time. The government has provided in this budget \$6 million as part of the transformation of CenITex. This goes to the point I raised in my earlier answer to Mrs Kronberg's question around VicConnect. With the reform of CenITex, the Victorian government is changing the way in which it provides desktop services across government. CenITex was set up by the previous government in 2008, and it is a failed model. It was a failed model when it was established, and it has continued to not deliver what it was supposed to for government.

Through the transformation of CenITex and the shift to outsourced third-party service provision, this will provide opportunities, as I said before, for the Victorian government to contract with private sector providers in the ICT market to buy commoditised services at reduced rates and to buy them as demand within the public sector requires. It recognises that the ICT market is far more flexible than it was five or six years ago when CenITex was set up, and it provides the government with opportunities on behalf of Victorian

taxpayers to take advantage of that flexibility in the market.

Mr Somyurek asked specifically about jobs. What I will say to Mr Somyurek is that as we go through the transformation of CenITex, the work will still need to be done. There will still be around 35 000 desktops across the public service in Victoria which will need to be supported on an ongoing basis, whether that is through CenITex services, as it has been in the past, or whether it is through the provision of desktop services by third parties. I say to Mr Somyurek that the work will still need to be done, there will still be employment opportunities in providing desktop services into the Victorian public sector, but unlike our predecessors we will ensure that Victorian taxpayers get value for money through the provision of ICT services into government.

Supplementary question

Mr SOMYUREK (South Eastern Metropolitan) — The minister was about to say 'outsourced' but he said 'third parties'. Can the minister guarantee that any work outsourced by this transformation will not go offshore?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I can say to Mr Somyurek that under the previous Victorian government services were already purchased offshore. ICT is a global market. The Victorian government works with ICT providers within Victoria. This government has undertaken a transformation in the way in which it contracts and engages with the marketplace in Victoria. One of the reasons we have done that is to drive value for money for taxpayers. The second reason we have done it is to provide opportunities for Victorian and Australian ICT companies.

We will be working with ICT providers in Australia, in Victoria, to provide services into government, but in terms of provision offshore, the government of which Mr Somyurek was a member was already doing that.

Early childhood funding

Mr D. R. J. O'BRIEN (Western Victoria) — My question is to the Minister for Children and Early Childhood Development, the Honourable Wendy Lovell, and I ask: can the minister inform the house of some of the ways the 2014–15 budget will assist Victorian children and their families?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question and his ongoing interest in early childhood. The member was with me in the city of

Ballarat when we opened a new early childhood facility just last week.

I am delighted to inform the house that this year's 2014–15 budget will assist Victorian children and families through a \$15 million capital grants round to help upgrade and also build new Victorian early years centres. This adds to our record \$106 million investment over the past three years and makes a record investment in the four years of government of more than \$120 million in early childhood facility grants.

We have also committed \$8.4 million over four years to support the implementation of the Victorian Early Years Strategic Plan which will support Victorian families and children. There is \$3.8 million over two years for early years workforce support to support workforce quality improvement initiatives, ensuring that children have access to high-quality early learning programs. There is a further \$2.1 million over three years for maternal and child health for quality improvement reform to modernise the maternal and child health service and to improve support for vulnerable children. There is \$1.5 million over three years for a demonstration project to streamline access to early childhood services for vulnerable children and \$1.2 million over two years for early childhood intervention services to provide timely and effective support for children with a disability or developmental delay. That adds to our record investment in early childhood intervention services in this term of government.

During our time in government there has been significant funding towards the early childhood sector, including over \$120 million, as I have already said, for children's facilities capital grants, \$85 million for maternal and child health services and \$42 million for early childhood intervention services, which has provided 1150 additional places for children accessing early childhood intervention services and also an extra 150 flexible support places.

Junction Oval

Ms PULFORD (Western Victoria) — My question is to the Minister for Sport and Recreation. I refer to the minister's answers to questions in this place on 25 March, and I ask: where in the budget papers is the \$10 million for the state's contribution to the Junction Oval redevelopment?

Hon. D. K. DRUM (Minister for Sport and Recreation) — I thank Ms Pulford for the question and her interest in the Junction Oval project. What a great project it is, and what a very proud moment it was

when I was able to write that letter of offer to Cricket Victoria to in effect start the whole process in relation to giving Cricket Victoria an opportunity to move its headquarters away from Jolimont, move its playing group away from the MCG and start the whole process of getting an alternative first-class facility for Victorian cricket.

That process has in fact now started. There is money on the table from the Victorian government. We have been very clear about the fact that our money is good, our money is real and our money is available. There has been correspondence with Cricket Victoria and it has not one concern about — —

Honourable members interjecting.

Hon. D. K. DRUM — I stress that if there is any concern about this project or about the viability of our finances, I can tell Ms Pulford that Cricket Victoria does not share her nervousness. We have been in constant contact — —

Honourable members interjecting.

Hon. D. K. DRUM — Here we go with the voodoo economics of the Labor Party. Here they go. They are suggesting that a project which is yet to be fully costed — actually it is a project that is yet to be fully designed — —

Mr Lenders interjected.

Hon. D. K. DRUM — Mr Lenders had his go at this little project with questions about a month ago, and he did not make a very good fist of it then. He can try to improve his efforts by interjections if he wishes. However, this project has yet to be designed. It is yet to be worked out whether this project is going to be for just Cricket Victoria or whether it is going to have some other partners and involve other elite teams with other needs. We do not even have a full project yet. Once that project has been organised and designed — once there are some detailed designs, with some drawings and costings — and we have gone to tender, once there is actually some sort of demand on the state government's commitment — —

Mr Lenders — You should be the transport minister!

Hon. D. K. DRUM — If Mr Lenders would like me to diversify and start talking about transport projects, I would be happy to do that, although the President may have an issue with that sort of diversity.

I reiterate in all seriousness that this \$10 million commitment to this project to create an alternative first-class facility at the Junction Oval is strong, is good and is real. Once Cricket Victoria has worked out the exact scope, the exact design — what it is it is actually going to build — and who its other partners may be or whether it elects to go alone, it will come to government with a design for this project. We will then provide the funding necessary to progress this project at the appropriate stages.

Supplementary question

Ms PULFORD (Western Victoria) — I thank the minister for his answer and his comment that the money is good and real — if unable to be identified in the budget — and I note his reference to other partners. I ask: have the minister's discussions with the federal government about its \$10 million co-contribution to the Junction Oval redevelopment — upon which Victorian funding is conditional — been successful?

Hon. D. K. DRUM (Minister for Sport and Recreation) — Again, this question has already been asked by others. Ms Pulford must be aware that we are not the proponents of this project. We have simply been the government within Australia that has led this project in relation to committing our funding to it. It has not been the council and it has not been the federal government that has taken the lead; it has been the state government that has effectively taken a lead role in putting its money on the table to give this project some sense of security. It is not our job — and this has been endorsed by Cricket Victoria and by Cricket Australia; they are the ones who have the responsibility — to seek out other partners. Yes, our money is conditional upon other players contributing to the project. We do not want this project to be a \$10 million project or a \$15 million project.

HMT *Devanha* landing boat

Mrs PEULICH (South Eastern Metropolitan) — My question is directed to Mr Damian Drum as the Minister for Veterans' Affairs, and I ask: can the minister inform the house as to the importance of the *Devanha* boat coming recently to the Shrine of Remembrance?

Hon. D. K. DRUM (Minister for Veterans' Affairs) — I thank Mrs Peulich for her question and for her interest in this project. The HMT *Devanha* lifeboat, which was used as a landing boat at Gallipoli, arrived at the Shrine of Remembrance last Sunday. It was a great morning. Premier Napthine was there along with former Premier Ted Baillieu. The Minister for Major

Projects, Mr Hodgett, was also present, as was the member for Caulfield in the Assembly, David Southwick. We also had Navy cadets there from HMAS Cerberus. All were there, along with Chris Spence and Dennis Baguley, to welcome the arrival of the *Devanha's* troop-carrying landing boat.

It has just gone 99 years since the initial landing at Gallipoli. Whilst the whole invasion of Gallipoli is probably best left without too much strategic analysis or attention, it is well documented that the original landing was way off course. Our troops were let go from the motherships into the landing boats some 300 metres to 1 kilometre away from where was intended. Not only were our troops dropped off adjacent to the wrong beach — so that they had to row the final 200 metres to shore in the *Devanha* landing boat under heavy fire — they then found themselves trapped on a rocky outcrop some 30 metres away from the beach, which they had to traverse on foot, wading through the water, again under heavy fire. A number of soldiers never even made it to shore.

The *Devanha* landing boat is now taking pride of place within the Galleries of Remembrance in the undercroft of the shrine. It is now in its place. It will continue to be a reminder to all visitors to the Galleries of Remembrance of the horrendous conditions our Anzacs were forced to endure during the World War I conflict.

It is worth noting that the *Devanha* landing boat was used as a means of transporting our wounded soldiers off the beaches of Gallipoli and back to the hospital ships at sea throughout the conflict at Gallipoli and beyond. It is also worth noting that the mothership, the *Devanha* troop-carrying ship, was originally one of the P & O cruise liners, which were of course commandeered by the British navy to play a role in World War I. Following the end of World War I the *Devanha*, along with its landing boat, was returned to the P & O group and resumed its role as a cruise ship. It was not until 1919, another year and a half after World War I had finished, that the Australian government was able to procure the landing boat, which has been with the Australian War Memorial in Canberra and is now taking pride of place here in Melbourne under the Shrine of Remembrance.

The boat is the jewel in the crown of the \$45 million Galleries of Remembrance project. It will take pride of place there and will continue to remind future Victorians and young Victorians about the role it played, about the role World War I veterans played in shaping that part of our history and about all the associated conflicts, including the Boer War, the

Second World War and all the other conflicts leading up to the peace we enjoy in Australia at the moment.

Moorabbin Community Reserve

Ms PULFORD (Western Victoria) — My question is to the Minister for Sport and Recreation, Mr Drum. I refer to the government's recent \$8 million commitment to the redevelopment of the Moorabbin Community Reserve, and I ask: what discussions is the Victorian government having with Frankston City Council about extricating St Kilda Football Club from its long-term commitment to Seaford and Frankston City Council?

Hon. D. K. DRUM (Minister for Sport and Recreation) — I thank Ms Pulford for the question. I hope Ms Pulford is not getting confused between the Junction Oval project and the Moorabbin Community Reserve project. The Moorabbin Community Reserve project is purely about the state government, under the leadership in this instance of Elizabeth Miller, the member for Bentleigh in the Assembly, and the representations she has been making in relation to that area of Melbourne and the work she has been doing along with a whole raft of community sporting groups.

As the major player in this project, St Kilda Football Club merely has the lease on that Linton Street precinct, at which it has a social club facility. The major community groups involved in this project are the Southern Football League, which will have an administrative facility built as part of our commitment, and the South Metro Junior Football League, which is also an occupant and heavy user of the Linton Street ground. There is going to be a serious upgrade of this very tired facility.

I must admit that my last visit was one of the happier times I have visited Moorabbin. I did not lose any blood, and I did not have anybody question my parents' relationship at the time of my birth. I was simply able to go along and be well received.

This has nothing to do with the St Kilda Football Club or its occupancy of the ovals and the training facility at Seaford. It has nothing at all to do with that. There may be an opportunity in two or three years time, if the St Kilda Football Club wishes to have a stand-alone reserve team or a VFL team, that it will play out of Moorabbin. However, this is about a facility for volunteers to be better engaged in their activities around that area. This is an opportunity for women's football to have better facilities and to meet the growing demand in their sport. Some 15 000-plus juniors, women and senior footballers are using the facility, and they are

currently doing very well making do with the extremely run-down facilities.

It certainly does beg the question that has come from many of my colleagues on this side of the house, which is, 'Does Labor support this project?'. An amazing group of community clubs were at the facilities last Saturday morning to offer incredible support. It is not often you get such complete support from so many different community groups. Cr Paul Peulich, the mayor of the City of Kingston, was there, offering his council's support. I do not often see such total and complete community support for such projects. When you have these projects —

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

Supplementary question

Ms PULFORD (Western Victoria) — I thank the minister for his long and interesting answer, which in no way went to my question about the government's conversations with the Frankston City Council about the St Kilda Football Club and its arrangements on the peninsula. By way of a supplementary question, I ask the minister to explain which of the three locations — Moorabbin, Seaford or Junction Oval, which it is currently spruiking as a potential home for St Kilda Football Club — is the one it actually supports.

Hon. D. K. DRUM (Minister for Sport and Recreation) — This supplementary question goes to one of the real differences between Labor and the coalition. Labor likes to dictate to others what they should do. This has nothing to do with us. What we are here to do is provide facilities for our grassroots organisations and provide support for some of our elite competitions. We are not going to tell St Kilda where it should go. That would be totally outside our parameters. We will let St Kilda choose its future. We will let the AFL work out with its member clubs what support they should get. If the AFL or the St Kilda Football Club want to come to the state government for assistance, like any other organisation they can do that, but we will not tell any club where it should go.

Crime prevention strategies

Mrs MILLAR (Northern Victoria) — My question is to the Honourable Edward O'Donohue, the Minister for Crime Prevention. Can the minister update the house on how our local communities continue to benefit from this government's crime prevention initiatives?

Hon. E. J. O'DONOHUE (Minister for Crime Prevention) — I thank Mrs Millar for her question and her interest in crime prevention, because the Victorian coalition government is very proud of its crime prevention agenda and its crime prevention initiatives. The government is spending \$35 million over four years to partner with local councils and local community groups to respond to crime and perceptions of crime. What we have seen is that there is growing interest from across the community in the partnerships that are available through the crime prevention portfolio.

The coalition government's approach of partnering with the local community and partnering with councils stands in stark contrast to the approach of members opposite, because 141 days ago the Leader of the Opposition in the Assembly, Daniel Andrews, removed the portfolio of crime prevention from Labor's shadow cabinet. In the Victorian Labor Party no-one speaks for crime prevention. Members on this side of the house value crime prevention and value our partnerships with our communities.

Recently I was very pleased to see firsthand a number of projects that are being delivered as part of this agenda. I was pleased to announce one of our recent Public Safety Infrastructure Fund (PSIF) grants at the Cyril Molyneux Recreation Reserve in Berwick last month. I was accompanied by the outstanding Liberal Party candidate for the seat of Narre Warren North, Amanda Stapledon, and the member for Gembrook in the other place, Brad Battin. I was pleased to announce that the City of Casey had received a \$22 000 PSIF grant for safety improvements at the reserve named after Mr Molyneux after a number of break-ins over the last 12 months. Mr Molyneux is a former mayor of the City of Berwick. He is a World War II veteran and a past president of both the Berwick RSL and the Rotary Club of Berwick. It was absolutely fantastic to have Mr Molyneux with us for the announcement.

This Monday I was pleased to join the member for Prahran in the other place to announce another successful PSIF grant under the latest round — a \$250 000 grant to Stonnington City Council for its Windsor Plaza precinct, which is located next to the Windsor railway station. This grant will see new lighting, pavement and furniture fixtures installed around Maddock Street as well as the relocation and improvement of the toilet block at Windsor Plaza.

It was also great to see one of our earlier PSIF grants completed last month when I formally switched on the expanded and revamped CCTV system in Geelong with my colleague Mr David Koch as well as the

outstanding Liberal Party candidate for Geelong, Paula Kontelj. The Geelong CBD and waterfront are now safer and more secure thanks to the \$110 000 grant that saw the installation of 11 new CCTV cameras. This is a great partnership between Greater Geelong City Council, the Victorian government and Victoria Police, and I was very pleased to be there with Ms Kontelj and Mr Koch.

I had the delight recently of joining Mrs Millar, Mrs Donna Petrovich, the Liberal Party candidate for the Assembly seat of Macedon, and Ms Jo Hagan, our candidate for the new Assembly seat of Sunbury, for the switching on of CCTV cameras in Sunbury. I thank Mrs Millar for her advocacy for the project, and indeed Mrs Petrovich. It is an outstanding project that will improve community safety in that region. This government is committed to community safety in a number of forums, and through our crime prevention portfolio we are very proud to stand in partnership with local councils and the local community, and that stands in stark contrast to Labor.

Hon. D. M. Davis — On a point of order, President, I would like to take the opportunity to talk about the incident involving Mr Somyurek a moment ago. On reflection it seems to me that quite an unusual thing has occurred. In my view his behaviour in shining a laser on Mr Finn's face is quite unprecedented in this chamber. I have been here since 1996 and I have never seen anything of that nature occur. Frankly, the safety and security of members must be paramount. Any intimidation is simply unacceptable. I am not referring to the laser itself but the use to which it was put. It was a laser taken from the exhibition in Queen's Hall.

We need to see if something further needs to be done in relation to the standing orders or elsewhere with regard to this. I am happy to be corrected — maybe there is some precedent for such an occurrence in another Parliament — but I have never heard of a laser being shone on somebody's face in a Parliament, and it is simply unacceptable.

I note for the chamber's benefit that a laser pointer with a power limit greater than 1 milliwatt is a prohibited weapon in Victoria. It is defined as a hand-held battery-operated article designed to emit a laser beam with an accessible emission limit greater than 1 milliwatt. I do not know the wattage of the laser used by Mr Somyurek, but the fact that a laser was shone on the face of a member during proceedings seems to me to break some new as well as dangerous and unhelpful ground. We need to reflect on that further, and I would welcome the chance to have a broader conversation perhaps with the party leaders on this matter.

Mr Somyurek — On the point of order, President, I take this opportunity to apologise to Mr Finn. On the way into the chamber I picked up a pen from the Israeli technology exhibition in Queen's Hall. I did not know it was a laser, and whilst I was playing with it, I shone it in the direction of Mr Finn. I should not have done that. I consider Mr Finn to be a friend, and I do apologise.

The PRESIDENT — Order! I appreciate the points of order. I am not sure that we need to be prescriptive about this issue. If we are going to be prescriptive, do we find something else in the future that we also become prescriptive about. Nevertheless, the point is well made that there are certain courtesies, protocols and responsibilities which apply to members in this chamber. Mr Somyurek took the opportunity during question time to apologise to me in the same vein as his apology to Mr Finn, and I note Mr Finn's acceptance of that apology.

Sometimes there is activity across the chamber between members who have shared experiences, and there can be a bit of humour, if you like, associated with that. In this vein it was not maliciously intended. It was perhaps inadvertent, as Mr Somyurek informed the chamber.

Nonetheless, it is an important factor from a security point of view. Yes, I am attentive to what is happening in the chamber. Interestingly enough, regarding the girl in the gallery whom I rebuked yesterday for using the camera on her phone, I got a message from my executive assistant, Jessica Pattison, who indicated that her phone does the same thing. If the phone is face up, it flashes to advise that there is an incoming message or call. I accept that the girl in the gallery yesterday did not take a photo; it was simply the reaction of her camera. Perhaps we need to be careful about how members manage their phones when they come into the chamber as well, so there is no confusion as to whether somebody is taking a photo when they should not be or it is merely their phone behaving badly.

In this case I think it is the same situation.

Mr Somyurek has conveyed an apology, and I accept the context in which he has provided information to the house about what happened. As I indicated, I took a dim view of it at the time. If it had not been inadvertent, which was one of the reasons for my reservation in taking it further, I might well have been persuaded to take other action and to perhaps seek the support of the house in taking other action. I think enough has been said and done. The matter is closed from my point of view.

Sitting suspended 12.55 p.m. to 2.02 p.m.

STATE TAXATION LEGISLATION AMENDMENT BILL 2014

Committee

Resumed.

Clauses 2 to 7 agreed to.

Clause 8

The ACTING PRESIDENT (Mr Elasmr) — Order! Mr Barber's amendments are all related; therefore his suggested amendment 1 is a test for his suggested amendments 2 to 4.

Mr BARBER (Northern Metropolitan) — I move:

That it be a suggestion to the Assembly that they make the following amendment in the bill:

1. Clause 8, line 11, omit "**and the Melbourne Zoo**" and insert "**, the Melbourne Zoo and the Abbotsford Convent**".

The rationale for the amendments has been discussed already during the debate. The specific mechanics of the amendments are that the parcel of land currently used as the car park for the Collingwood Children's Farm and Abbotsford Convent would be excised from the operation of this bill, and I seek the support of members in making this change.

Mr LENDERS (Southern Metropolitan) — For the reasons outlined and advocated for in the Legislative Assembly by my colleague Mr Wynne, the member for Richmond, the Labor Party will be supporting this amendment.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — As indicated in the discussion on clause 1, the government will not be supporting Mr Barber's amendment.

Committee divided on suggested amendment:

Ayes, 17

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

Noes, 20

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

Pairs

Viney, Mr	O'Brien, Mr D. R. J.
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Suggested amendment negatived.**Clause agreed to; clauses 9 to 25 agreed to.****Clause 26**

Ms HARTLAND (Western Metropolitan) — I have one question on this clause. Does the government recognise that the 4.2 per cent increase in tax on both clubs and pubs will result in a higher tax for clubs, and does the government anticipate that this tax increase might send some small clubs — such as bowling, RSL and cricket clubs — into the red? Has the government factored in the repayments on entitlements?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — The intent of this change is to restore the level of taxation on electronic gaming machines in clubs and pubs to what it was prior to the introduction of the individual licences, in the 36 to 38 per cent of losses band. What we have seen since the introduction of the new model is that the tax percentage of player losses has fallen below that long-term level where it had been previously. This seeks to restore it to that level, which is what was articulated as part of the reforms in 2009. We are restoring the taxation level to where it has historically been.

Ms HARTLAND (Western Metropolitan) — My understanding is that for clubs it will actually be an increase of 9.9 per cent on their tax rate, whereas for the very large pubs and other venues it will be 7.5 per cent, so obviously small clubs are going to be paying more. How will the government manage that when these small clubs run into financial trouble as a result of these changes? Does the government have any contingency plan for keeping open RSL, bowls and cricket clubs that depend on these small numbers of machines?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I say to Ms Hartland that the increase in the marginal rate application is the same across pubs and clubs, being 4.2 per cent on the two upper taxation ranges. The lowest range — which in the case of clubs,

as she knows, is set at zero, and in the case of pubs is 8½ per cent — will remain unchanged. The change in marginal rate is to the upper ranges of the taxation structure.

In terms of impact and mitigating impact, one of the other changes the government is introducing in this legislation, as Ms Hartland is aware, is providing clubs and pubs with flexibility as to the proportion of proceeds returned to player, allowing clubs and pubs to drop below the current 87 per cent minimum to 85 per cent, which will provide them with flexibility in terms of offsetting this tax increase, if that is their decision.

Ms HARTLAND (Western Metropolitan) — What that actually means is that the government will allow clubs to take more money off the people who use the clubs, so their losses will become higher. I am not sure that is something that should be encouraged or that the government actually wants clubs to make people lose more so they can gain more revenue.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — On the point Ms Hartland raised, the point I would make is that it is at the discretion of the venue operator as to whether or not they elect to use that extra capacity. The government, in putting together its forecasts in the budget update, has assumed that only half will do that and that not all venues will look to drop to the 85 per cent return to player, because obviously that can be used as a competitive advantage between different venues, if they can say that they are returning a higher proportion to players than other venues. The expectation is that they will not all do that, but that mechanism is available to them.

On the other point Ms Hartland raised around payment for entitlements, the government has indicated that a further six months will be provided for clubs to pay for their entitlements, and where there is hardship being experienced by clubs, an additional two years beyond that may also be available, after consideration on a case-by-case basis.

Clause agreed to; clauses 27 to 34 agreed to.**Reported to house without amendment.****Report adopted.***Third reading***Motion agreed to.****Read third time.**

SALE OF LAND AMENDMENT BILL 2014*Second reading***Debate resumed from 3 April; motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).**

Mr Lenders — Acting President, I direct your attention to the state of the house.

Quorum formed.

Mr LEANE (Eastern Metropolitan) — I am speaking on the Sale of Land Amendment Bill 2014. The main thing I suspect the government is trying to achieve is to change the section 32 statement to take out some of the things that section 32 statements indicate to prospective buyers, as well as to make other small changes, such as the disclosure of what services are available. The government is removing those disclosures and leaving it to potential buyers to understand themselves where certain services are available or whether services are available on the particular piece of land they may be considering purchasing.

I understand there has been concern from a number of different sections of the community, in particular the Victorian Farmers Federation, about some of the items that are being proposed by this bill, in particular the items it is intended will be taken out of the section 32 statement. In particular I refer to the notice warning people, if they move into a farming area or an area in close proximity to a farm, about various conditions. I suppose for obvious reasons there could be smells coming from the farm, there could be noise and there could be activities that people living in a domestic dwelling may find a problem in their day-to-day lives and activities. I am not too sure why the government would consider removing this particular part of a section 32 statement, given it provides information for a prospective buyer of a piece of land. I understand the Greens are flagging an amendment around this particular issue. I will not pre-empt it; Ms Mikakos will speak to that when that amendment is moved.

I understand the intent of the government and its agenda here, particularly its intention to remove red tape and make certain transactions when it comes to land less complex and a bit more simple. But, as I said, the warning that will be removed around particular farming land to me seems a bit strange. Perhaps government members who intend to speak on this bill can fill us in further about why they went down that avenue.

Mr ELSBURY (Western Metropolitan) — I am pleased to rise this afternoon to speak on the Sale of Land Amendment Bill 2014. The dominant action of this bill is to take effect upon section 32 statements and introduce minor amendments to the Owners Corporation Act 2006 and make other red tape reductions.

I will take up some of the points Mr Leane made in his contribution in relation to noises and odours. The Law Institute of Victoria has informed us that that sort of discussion is very subjective; what is a quite foul odour to one person can be quite acceptable for others to deal with. Certainly those opposite know about the odours coming from over there — something does not smell right over there! That is why I am over here. It is a bit on the nose!

Noise is also very subjective; what is acceptable to one person is not acceptable to others. I live on a busy road. Some people might not find the road noise that comes from living in that place acceptable at all, but I choose to live there. I choose to live there because of the proximity to public transport and also to shops, cafes et cetera. I make the decision to live where I live based upon the noise and the odours that may or may not come from where I live. No jokes about Werribee, ladies and gentlemen; I will get rather upset.

I do not think the section 32 statement has to deal with odours that come from a neighbouring property; the statement has to deal with the property itself.

People should take more notice of the surroundings they are moving into. If you are moving into a farming community, you have to expect there will be inconvenience of some description. If you move into a place like Essendon or Point Cook, you should be aware that there are airfields in those two areas and there will be aircraft noise. Those airfields have been there for a long time. In fact, the Royal Australian Air Force has recently celebrated 100 years of flight from Point Cook. You should take those sorts of things into consideration when you purchase land.

In 2012 there were approximately 132 079 land transfers — I would hate to be accurate about these things! The act of buying and selling land is something that most people only do a handful of times in their lives. It is a huge investment and commitment for most people. Western Metropolitan Region benefits from a great number of people who take this leap of faith and plunge into home ownership. Growth in Craigieburn, Greenvale, Wyndham Vale, Taylors Hill, Tarneit, Derrimut, Caroline Springs, Rockbank, Truganina and many other outer suburbs in the west bear witness to

the many land transactions taking place. We are also seeing land transfers in Footscray and West Footscray with the redevelopment that is occurring there.

When I purchased my home I was handed reams of paperwork that I had to fill out, sign, initial and duplicate. I had to stand on one leg while reciting the national anthem. You have to jump through hoops and do various things to buy a property. The section 32 statement that I received was very droll. It was for farmland that had been subdivided so there were no really big problems. The only thing I had to be aware of was that there may have been a substantial amount of rock which would have to be removed at my cost. That was the risk I took. As someone who grew up in Hoppers Crossing I understand that there is a lot of rock in the soil around there. You never try to dig around Hoppers crossing; it is almost impossible.

Section 32 statements were introduced into the Sale of Land Act 1962 when vendor disclosures were introduced in 1982. Since then they have grown in content as obligations have been added to the information requirements. They can contain up to 47 pages of information. They may contain all sorts of information as some vendors choose to over inform lest they omit a piece of information that a buyer may find useful. Instead of being baffled by the need for a great number of documents, the government wants to reduce that to the things that are relevant to a person purchasing a block of land.

In recognition of how substantial section 32 statements were becoming, a review was ordered in 2012 to seek the improvement of their operation and to reduce the red-tape burden borne by those selling land. The review was opened up for public comment through the development of a general discussion paper and an options paper. This allowed stakeholders to express their views on the direction they felt the section 32 statements should take. Stakeholders found that there was room to remove some of the regulatory burden and identified room for improvement.

The bill repeals section 32 statements as they stand presently. The review found that most stakeholders supported their retention. The bill replaces section 32 statements, including the majority of the disclosure requirements in section 32 statements, with a new disclosure requirement in a new component of division 2 of part II of the Sale of Land Act. The new section deals with the disclosure of certain matters like financial issues relating to the land and its use.

Financial matters include particulars of undischarged mortgages; rates, taxes and charges; outstanding

charges over the land; and the particulars of the vendor's insurance in certain circumstances. Requirements to disclose include a growth area infrastructure work-in-kind agreement that might apply to the land; the contract of sale if it is a terms contract; the fact there is no road access to the property; and if the property for sale includes a residence, details of building permits and particulars of owner-builder insurance. Disclosures as to whether the land is located in a bushfire-prone area will remain in place, as they were introduced last year through other legislation.

There is an onus on vendors to supply purchasers with proof of their title to the land being sold, as well as any plans for subdivision. The bill also clarifies the extent of required planning information disclosure; tightens disclosure requirements relating to government notices and orders; strengthens disclosure of land contaminated by agricultural chemicals or affected by livestock disease; improves a vendor's capacity to use certificates from public authorities to demonstrate compliance with disclosure requirements; and increases flexibility for vendors in satisfying owners corporation disclosure requirements by enabling vendors to supply their own particulars in relation to the owners corporation as an alternative to obtaining an owners corporation certificate or, where a vendor is affected by an inactive owners corporation, allowing the vendor to state that fact in their statement. Essential services already connected to a property will not need to be disclosed. Only those services not connected need to be highlighted.

These changes to the Sale of Land Act 1962 ensure that vendor disclosures are clearer, easier and faster to prepare for solicitors and conveyancers. They also seek to reduce costs to vendors.

In many instances a section 32 statement was made available at a point in the transaction where a purchaser was already committed either financially or at least emotionally. There is a new requirement for vendors to make a due diligence checklist available to all prospective buyers from the time when land is put on the market for sale. The checklist will encourage a purchaser to consider information about planning impacting the property, growth area infrastructure contribution requirements, essential services, commercial agricultural production, regulations relating to swimming pool fences, the effect of heritage overlays, issues to consider when moving onto agricultural land and the possible presence of asbestos in structures on the property.

The legislation also makes changes to the Owners Corporation Act 2006 which complement the changes

made to section 32 statements by enabling differential fees to be set for owners corporation certificates and making it an offence for an owners corporation to charge more than the prescribed maximum fee for providing a certificate. As I said earlier, the legislation also brings about red-tape reductions, which will be verified by Consumer Affairs Victoria as part of a regulatory change measurement. The bill makes changes that are important to enable people to understand what is going on when they purchase land. It makes it easier for people selling land to get their disclosures in order, and makes it cheaper for people when they are making a decision whether to buy a property.

Mr BARBER (Northern Metropolitan) — Apparently it is all about cutting red tape. Mr Elsbury is the cutting-red-tape guy now, but before the election his party was facing 180 degrees in the other direction. Its policy on agriculture — and I have a copy with me today — under the heading ‘The right to farm’, says:

A Liberal-Nationals coalition government will:

...

Require section 32 statements to detail prominent noises and smells to ensure potential owners of rural property acknowledge and accept they exist prior to purchasing.

It is common ground. Mr Leane, as the independent umpire, will tell us that this bill does not do that. This bill does the opposite of that.

Mr Leane interjected.

Mr BARBER — That is what I thought when I read it. I was alerted to it by a Victorian Farmers Federation (VFF) press release, but I will come back to that in a minute. There is a rationale in this policy for the Liberals’ original position. It says:

The character of many rural areas is changing as the ‘tree-change’ lifestyle —

that is code for ‘here come the Greens’ —

becomes more and more popular.

Honourable members interjecting.

Mr BARBER — Mr O’Brien in western Victoria is certainly afraid of it. The election is still quite a way away. The policy outline continues:

Whilst the contribution of new residents is generally highly valued by rural communities —

that is, you can now get a really good soy latte in Rupanyup —

problems can arise when those seeking a lifestyle change fail to appreciate the nature of farms and the unique environment in which they operate.

The Liberal-Nationals coalition will defend food and fibre producers’ ‘right to farm’.

Them’s fighting words. But the coalition will not do what it claims. In fact, it will do quite the opposite. Those on the other side of the chamber have come to government and somebody has gotten in their ear, and now they are saying, ‘No, forget all this stuff about warning labels on rural properties. It’s now all about cutting red tape. That’s the new craze. Wherever we can get rid of some red tape, we’ll snuff it out’. Now here we are.

The main purpose of the bill is to re-enact, with or without amendment, the existing section 32 provisions, which set out the information a vendor must disclose when selling land. I acknowledge that current legislation is the product of many amendments over many years and contains some language that is confusing to read and outdated. Re-enacted provisions are easier to read and understand. For example, things are grouped under headings. There was consultation. There was a review of section 32 by way of a discussion paper in October 2012. There was an options paper last year, and submissions were received from the Law Institute of Victoria, the Real Estate Institute of Victoria, Strata Community Australia, the VFF, the Consumer Action Law Centre, the Legal Practitioners Liability Commission and individuals.

Because of what I believe to be a major flaw in the bill, I have prepared a reasoned amendment, which I am happy to see circulated now. I have given a copy of it informally to the other parties. I propose that we go down a different path. I move:

That all the words after ‘That’ be omitted with the view of inserting in their place ‘this bill be withdrawn and redrafted to support the right to farm by —

- (1) reinstating the warning on commercial farming activity; and
- (2) making new provisions for section 32 statements to detail nearby farming activities to ensure potential owners of rural property acknowledge and accept they exist prior to purchasing.’.

In other words, I propose that we implement the Liberals’ own policy.

Acting President, I am sure you would shut me down if I started going through the list of all the other broken promises of the Liberal Party, but I am keeping score. I have not lost track of the information the Liberal Party was putting around when it was in opposition. It is just

that somehow those opposite have lost the will to implement it. My only alternative was to vote against clause 4 of the bill because I believe there will be not only harm to farmers in the removal of these commercial farming warnings but also potential harm from separating the section 32 statement from the contract of sale, which is another thing this bill does.

Not only has the government failed to honour its election promise to strengthen section 32; it has also removed the warning completely. In the words of the Victorian Farmers Federation president, Peter Tuohey, 'It was one of the few protections farmers had'. The Victorian Farmers Federation wants specific information about commercial agriculture near the property for sale to be included in the section 32 statement. I have a copy of its press release. In fact there are a series of press releases, because very recently in its submission to the Australian agricultural competitiveness issues paper — I believe that is the one that was kicked off by the federal Minister for Agriculture, Barnaby Joyce — the VFF has again highlighted this issue.

Mrs Coote interjected.

Mr BARBER — It depends a bit on the phases of the moon. This press release says:

'Our farmers rely on effective and efficient government policies to ensure agriculture remains a significant contributor to both the Australian economy and local communities ...

'As urban boundaries continue to grow, we want to see farmland protected. Where agriculture is the primary land use, farmers must be allowed to farm without onerous and unreasonable imposition if they are to remain viable'.

By 2030 an estimated 2 000 square kilometres of food-producing land will be lost around Melbourne compared to what was there in the 1950s.

'We're losing some of Victoria's most productive land', Mr Tuohey said. 'If Victoria is to continue as the nation's most productive food producer, we'll need greater rights and protections in the face of urban growth and demands.

He might have also mentioned that the Melbourne peri-urban area is actually the second biggest area for food production in Victoria. He explains the problem very well:

We've got farmers facing increasing nuisance complaints from neighbours ...

Then he goes on to have a go at a few other people as well:

At the end of the day local, state and federal governments need to ask themselves if they want us to grow more food and fibre.

I thought we had agreed on that. Yesterday I was told the plan was to double food production — or was it productivity in the food sector? The government was not too sure. But the combination of continually allowing urban sprawl into one of our most productive regions, the Melbourne region, and the difficulties created by this policy, which I am sure the Minister for Planning is well aware of, where conflicting land users end up side by side — as well as the impact of climate change — mean we have Buckley's of doubling food production in this state. In fact we are going to have to work very hard and introduce some very smart policies just to protect what we have and keep it profitable and productive.

The government should have taken heed of earlier recommendations from other inquiries, including recommendation 23 of the Outer Suburban/Interface Services and Development Committee inquiry into sustainable development of agribusiness in outer suburban Melbourne, which states:

That the Victorian government review section 32 of the Sale of Land Act 1962, with a view to strengthening the warning given to purchasers of property in rural areas.

That was a recommendation made in May 2010 from an all-party joint house committee inquiry. I believe my Greens colleague Ms Hartland served on that committee. I am not quite sure where this backflip started, but clearly the Victorian Farmers Federation is onto it. On 5 February, when this backflip first came to light, it said:

We have repeatedly told the government if it wanted to remove the 'agricultural notice' from the section 32, then it must strengthen right to farm through other means.

It's disappointing to see the government taking this action when it promised to do so much during the 2010 election campaign.

That is not only a fail politically; it is also a fail in the government's own terms after what it said it set out to — —

Hon. M. J. Guy — You haven't mentioned our farm zone reforms once.

Mr BARBER — The jury is out on your farm zone reforms, Mr Guy; you have given over powers to local government. I am concerned — —

Hon. M. J. Guy — We strengthened the preamble in the zone for a very strong reason, for every reason that you mentioned in your statement.

Mr BARBER — It is a smart political move to hand back that responsibility to local governments, but if I

had my way I would not be encouraging further subdivision of our most important farmlands. There are other little promises Mr Guy made in relation to the Macedon Ranges area as well, which we are still waiting to find out about, but I suppose there is time. Mr Guy has invited me to explore this more widely.

There is an area where productive agricultural land is under pressure from some of these 'lifestylers' the Liberal Party derided in its agricultural policy it put out prior to the election. The balancing act is more complicated than that of course, but Mr Guy and I can have a dialogue about that another time. But in terms of the bill before us and the specific wording of the government's own promises, it is a fail and the VFF has been very articulate in explaining why.

Unfortunately Mr Elsbury, the lead speaker for the government, was not so articulate. His electorate goes straight across that urban boundary to which I have been referring. The government is going to get up and say, 'We've done all this consultation'. I want to know what consultation Mr Elsbury did with the food bowl farmers of his electorate and whether they think this is a good move. If he can come in here and tell me that he has been speaking to those farmers and has gotten a word out of them that says they are happy about this, I will certainly reconsider the amendments I am proposing to move — no. 1 being that the bill be withdrawn to fix this problem and no. 2 being that, failing that, this bill be referred to an inquiry for further discussion, to which no doubt there will be a government submission talking about its alternative approaches as well as some further elucidation from the VFF. For once we might even get some individual farmers having their voice heard in this place. Therefore I hope we receive some support for these amendments from members in this place.

This warning has been around for quite some time. It was legislated in 2002 after a recommendation from the right-to-farm working group established by the then Victorian Minister for Agriculture. There is one particularly passionate contribution made during that debate in 2002 that I wish to highlight. It was by Dr Napthine. He spoke about how the legislation does not go far enough, even at that time. He said it did no more than state 'the bloody obvious'. The Premier actually used a swear word in Parliament. He has been known to use them outside Parliament as well, but for emphasis he wanted to use that term. I will quote from that small section of *Hansard*. The now Premier thundered:

To quote a rural expression, that is stating the bloody obvious. Anyone who is buying land may be in an area where there

may be agricultural practices that may affect them! If anyone goes out there and looks at land they are purchasing anywhere in rural Victoria, that is bloody obvious. It is about time this government got serious about the right-to-farm issue rather than putting up what can hardly be described even as token or window-dressing efforts. That does nothing to assist the right-to-farm issue. It is a serious issue right throughout Victoria but particularly in and around regional centres and in and around Melbourne. The government needs to get serious about that. The legislation is a disgraceful token effort.

Unfortunately what the Premier is replacing it with today is a vague promise that at some point in the future the minister might include something in a due diligence checklist. By my reading of the bill, if it is included, then the purchaser might see that checklist or they might not. The Premier is not only undermining the right to farm; he is going against his own pre-election promise, which I have detailed.

With the words of the now Premier, which I think were very eloquent — it is just that they were made 12 years ago, and the government has backflipped on a promise it made only 3½ years ago — I plead with members of the house to support my amendments.

Ms MIKAKOS (Northern Metropolitan) — Mr Leane has already outlined the Labor opposition's position in respect of the Sale of Land Amendment Bill 2014. He also indicated our concerns in respect of the removal of the section 32 warnings relating to agricultural activities. I do not propose to go through those again, but I do want to indicate the Labor opposition's position with respect to Mr Barber's reasoned amendment.

We too draw attention to the fact that the coalition has failed to deliver on its election promises of 2010, at which time it made a number of commitments with respect to these issues.

It promised it would:

Require section 32 statements to detail prominent noises and smells to ensure potential owners of rural property acknowledge and accept they exist prior to purchasing.

This is straight from a document entitled *Victorian Liberal Nationals Coalition Plan for Agriculture*, which was released prior to the 2010 state election. That plan went on to say:

Whilst the contribution of new residents is ... valued by rural communities, problems can arise when those seeking a lifestyle change fail to appreciate the nature of farms and the unique environment in which they operate.

I draw attention to an article from the online Weekly Times Now of 5 February 2014, which highlighted concerns about this bill from the Victorian Farmers

Federation (VFF). The Weekly Times Now article quoted VFF president Peter Tuohey as saying:

Legislation due before Parliament ... will remove the section 32 notice warning people that if they move into a farming area they may be exposed to noise, smell and dust normally produced by agricultural activities.

The VFF was stunned to see agriculture minister Peter Walsh claim amendments he planned to introduce this week would be welcomed by the VFF.

Not only has the government failed to deliver on its 2010 election promises, it's drafted legislation to remove the current notice to potential buyers in section 32s. It was one of the few protections farmers had.

The current section 32 notice provides a warning to purchasers which states:

Important notice to purchasers:

The property may be located in an area where commercial agricultural production activity may affect your enjoyment of the property. It is therefore in your interest to undertake an investigation of the possible amenity and other impacts from nearby properties and the agricultural practices and processes conducted there.

The Weekly Times Now article goes on to state:

The generic warning would be replaced with a specific checklist that vendors and real estate agents would have to show to potential property buyers when there is a dwelling on a property or potential to build one on the property.

The VFF is concerned that that level of detail will be lost to a potential purchaser, creating a situation where down the track a potential purchaser could come into conflict with their farming neighbours.

I also wish to draw attention to a submission from the Victorian Farmers Federation to the section 32 red tape review conducted by Consumer Affairs Victoria. In that submission, signed by VFF president Peter Tuohey and dated 10 December 2012, the VFF highlighted in considerable detail its concerns about any proposed changes to section 32 statements. It states in part:

The VFF sees the use of an effective warning for farm practices is one of the approaches that can be taken to assure the 'right to farm' in farming areas.

Maintaining and enhancing legitimate farming practices is an important part of supporting agricultural industries. As urban areas expand into farming areas, increasing numbers of farmers face complaints from non-farming neighbours. These complaints often relate to day-to-day agricultural or horticultural practices that are a part of normal farming activity.

New residents to country areas often have an idealised view of farming. While they appreciate the attractive landscape, they do not understand that plants and animals produce odours, that dust and noise are a part of normal farming

practices, and that farms are often required to work around the clock.

Where agriculture is the primary land use farmers must be allowed to farm without onerous and unreasonable imposition if they are to remain viable. In areas where past planning decisions and/or population changes remove the ability for farms to remain viable, support must be provided. Failure to take these steps will result in a loss of viable agriculture and a reduction in the amenity valued by the community.

The second issue is ensuring there is an appropriate level of disclosure provided by sellers as to the prior use of the land that may affect the future use of that land and planning overlays.

For example, there may be activities conducted on that land, which may or may not be agriculture related, that will affect the future uses.

In the VFF submission we can see that two years ago — back in December 2012 — the VFF alerted the government to a number of concerns in regard to section 32s. The opposition feels that those concerns raised by the VFF on behalf of farmers have not been adequately expressed during the course of debate on the bill and there has not been a suitable explanation given as to why these changes have been made. For those reasons we will be supporting the Greens party reasoned amendment.

In respect of the specifics of that reasoned amendment, we received a copy of the amendment today, and being budget reply day that has made it difficult to have consultations with affected stakeholders. One approach that could have been taken is to refer the bill to one of the upper house committees for consideration in order to conduct public hearings and invite affected stakeholders, particularly the VFF, to provide their views on this bill through that process. That is the preferred course of action we would have liked to have seen. Nevertheless, we think that the concerns expressed already and put on the record over the past two years by the VFF are important. It is important that those issues be explored further. If the bill was to be withdrawn and redrafted, that would enable the VFF to put further views to government so that it could undertake further consultation and hopefully arrive at a position that would not encroach in a negative way on farmers' right to farm. For those reasons, the Labor opposition will be supporting the Greens reasoned amendment.

House divided on amendment:*Ayes, 17*

Barber, Mr	Mikakos, Ms
Broad, Ms	Pennicuik, Ms
Eideh, Mr (<i>Teller</i>)	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	

Noes, 20

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

Pairs

Viney, Mr	Atkinson, Mr
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Amendment negated.**Motion agreed to.****Read second time.***Referral to committee*

Mr BARBER (Northern Metropolitan) — As foreshadowed in my speech in the second-reading debate and as requested by Ms Mikakos, I move:

That the Sale of Land Amendment Bill 2014 be referred to the Economy and Infrastructure Legislation Committee for inquiry, consideration and report by 5 August 2014 on the impact of clause 4 on the right to farm.

I will speak to the motion just briefly. We have had a 180-degree reversal of the Liberal-Nationals position. Now the Greens are standing up for the right to farm. I do not believe that the issues on this have been appropriately canvassed, otherwise we would not still be here arguing about it. Therefore one of our otherwise languishing committees — in this case being one of which I am a member, so I am calling for more work for myself — should consider clause 4.

Hon. D. M. DAVIS (Minister for Health) — On this occasion coalition members will not support the referral of the Sale of Land Amendment Bill 2104 to the Economy and Infrastructure Legislation Committee for consideration and report by 5 August. I note that I was provided with information about this motion at 3.06 p.m. and it is now 3.08 p.m., so we have had

precisely 2 minutes to consider this matter. If the Greens political party wishes to spring — —

Mr Barber — You heard it during my speech on the second reading.

Hon. D. M. DAVIS — Clearly the Greens political party cannot be serious about this matter because it did not circulate this motion at an earlier time. Whatever the merits of particular decisions of this type, I think there needs to be a more formal process for the Greens political party to notify either the government or indeed the opposition of these matters.

Ms MIKAKOS (Northern Metropolitan) — As I indicated during the debate on the reasoned amendment, our preference would have been to do exactly what this motion proposes — to refer this bill to an upper house committee for further consideration and to give the Victorian Farmers Federation (VFF) and other relevant stakeholders an opportunity to have input. I did not know such a motion was going to be proposed. Whilst I think it is appropriate to have this bill considered further through an upper house committee process, in particular because of the level of concern that has been expressed by the VFF about the amendments in this bill, I think we need a better process in terms of informing members of the house about these types of motions. I would have welcomed an opportunity to see Mr Barber's motion at an early stage during the course of the debate; I too have just been handed this piece of paper.

The Leader of the Government said in his contribution that the government would be opposing this referral motion on this occasion. I am yet to see the coalition support a motion of referral to an upper house committee. Over the past three and a half years in this house we have had referral motion after referral motion where the government has used its majority numbers to vote down those opportunities for legislation to receive further scrutiny.

While making that point, I also indicate to the house that despite the lack of notice, we think these issues are important and that the bill would benefit from further consideration. We would prefer to have a tighter period for report back to the house than by 5 August — for example, the bill would have been able to have been considered in the next sitting week and the report back to the house could have been within two weeks time.

Mr Barber interjected.

Ms MIKAKOS — One of the major stakeholders is the VFF, and we know there would be other parties interested in these issues as well. The motion proposes

a report-back period of several weeks, so reporting would be after the winter recess. We have some concerns about the reporting being as late as it is; nevertheless, we think the issues are important ones that require further inquiry and consideration. For that reason we will be supporting the referral motion.

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 (<i>Teller</i>)
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Melhem, Mr	

Noes, 20

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

Motion negatived.

By leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

FILMING APPROVAL BILL 2014

Second reading

Debate resumed from 3 April; motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).

Mr SOMYUREK (South Eastern Metropolitan) — I rise to speak on the Filming Approval Bill 2014. At the outset I indicate that the Labor Party does not oppose the bill. The film industry, like most other industries in the contemporary globalised world, is agile and footloose, and therefore it is likely to gravitate towards jurisdictions that offer the most conducive settings in which to operate. Because the international screen industry is so lucrative, it is also very competitive. As a consequence, jurisdictions that seek to foster and grow a local screen industry and attract

international production to their jurisdiction must ensure that it is easy for production companies to navigate the local regulatory environment. In other words, it is vital for production companies to be able to do business in Victoria without unnecessary roadblocks.

New South Wales and Queensland are perhaps our greatest competitors in this sector within Australia, and in the past they have shown that they mean business by implementing the same or similar provisions to the ones contained in this piece of legislation. We cannot afford to be left behind. Despite some of the competitive advantages Victoria may have in the screen industry, such as highly skilled crews, diverse locations and exceptional production facilities, if we do not make it easy for production companies to do business in Victoria, we will lose business in this sector to other states and to our international competitors.

The film industry is not just about entertainment and economics. There is also a great deal of cultural capital associated with it. There is no doubt that there is a lot of cultural pride in having our great state represented on the screen. Regrettably much of our popular culture comes from overseas films. We just need to look at our television guide or the session times at our local cinema to see where most of our content comes from. From a cultural perspective, we want to see ourselves represented on film. When I say 'ourselves', I mean that collectively and not individually, although that is not out of the question. Pride is not the only reason it is important to support our local film industry. In Victoria alone the screen industry contributes about \$1.4 billion in economic activity annually and employs approximately 10 000 Victorians on a full-time basis.

The main purpose of the bill is to streamline and standardise the process of applying for a filming permit on land owned by a public authority. To this end, schedule 1 of the bill establishes film-friendly principles that include making it mandatory for public authorities to appoint a contact person responsible for receiving, processing and responding to filming permit inquiries, ensuring film permits are not unreasonably withheld, ensuring public agencies respond to an applicant within five business days of receipt of an application, standardising application forms across all public bodies as directed by Film Victoria, ensuring that the fees charged by a public body for the issuing of a permit do not exceed cost recovery and ensuring that information about how to apply for film permits is published online by each public agency. All these measures will streamline the process of making films in Victoria.

As I stated, Labor will not oppose the bill, and that is a significant point. We want to see the thriving Victorian film industry that we saw under the Bracks and Brumby governments — Labor got the ball rolling in this process. Labor was very supportive of the film industry when in government.

In his second-reading speech Mr O'Donohue mentioned that in the 2013–14 state budget the government allocated \$13.8 million over four years to support Victoria's television, animation and games sectors. However, he did not mention that Labor invested \$40 million to establish the Docklands film studios. There should be a bit of bipartisanship in this, but unfortunately that view was not shared by Ms Asher, the member for Brighton in the Assembly, when she was in opposition. When Labor made its announcement about the Docklands studios, she called the facility a potential white elephant.

I put on the record that the Docklands facility is not a white elephant. It has international credits such as *The Pacific* and a film adaptation of the children's classic *Where the Wild Things Are*. Locally the studio has produced or produces television shows such as *Winners and Losers*, *Australia's Got Talent*, *Talkin' About Your Generation*, *Millionaire Hot Seat* and *The Footy Show*. I make the point that the \$40 million injected into the Docklands film studios was not a waste of money. The studio is not a white elephant, and its establishment was very productive for our local screen and film industry. However, Labor does agree that more needs to be done for this sector given the fierce competition it faces.

I turn to discuss an aspect of the bill that Labor believes could be improved. Although the bill stipulates that the fees charged for a filming permit must not exceed cost recovery, it does not set a maximum or flat fee for a permit. Fees charged by public agencies vary greatly, so we do not know how much will be charged by each public agency.

In closing, I will summarise Labor's position on this bill. Labor supports the Victorian film industry, Labor supports making it easy to apply for and receive filming permits and Labor believes the fees charged by public bodies for the issuing of film permits should be nominal.

Mr BARBER (Northern Metropolitan) — The Greens will support this bill as being an appropriate measure. Back in the days when I was a councillor and one-time mayor of the City of Yarra, we received a lot of applications for filming within our council area. There are a lot of inner city locations which provided an eclectic or bohemian type of background to some of the

films that were being made, including a whole series of Australian-based drama or comedy-drama series.

Mrs Coote — If you were the mayor, it would have been a comedy.

Mr BARBER — Unfortunately I was never asked to be an extra, but I would have quite happily put on the mayoral robes and chains and walked from stage right to stage left.

Mrs Coote — You have missed your calling.

Mr BARBER — It is entirely possible, but by that stage we had already developed a streamlined process at the council for dealing with these applications, and that continues to this day. So it is nice when the state government comes along and tells local government that it has been getting it right. We do not hear enough of that. There should be nothing in this bill that would in any way cut across what has been very good practice by a number of municipalities for a long time. I certainly hope it is effective in encouraging state government agencies to adopt the same approach. Therefore the Greens will support the bill.

Mrs COOTE (Southern Metropolitan) — It gives me a great deal of pleasure to speak on the Filming Approval Bill 2014. I am pleased to acknowledge that both the Labor Party and the Greens will be supporting this bill.

In his second-reading speech the Minister for Liquor and Gaming Regulation outlined much of the thrust of the bill, but I would like to fill in some of the details about what the bill is going to do. The Filming Approval Bill will reduce red tape and harmonise the assessment and issuing of filming permits given under local and state laws by doing two things: firstly, by prescribing film-friendly principles that local councils and state agencies must apply when determining applications for commercial filming on public land, subject to the acts and regulations; and secondly, to provide for the Minister for Innovation to approve commercial filming guidelines to assist local councils and state agencies in applying the principles.

Mr Somyurek detailed some of the film-friendly principles, and there are a considerable number of them, but I will reiterate them again. The film-friendly principles provide for a presumption of approval for filming permit applications, subject to other legislation, public amenity, safety and security, environmental and heritage impacts; a requirement to consider approval subject to terms and conditions or the identification of alternative locations before declining a filming permit application; a requirement to approve or refuse a film

permit application in a timely manner, with an obligation to take reasonable steps to respond within five days; a requirement to provide reasons for declining a filming permit application to the applicant; a requirement to take reasonable steps to provide a single point of public contact to facilitate requests to undertake commercial filming; a streamlined approach to application forms and other documents required for commercial filming, including an obligation for forms set by public agencies to be consistent with a standard approved by Film Victoria; minimal fees for filming permit applications, including the obligation for a public agency to consider the broader economic benefits that filming will bring to the community when setting a fee; the publication of information regarding commercial filming on a public agency's website or a website approved by Film Victoria; and a requirement to take reasonable steps to provide relevant staff with information on the film industry. The film-friendly principles do not override any other acts or statutory instruments, which is important to understand.

I would like to put the bill into context. Since December 2010 the coalition government has supported film and television projects that have generated over \$560 million in production expenditure for Victoria. According to Deloitte Access Economics, the total economic contribution of the film and screen industry to Victoria is around \$1.4 billion, employing over 10 000 people on a full-time equivalent basis.

The bill delivers on the government's commitment to the review and reform of the granting of film production permits and seeks to deliver economic benefits to Victoria by attracting and stimulating additional filming activity. The proposed reform will save time and money for film and television productions in Victoria by reducing compliance costs; improving certainty, consistency and transparency in the filming permit approval process; facilitating streamlined applications; and reducing delays associated with waiting for approvals. It is important that this is put on the record and reiterated because, as I said, the economic benefits to Victoria are quite enormous.

It is interesting to note that Deloitte Access Economics has estimated the total economic contribution of the screen industry to Australia to be around \$6.2 billion. In Victoria, as I said, the screen sector contributes around \$1.4 billion annually and employs over 10 000 people. It was very interesting to see in today's *Herald Sun* a big headline 'Now it's Premier Asher'. Some of us may think this is quite a good idea. In any case, although we are exceedingly happy with our Premier, if he ever chose to leave, it would be quite interesting to have the

Minister for Innovation, Louise Asher, as our first female Premier for some time. But it was not Louise Asher, the member for Brighton; it was the actor, Asher Keddie. She is going to be in a film that is set in this Parliament about a female Premier who is fighting for her election. I think it will be very interesting for all of us to watch. However, it is interesting to note that anyone filming in this precinct cannot use the crest. The Speaker informed me today that they can use the sign outside that says 'Parliament of Victoria' but under no circumstances are they allowed to use the crest, which gives us an understanding of some of the conditions applying to people who are wanting to make films in this state.

Shooting on location also showcases Victoria as a tourist destination, and countries and cities across the world leverage off this. For example, in Northern Ireland there is *Game of Thrones*, and we all know the *Lord of the Rings* series of films really put New Zealand on the map in many ways.

In Victoria some of the issues about economic directions are very interesting to see. A number of films have been done in Victoria recently, and it is interesting to see where they were made. *The Dressmaker* was made in northern Victoria in the Mallee region and in Minyip, and Minyip was also the site of the *Flying Doctors* series some time ago. However, in 2014 it is interesting to see where a number of films are happening across Victoria. *Predestination* was made in metropolitan Melbourne, Abbotsford and at the Werribee pumping station. As I said, locations for *The Dressmaker* include the Wimmera and Geelong. *INXS — Never Tear Us Apart* was filmed at Avalon Airport, city of Greater Geelong; Bank Place, city of Melbourne; and city of Kingston.

Fat Tony & Co was filmed in Carlton, Coburg North, Brunswick — that is Mr Barber's area; there could have been a role for him — Templestowe and South Yarra. *House Husbands* — this could be more Mr Barber's style — is filmed in Thornbury; it is a TV series. *The Doctor Blake Murder Mysteries* was filmed in Ballarat, at the Victoria University Sunbury and in Bacchus Marsh. *Nowhere Boys* — I will not comment on that — was filmed in Olinda, Warrandyte and Montmorency. *Winners and Losers* was filmed in the city of Melbourne. *The Block* is filmed in South Melbourne. *Offspring* is filmed in Fitzroy. *Selling Houses Australia*, which is a television series, is filmed in Frankston, Gladstone Park, Selby, Alexandra, West Footscray and so on. *Miss Fisher's Murder Mysteries* is filmed in Elsternwick, Carlton, Queenscliff, Bendigo and Parkville.

Neighbours is filmed in Forest Hill and at Global Television Nunawading, and as we know it even has special buses going out to Ramsay Street. I am advised they are full with people, particularly from Britain, going out to have a look. I lived in Ireland for some time, and they had to extend the school lunchtime for children because they watched *Neighbours* three times a day in Ireland: in the morning, at lunchtime and then again in the evening. The children's school lunchtimes had to be extended so they could watch *Neighbours*. We get a lot of Irish visitors to Ramsay Street, and this is one of the reasons.

I will outline as a case study the feature film *I, Frankenstein*. This is a modern-day Gothic thriller, and the feature film tells the tale of Dr Frankenstein's creature, Adam, who centuries after his birth finds himself in a Gothic city caught in a war between two immortal clans. This was written and directed by an internationally recognised Australian writer-director, Stuart Beattie. It was located at Docklands Studios, and filming locations included Ormond College, the Regent Theatre, the former Argus building and Montsalvat. In terms of direct economic benefits, it generated more than \$35 million in Victorian production expenditure; employed more than 1100 Victorians, including over 400 extras and 18 Victorians in head of department roles; and engaged more than 670 Victorian companies.

Practitioners hired included set decorators, construction crew, sculptors, riggers, grips, make-up and costume teams, stunt people, camera operators and visual effects artists. Pre-production, filming and post-production in Melbourne gave local practitioners the opportunity to further develop their skills. A lot of these people in pre-production and post-production operate in the Southern Metropolitan Region in and around the South Melbourne precinct. Many of them trained at the Victorian College of the Arts, and it is extremely pleasing to think that these young students get an opportunity to go on and work in this important industry.

Large productions like *I, Frankenstein* use new and complex production technology, which provides skills transfer and development opportunities for the local industry. However, it is the downstream economic benefits that I think members will be interested in. Many local screen businesses prefer where possible to buy locally due to quality, reliability and flexibility, and the ability to build relationships. Downstream benefits of casting, equipment hire, location services, post-production and visual effects also provide significant economic benefits and ongoing employment for Victorians. For example, downstream businesses that benefited from *I, Frankenstein* include

approximately \$80 000 to \$90 000 spent at a local specialist fabricator; an estimated \$6 million from a lighting supplier; around \$20 000 for commissioned works from regional Victorian blacksmiths; props bought in antique stores in central Victoria and the Mornington Peninsula; construction work requiring the employment of labourers, stagehands, set builders, carpenters, sculptors, painters and administrative support staff; and accommodation, security, catering and transport. As members can see, there are great added-on benefits.

There is much I could speak about. It is a great opportunity to have something to talk about in relation to the film industry in Victoria, because it is very successful and will, under these circumstances, attract even more people to Victoria. It will attract more film producers because the red tape will be eliminated, and our burgeoning area of film production will be able to grow. This is a government that supports the film industry and will continue to do so. As I said at the outset, I am pleased to see that both the opposition Labor Party and the Greens are supporting this bill. This bodes well for bipartisan support of a very important industry in Victoria.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise this afternoon to speak on the Filming Approval Bill 2014. This bill continues the coalition government's program to cut red tape and deliver economic advantages to Victoria. It does so by streamlining the assessment and issuing of film permits given under state and local laws by addressing a number of issues. A number of principles and guidelines have been established that will enable a more consistent, transparent and responsive approval process for film and television companies.

As we have heard, the Victorian screen industry encompasses a wide range of activities that include producing feature films, telemovies, miniseries, television series, documentaries, television commercials, digital content for mobile and other electronic devices, visual effects, games, animation and post-production. They are broad-ranging activities that the screen industry in Victoria is involved in. It contributes around \$1.4 billion every year to the economy and employs around 10 000 people, so it has huge economic and economic participation benefits across the state. The market is highly competitive with other states. I am pleased the government has had the common sense to put these measures in place, because they will streamline the process, make filming far more competitive and provide more opportunities for actors and those downstream elements that the film industry brings when filming takes place.

Mrs Coote highlighted the film-friendly principles and how they relate to the agencies. I understand there was significant consultation in the development of the bill, and it has been supported by councils, a range of state bodies and public land managers. They have been broadly supportive of what the bill will entail. Previously it was quite complex for filming to take place. The bill will simplify that process and provide the advantages I have mentioned.

A number of production facilities are located in my region of Southern Metropolitan Region. Some are very well known: Premier Studios Victoria, which is in Port Melbourne; Iloura, which is in South Melbourne; Flagstaff Studios, in South Melbourne; and Soundfirm, in Port Melbourne. Soundfirm is one of Australia's largest and most highly awarded sound post-production companies. It has produced soundtracks for a number of award-winning productions, including feature films, dramas, short films et cetera.

The film industry is busy in my electorate of Southern Metropolitan Region. A lot of well-known TV series and miniseries have been partly or entirely produced in the region. *The Block*, a TV series, was filmed in South Melbourne and Albert Park; the location of filming for *Wentworth*, another TV series, was Oakleigh; *Crackerjack*, a feature film, was partly filmed in Windsor; *SeaChange* was filmed in Black Rock; *Crackers* was filmed at Half Moon Bay and Black Rock; and *The Castle* — that wonderful film that is so legendary —

Mr Elsbury interjected.

Ms CROZIER — Yes, a fabulous feature film, was partly filmed in Toorak. *The Man from Snowy River*, interestingly, was partly filmed in Port Melbourne; *Mad Max*, partly in Kew and Port Melbourne; and *Soldiers of the Cross*, in Murrumbidgee. A number of TV series, miniseries and feature films that are well known to many Australians and have also been well regarded internationally were filmed in the region.

It is timely that while we are looking at increasing economic activity in Victoria — and yesterday's budget highlighted many elements of what the government is doing to support business right around the state — this bill which supports the film industry has been introduced. It will cut the red tape, it will streamline the processes and it will make it far more attractive for film production to be undertaken in Victoria. I would like to congratulate all those who were involved in the process of consultation with the film industry and who are supporting its activities, and I commend the bill to the house.

Mrs MILLAR (Northern Victoria) — This bill establishes a consistent approach to the approval of commercial filming on public land managed by public agencies, including local councils and state government entities. The bill prescribes 'film-friendly' principles that public agencies must comply with when performing any functions or duties or exercising any powers under any filming approval legislation in relation to commercial filming.

The Victorian screen industry generates around \$1.4 billion in economic activity annually for the state and employs more than 10 000 people on a full-time basis. We need to both protect this industry and grow it, by more successfully attracting this business both nationally and internationally.

Victoria is at the heart of Australia's film production capability and market. Mount Macedon, where I live, and the surrounding communities have frequently been the site of film locations for both national and international film productions. Perhaps the most famous and best example of this is the filming of Peter Weir's iconic *Picnic at Hanging Rock*, which was partially filmed on location at Hanging Rock. Recently I had the opportunity to watch the film again, screened on location at Hanging Rock on St Valentine's Day — the day on which the primary event depicted in Joan Lindsay's famous novel of 1967, *Picnic at Hanging Rock*, was set. The film continues to be a superb representation of Hanging Rock in all its moods, light and shade — exquisite, timeless and treasured beyond measure by locals.

I recently met one of the stars of that film — beautiful Anne-Louise Lambert, who played Miranda in the film — who recently returned to Hanging Rock to raise awareness of the concerns of several thousands of locals in our community who have signed a petition and spoken out against the Macedon Ranges Shire Council's proposed development of a section of the council-owned adjoining East Paddock. This film made in 1975 is a superb example of how film locations increase the fame of a place and can continue to increase tourism, in this instance, for many decades to come. The DVD of that film can still be purchased in the on-site cafe and gift shop, thereby increasing film sales.

There is no doubt that the fame of the film has motivated and continues to motivate thousands of people to visit Hanging Rock each year. The linkages between film locations and tourism are very strong, with films having the potential to massively escalate visitor rates almost overnight. That is why the streamlining of film location approvals is central to

business success in this state, and this has great potential for regional Victoria.

I also note the filming of *The Man from Snowy River*, which my colleague Ms Crozier has also just referred to. I know that part of that film was filmed near Mansfield at the property of a very dear friend of mine, Mr Angus Grimwade. The regional locations used in the film gave it a particular, unique and special quality that captures the high country beyond measure.

Tourism in Victoria is both big business, being a significant economic driver, and a big employer of locals, especially in regional Victoria. It is worth directly and indirectly \$19.6 billion a year, or 5.8 per cent of the total Victorian economy. To break down the \$19.6 billion figure, in 2012–13 tourism directly contributed \$8.78 billion to the Victorian economy and indirectly contributed an additional \$10.87 billion. The tourism industry provides jobs for over 200 000 Victorians, and it is our second largest import. Tourism is a major contributor to Victoria's regional economies in particular. Figures for the 2011–12 year show that tourism is worth \$10.9 billion to regional Victoria and employs almost 110 000 people. So it can be seen that regional Victoria certainly receives the lion's share of the benefit that film is able to contribute to the economy from a tourism perspective.

Film gives a unique opportunity to build and grow the tourism sector. For this reason there is a need to facilitate easy access to sites to be used as film locations, and this bill sets out to do this. Currently on average approximately 1500 to 3000 filming permits are currently issued to feature and television productions each year in Victoria. The ease and speed of obtaining filming approvals are key considerations in finalising where a film will be located. Many community members regularly relate to me the complexities and frustrations they have in their dealings with local government — its failing to return calls, failing to reply to letters and emails, and even failing to act after decisions arising from mediation processes and from government or statutory authorities.

It is these types of frustrations — red tape, complexity and, frankly, poor customer service — which are sending businesses and investors away in droves. I hear about these issues on almost a daily basis. At listening posts, in emails and during visits to my office, local residents raise concerns about local government in relation to lack of performance, accountability and transparency and a lack of interest in listening to the views of residents or in proper consultation, describing that in many instances those raising concerns are being labelled troublemakers or agitators. Ratepayers have in

many instances no option but to keep trying with seeking service and responses from their local government, but businesses will just give up, go away and seek to invest elsewhere, and there are indeed other places where business investment is welcomed and fostered. If we are to be successful in attracting business in general, and film production more specifically, then we need to act to make this as seamless as possible.

The bill prescribes a set of film-friendly principles which must be complied with by local government and state agencies. The eight film-friendly principles generally relate to processing film permit applications in a positive and consistent manner and are intended to provide the screen industry with streamlined access to public land managers and information on the application process. This bill enables the streamlining of the current council-to-council approach. Through the various discussions and consultations which have occurred, it is anticipated that this legislation will be well supported by both the public and those in the film industry.

This bill will make it easier for production companies to do business in Victoria by creating streamlined approval processes for commercial filming on public land. The benefits of this in terms of growth in both the film industry and tourism are significant, with their corresponding impacts on employment growth, especially in regional areas. For these reasons I commend this bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — What a pleasure it is to rise this afternoon to speak on the Filming Approval Bill 2014. I cannot claim to be a film buff, unfortunately. In fact I can tell the house that the last film I went to see at a cinema was with my children; it was called *Toy Story*. I have to confess I did not make it all the way through. The kids watched it all the way through, but I nodded off halfway through.

This bill demonstrates the government's commitment to giving the local film business a healthy environment in which to work and attracting major investment in this state from overseas filmmakers. This bill will continue to help inject funds into Victoria's economy, holding us in very good stead, because we know — and the filmmakers and production companies know — that Victoria is a great place to do business. It is a great place to create wonderful art, like some of our films. I mention some of them this afternoon, particularly those that were filmed or for which some production activity took place in my electorate of Northern Metropolitan Region. I will mention films like *Predestination*, which was filmed in metropolitan Melbourne and in

Abbotsford as well. I know others have spoken about *INXS — Never Tear Us Apart*; Ms Crozier talked about it in her contribution today. Some of that was filmed here in the city of Melbourne, in my electorate.

Fat Tony & Co, which is a telemovie about some of the less desirable elements of Melbourne society, was filmed in places such as Coburg, Carlton and Brunswick. *House Husbands* was filmed in Thornbury, and *Winners & Losers*, the Channel 7 production, was filmed predominantly in the city of Melbourne. Of course *The Block*, the award-winning TV show, was filmed in Richmond. *Offspring* — and I know others have mentioned Asher Keddie in their contributions today — is filmed in Fitzroy, in the city of Yarra, which I know Mr Barber is a big fan of. It is also filmed at the old PANCH hospital — a great hospital and the hospital I was born in — and across parts of Preston, in the city of Darebin.

Miss Fisher's Murder Mysteries were filmed in Carlton and Parkville, in my electorate, and the *Jack Irish* telefilms were filmed in both the city of Melbourne and the city of Yarra. *Healing* was filmed in metro Melbourne, and of course we as the Victorian government were delighted to welcome *Masterchef 2014* to the Royal Melbourne Showgrounds. It has been a great TV series and a great boost for the Victorian economy. Other shows that were filmed here in Melbourne include *Tangle*, which was filmed in Abbotsford and in Richmond, in my electorate. Of course *John Doe* was filmed right here in Parliament House. *Possum Wars* was filmed in Carlton, and *I, Frankenstein*, which others have spoken about, was filmed in Parkville and in the city of Melbourne.

City Homicide was a very popular TV show, and it was filmed around the Docklands precinct, which is a great magnet for film and production companies. It was also filmed here in the Melbourne CBD and under the clocks at Flinders Street Station. Something called *Don't Be Afraid of the Dark* was filmed in the Melbourne metropolitan area, as was *Killer Elite*, which was filmed at Flagstaff Station, amongst other places. *Save Your Legs!*, which is a great movie about cricket, was filmed here in Melbourne, and other films like *Joffa — The Movie* — and we know what that is about — was filmed in Carlton, Collingwood and other parts of Melbourne. *The Cup*, which is a great movie — and I know Mr Leane is a big fan of Stephen Curry's work in *The Cup* — was filmed out at Flemington Racecourse. Something I have to confess I have not seen is called *Wog Boys 2 — The Kings of Mykonos*. Unsurprisingly this was filmed in the city of Melbourne.

Ms Mikakos interjected.

Mr ONDARCHIE — I'm not sure I picked up Ms Mikakos's interjection, but I'm sure she was celebrating the success of that movie as well.

Mr Elsbury — She said, 'Mykonos, not Mikakos'.

Mr ONDARCHIE — Right, *The Kings of Mykonos*. Thank you. Something called *Big Mamma's Boy* was filmed in metro Melbourne, *In Her Skin* was filmed in metro Melbourne and — this is not a statement, this is just the title of the movie — *My Year Without Sex* was filmed in Melbourne as well. Something called *Prey* was filmed in the manufacturing heartland of Melbourne, in Campbellfield. Various other film projects that have been attracted to Melbourne as a wonderful location, including *The Tender Hook* and *The Elephant Princess*, which was filmed out at the arts precinct of Montsalvat in Eltham and also in the city.

The *Underbelly* series was filmed right across metropolitan Melbourne, including along Arden Street in North Melbourne. It was a great boost for the local economy there. A lot of the traders did business because the film production crew was in town; they sold lots of coffees and made lots of sandwiches. For minimal disruption, the traders got a lot of business as a result. What is interesting is that people have said, 'I know that restaurant', or, 'I know that coffee shop', because they saw it on *Underbelly*, thereby creating more opportunities for our small business market.

The Pacific was filmed outside Flinders Street station, between Elizabeth Street and Swanston Street. *Charlotte's Web* was filmed in Attwood and Heidelberg. Something called *Irresistible* was filmed in Docklands. We know about the film *Kenny*. I choose not to go into detail about what that was about, but it was filmed in inner city Melbourne, Flemington and Maidstone. *When Evil Reigns* was filmed in Collingwood and Melbourne, and *Australian Icon Towns* was filmed in metropolitan Melbourne and in some of our regional cities as well.

A movie that the kids love is *Hating Alison Ashley*, and I know Mrs Millar is a big fan of that film as well. It was filmed in places like Richmond, Melbourne, Kinglake and Whittlesea. *Macbeth* was filmed in metropolitan Melbourne, and a great Indian film *Salaam Namaste* was filmed in metropolitan Melbourne and in other places around Victoria. The film *Three Dollars* was filmed in Melbourne.

The next is the name of another film; it is not any reference to Mr Leane or members of the Labor Party.

It is called *You and Your Stupid Mate* and was filmed in the city of Melbourne. *Stingers* was filmed in Carlton North, Richmond and the city of Melbourne; *One Perfect Day* was filmed in Melbourne, Geelong, Southbank, Richmond and St Kilda. Members might recall the Paul Hogan film *Strange Bedfellows*, which was filmed in regional Victoria — in Yackandandah and Wodonga. I am surprised how many of these films I know as I go through the list. *Crackerjack* is a great movie that was filmed in Richmond and Melbourne, and also in a place that Ms Crozier is a big fan of, being Windsor. *Double Vision* was filmed in Coburg, and the TV series *Halifax fp* was filmed in metropolitan Melbourne.

The series *Chopper*, which I confess I refuse to watch, was filmed in Coburg. I do not know why we would celebrate that film. *The Dish* was filmed in places like North Fitzroy, Box Hill and Melbourne. *On the Beach* — I am not sure if that is the original movie — was filmed in Melbourne. *The Adventures of Lano and Woodley* is a TV show that was centred predominantly around the parts of Melbourne that Ms Crozier, Mr Davis and Mrs Coote have been great advocates for — that is, Elsternwick and St Kilda. *The Games* was also filmed on that side of town. The great Australian movie *The Castle* — I just love the serenity of that movie — was filmed in Brunswick, Essendon and in other parts of Melbourne.

Mr Elsbury interjected.

Mr ONDARCHIE — As Mr Elsbury interjects, it is the vibe of the movie that really makes it. Other great movies, including *Love and Other Catastrophes*, were filmed in places like Fitzroy and Parkville. Not surprisingly *Death in Brunswick* was filmed in Brunswick as well as in Coburg and other parts of Melbourne. *Squizzy Taylor* was filmed in Carlton and Studley Park. *The Pirate Movie* was filmed in Melbourne but also down in Port Campbell and in Mr Elsbury's electorate in Werribee, which is where I think he has his office. We all remember *The Club* with Jack Thompson, Frank Wilson and even Rene Kink. It is a film about the Collingwood Football Club in a sense, and not surprisingly it was filmed at the Collingwood football ground and clubrooms. *Long Weekend* was filmed in Melbourne and also down at Phillip Island; and *The Story of the Kelly Gang* was filmed in the north-eastern suburbs — in Eltham, Greensborough, Heidelberg and Rosanna. The *Soldiers of the Cross*, that great depiction, was filmed predominantly in Richmond.

Each year thousands of filming permits are issued by public bodies in Victoria for locations as diverse as

suburban streets, beaches, cemeteries, museums and cultural institutions, national parks, zoos, gardens, courthouses, courts and sporting facilities. It is a great boost to the local economy. A filming permit is an approval to undertake commercial filming on public land in accordance with local laws or other regulatory frameworks, and it is issued with terms and conditions that define the application of the permit. The permit is likely to include traffic, pedestrian and parking management plans; site plans with details about equipment or other infrastructure to be brought and utilised at the location; a concise schedule for the details of the crew numbers and planned activities; a stakeholder communication plan; evidence of public liability insurance; and in many cases, permit fees that will need to be paid prior to a permit being issued.

This is a very important bill. It supports local business, it supports the local economy, it supports local councils and their environments, and of course it supports the great state of Victoria. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so, I thank members for their contributions on this important bill.

Motion agreed to.

Read third time.

CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2014

Second reading

Debate resumed from 27 March; motion of Hon. M. J. GUY (Minister for Planning).

Ms MIKAKOS (Northern Metropolitan) — I rise today to speak on the Consumer Affairs Legislation Amendment Bill 2014, and I note from the outset that Labor does not oppose the bill. However, we have concerns with regard to the cooling-off regulations proposed for the Motor Car Traders Act 1986. We do not believe this part of the legislation should be changed.

This is an omnibus bill that amends nine different acts within the consumer affairs portfolio. According to the second-reading speech it makes consequential changes to several more and claims to clarify and improve their operation to remove redundant provisions and to correct minor technical errors.

The bill amends the Associations Incorporation Reform Act 2012 to require secretaries to inform the registrar of changes to contact details. It prohibits an incorporated association from initiating disciplinary action against the member who has begun a grievance process and changes the rules relating to the auditing of financial statements. We note that concerns have been raised by some incorporated associations and by lawyers in the past about previous changes to the Associations Incorporation Reform Act.

I also note that PilchConnect has previously pointed out the complicated nature of the provisions of the act and questioned the ability of small incorporated associations to conform with these provisions. These incorporated associations now have even further reforms to get their heads around and even more red tape to deal with. Russell Kennedy lawyers has stated that it believes the grievance procedures restricting an association's liability to discipline members could be open to abuse, a view that is shared by some incorporated associations, particularly those that employ staff who are also members of the association.

The bill also amends the Australian Consumer Law and Fair Trading Act 2012 to make changes to the rules concerning debt collection by bodies corporate. It also removes redundant provisions in the Domestic Building Contracts Act 1995.

The bill makes changes to the Estate Agents Act 1980. The government claims it is streamlining the process for filling casual vacancies on the Estate Agents Council and requires agents to act 'honestly and reasonably' rather than 'fairly and honestly' when buying a property they have been engaged to sell.

The bill amends the Fire Services Levy Monitor Act 2012 to bring enforcement powers in line with the Australian Consumer Law and Fair Trading Act 2012. It also repeals redundant provisions in the Funerals Act 2006. It removes redundant requirements in the Retirement Villages Act 1986 as well as the prohibition in the Sex Work Act 1994 of service providers advertising for support staff.

The government says it sought the views of a number of stakeholders, including the RACV, the Victorian Automobile Chamber of Commerce, the Real Estate

Institute of Victoria and the Law Institute of Victoria; however, it has not made their submissions public. We will wait to see how these amendments will operate in practice. Essentially these are relatively minor amendments that have been proposed to the various acts I have so far referred to, and we do not have major concerns about them. I do note, however, the comments I made earlier about the cumulative effect of the various amendments to the Associations Incorporation Reform Act 2012 that have not been addressed to date.

I want to now turn to the part of the bill about which we have some serious concerns. It pertains to the proposed changes to the Motor Car Traders Act 1986. This part of the bill does a number of things, but principally it aims to remove the right to a three-day cooling-off period if a purchaser accepts delivery of a vehicle within the cooling-off period. We have major concerns with this part of the bill, which would see the removal of the requirement for a consumer to sign a prescribed form to waive their cooling-off rights under the Motor Car Traders Act.

At present if someone buys a used car from a licensed motor car trader, they have three clear business days, excluding weekends and public holidays, after they sign a contract to change their mind. This is the cooling-off period. Licensed motor car traders must also give purchasers a copy of form 4, which relates to cooling-off rights, and a waiver, which explains their cooling-off rights.

Purchasers who wish to accept delivery of a vehicle within the three-day cooling-off period are required by traders to formally waive their cooling-off rights by signing the prescribed form. I note that Consumer Affairs Victoria has said that submissions from stakeholders were generally supportive of the bill. However, I note that the Consumer Action Law Centre has raised serious concerns about clause 39, which relates to the cooling-off period. If this bill is passed unchanged, the removal of these rights will be automatic when buying a vehicle whose delivery date falls within that cooling-off period.

The bill will also abolish the requirement for traders to provide purchasers with a form 4, which contains information about the customer's cooling-off rights. Instead regulations will be made that will require information about a purchaser's cooling-off rights to be included in the contract of sale for a motor vehicle. Putting this information in small print will make it more difficult for many consumers to be aware of their rights at the time of purchase.

These changes clearly favour the rights of the trader over the rights of the consumer. The sale of a vehicle is sometimes conducted in the heat of the moment, and the cooling-off period was introduced to allow a customer to reflect on their decision and consult with family and friends about the wisdom of the purchase and their capacity to pay for the vehicle. Any measure that reduces the right to a cooling-off period is clearly detrimental to the interests of consumers.

The bill also abolishes the requirement for traders to provide purchasers with a separate form containing information about their cooling-off rights, abolishes the requirement that motor car traders retain copies of documents provided to Consumer Affairs Victoria, reduces the time traders are required to retain documents from seven years to six years, removes the right of a purchaser to know the name and address of the former owner of a vehicle and clarifies that only staff involved in the actual buying, selling or exchanging of vehicles are required to have a current police check.

I propose that this bill be taken into a committee stage for a very brief period so that when members vote on the various clauses the Labor opposition can indicate its opposition to clause 39. Labor has serious concerns about the proposed change contained in clause 39. Clause 39 states:

For section 43(1B), (1C), (2) and (2A) of the Motor Car Traders Act 1986 substitute —

“(2) Subsection (1) ceases to apply on acceptance by a purchaser of delivery of the motor car within the period during which the purchaser may terminate the agreement.”.

We propose opposing this particular change as it relates to the cooling-off period.

When it comes to consumer affairs this coalition government is no stranger to introducing changes that are detrimental to consumers. In response to questions asked in a letter dated 20 June 2013 from David Morris, the member for Mornington in the Assembly and chair of the Public Accounts and Estimates Committee, the Minister for Consumer Affairs stated that the staffing for Consumer Affairs Victoria has fallen from 513.3 full-time equivalent staff as of June 2011 to 433.2 full-time equivalent staff as of June 2013 — a reduction of almost 16 per cent. She indicated that during the same period the published budget output cost for promoting and protecting consumer interests fell from \$114.2 million in 2011–12 to \$78.1 million in 2012–13 — a fall of \$36.1 million or almost 32 per cent. Though some of this reduction in funding was due to the transfer of the liquor function to gaming,

nevertheless there has been a substantial reduction in funding of resources available to protect consumer interests.

The minister also indicated in her reply that Consumer Affairs Victoria had not issued to operators of residential parks a template for written site agreements, despite the fact that the Residential Tenancies Act 1997 enables such regulations to be made. She stated:

At this stage, there has been insufficient evidence of a need to prescribe such a site agreement.

Clearly if the minister and her staff take this view, they have not been talking to the residents of these parks.

In conclusion, whilst the Labor opposition is not opposing the bill in its entirety, we do oppose the changes it makes to the Motor Car Traders Act that relate to the cooling-off period. We have very serious concerns about this proposed change. We think it is important that Victorian consumers are adequately protected in the purchase of a vehicle. For some families the purchase of a vehicle requires a significant financial outlay; it can be a significant purchase. The last thing we want is to make it more difficult for those families who purchase a lemon or a car that has significant problems — that is a financial drain on that family — so we think it is important that we retain the adequate consumer protections that currently exist in the Motor Car Traders Act, which currently gives consumers access to a cooling-off period. We would be concerned at any winding back of that level of consumer protection.

We propose that this bill be briefly taken to the committee stage in order to give members an opportunity to reflect on the adequacy of the current drafting of clause 39 and urge the government to reflect on the concerns that have been expressed by advocacy bodies on behalf of consumers, in particular those expressed by the Consumer Action Law Centre, a very capable body that advocates on behalf of the interests of consumers. The centre has expressed serious concerns about clause 39, ones we share.

I digress for a moment to talk about some other concerns we have with this bill. We also have concerns about the Associations Incorporation Reform Act 2012, to which I referred earlier. These concerns relate to the fact that the reforms build on previous amendments to the Associations Incorporation Reform Act that have made the work of incorporated associations — and we should always stress that these are voluntary organisations — and that of their secretaries and committees of management a lot more difficult. I am concerned that the further amendments contained in this

bill as they relate to incorporated associations are going to make their jobs even more difficult.

We have discussed these concerns in considerable detail on previous occasions, so I do not propose to go over that detail again today. However, I note the concerns that have been raised related to the issue of public officers and secretaries of incorporated associations and the duplication of roles and responsibilities. I do not believe those issues have been adequately addressed. As members of Parliament we frequently get requests for assistance from voluntary organisations in our community, many of which are legally incorporated as associations, and we know that these groups and individuals work extremely hard on behalf of the community to perform numerous tasks and different types of community service. We must ensure that those individuals have the legal protections afforded to them by means of being incorporated, but also that we do not make their lives difficult by giving them a different level of paperwork in terms of compliance with the requirements of the legislation.

With those words I stress again that consumer legislation is extremely important. We are all consumers. As Victorians we all require different goods and services from different corporations and businesses. It is important that consumers are afforded adequate protection and rights. We are concerned that this bill is going to take motor car consumer backwards, and so we urge the government to amend clause 39.

Debate adjourned on motion of Mr ELSBURY (Western Metropolitan).

Debate adjourned until Thursday, 15 May.

CRIMES AMENDMENT (PROTECTION OF CHILDREN) BILL 2014

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Minister for Gaming and Liquor Regulation) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Crimes Amendment (Protection of Children) Bill 2014.

In my opinion, the Crimes Amendment (Protection of Children) Bill 2014, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill creates two new criminal offences to give effect to recommendations made by the Parliament's Family and Community Development Committee (the committee) in *Betrayal of Trust*, its report on its inquiry into the handling of child abuse by religious and other non-government organisations, completed in November 2013.

The bill creates an offence of failure by a person in authority to protect a child from a sexual offence. This will apply where a person occupies a position in an organisation with the authority or responsibility to reduce or remove a substantial risk that a child will be sexually abused by someone associated with the organisation and the person negligently fails to take reasonable steps to reduce or remove that risk.

The bill also creates an offence of failure to disclose a sexual offence against a child. A person will commit this offence if he or she is an adult who has information that leads him or her to form a reasonable belief that a sexual offence has been committed in Victoria against a child under 16 by a person of or over 18 years. That person must not fail to disclose that information to Victoria Police as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so.

Human rights issues

The following charter act rights are relevant to the bill:

the right to protection of families and children, as set out in section 17 of the charter act;

the right not to have one's privacy unlawfully or arbitrarily interfered with, as set out in section 13 of the charter act;

the right to the equal protection of the law without discrimination, as set out in section 8 of the charter act; and

the right to be presumed innocent, as set out in section 25(1) of the charter act.

Protection of families and children

Subsection (1) of section 17 of the charter act provides that '[f]amilies are the fundamental group unit of society and are entitled to be protected by society and the state'.

Subsection (2) provides that '[e]very child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child'.

The bill's central purpose is to protect children from the harms caused by sexual offending against them, thereby promoting the right set out in section 17(2) of the charter act. The bill seeks to protect children from such harms by creating two criminal offences that target conduct that either increases the risk of sexual offending occurring or helps to cover up such offending once it has occurred.

Where a child's right to protection has been breached by sexual offending against him or her, that breach is compounded if an adult who has credible information about the offence takes no action to disclose their knowledge to police. The child's right to protection can be vindicated to some degree by informing known breaches of the child's rights to police so that the offender can be prosecuted.

Reporting also may help to prevent an offender from committing similar offences in the future.

The failure to protect offence aims to prevent harm to children by making it an offence for a person to negligently fail to reduce or remove a known risk of child sexual abuse.

At the same time, the failure to disclose offence also potentially restricts the rights in section 17 in other respects. First, the offence makes it an offence for a parent not to disclose to police information about the sexual abuse of his or her own child. In some cases, this may potentially undermine the family unit by putting pressure on familial loyalties or creating conflict between family members, and so might restrict the right under section 17(1). Secondly, some parents or children may consider that requiring a parent to disclose information about the sexual abuse of their child to police, despite the wish of, for example, his or her 15 or 16-year-old child that the matter not be disclosed, may in certain circumstances not be in the 'best interests' of the child (section 17(2)) or may serve in some cases to undermine the family unit (section 17(1)) by overriding the child's wish for confidentiality and potentially alienating the child from the family. Thirdly, the failure to disclose offence differentiates between children under 16 years and 16 and 17-year-old children by targeting sexual offending against children under 16 years but not sexual offending against 16 and 17-year-old children.

In my opinion, any limits on the rights set out in section 17 of the charter act are reasonable and justified, taking into account the limited extent to which the rights would be limited in such cases, the value to police of the information being sought, and the importance of bringing sexual abusers of children to justice and of protecting children from the very grave harms associated with sexual abuse. Further, the committee found that children often lacked the intellectual framework to understand the abuse they have suffered. In addition, distinguishing between the different ages of children (i.e. persons under 18) is justified because it reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences. The law considers that at 16 years a person has sufficient maturity to make decisions about their sexual conduct. This also includes sufficient maturity to make decisions about the reporting of sexual offending against oneself or about dealing with attempts by others to foster a (lawful) sexual relationship.

Finally, the bill contains an exception to the requirement to disclose information relating to a sexual offence committed against a child where the person has a reasonable fear for the safety of any person and not disclosing the information is a reasonable response in the circumstances.

The right not to have one's privacy unlawfully or arbitrarily interfered with

In my opinion, the bill does not limit the right not to have one's privacy unlawfully or arbitrarily interfered with. Though the failure to disclose offence imposes an obligation to disclose information that is very personal to the victim of the sexual offending, the bill provides a clear statutory framework for the disclosure of that information to police. The requirement also serves a clear purpose, namely bringing sexual abusers of children to justice, and therefore is not arbitrary. The bill also contains an additional safeguard, prohibiting the disclosure of the name of the person who made the disclosure and any information that may lead to the

identification of the person who made the disclosure, to any person other than a narrow class of specified persons.

The offence also recognises the right to privacy by providing that a person who is over the age of consent (16 years) has the right to require that information about their having been a victim of child sexual abuse at an earlier time be kept confidential. Children below the age of consent lack the maturity to make such an important decision, which has long-term ramifications, for themselves. Therefore, it is appropriate that an adult who has information about sexual abuse committed against a child be required to report this to the police, even if the child wishes that this not occur.

The right to the equal protection of the law without discrimination

The right to equal protection of the law without discrimination is relevant to the failure to disclose offence in two ways.

First, the bill provides that a person must disclose sexual offending against a victim of a sexual offence who has an intellectual disability and does not have the capacity to make an informed decision about whether or not the information should be disclosed, even if that victim requests the information not to be disclosed.

In my opinion, to the extent that the bill limits the right to equal protection of the law without discrimination, the limitation is demonstrably justified, on the basis that a victim with an intellectual disability may not have the capacity to make decisions about what offending against them should be disclosed to police.

Secondly, the bill differentiates between children under 16 years and 16 and 17-year-old children by targeting sexual offending against children under 16 years but not sexual offending against 16 and 17-year-old children. As noted above, this differential treatment is reasonable because the law considers that at 16 years a person has sufficient maturity to make decisions about their sexual conduct.

The right to be presumed innocent

The failure to disclose offence provides an exception for cases where the accused has a reasonable excuse for not disclosing the relevant information to the police. The right to the presumption of innocence is relevant because the provision places an evidential onus on an accused to raise evidence of the excuse. However, this does not transfer the burden of proof, because once the accused has adduced or pointed to some evidence in support of the reasonable excuse, the burden is on the prosecution to prove beyond reasonable doubt that the excuse is not satisfied. Further, the prosecution still must prove beyond reasonable doubt all the elements of the offence. Consequently, these provisions do not limit the right to the presumption of innocence.

Edward O'Donohue, MP
Minister for Liquor and Gaming Regulation
Minister for Corrections
Minister for Crime Prevention

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

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

That the bill be now read a second time.

Incorporated speech as follows:

The Family and Community Development Committee tabled its report *Betrayal of Trust* on 13 November 2013. The committee recommended that the government consider three key reforms to the criminal law. The first of these reforms was introduced to Parliament late last year in the Crimes Amendment (Grooming) Bill 2013.

This bill introduces two further offences in response to the remainder of these reform recommendations. These new offences of failure by a person in authority to protect a child from a sexual offence and failure to disclose a sexual offence against a child will ensure that adults in those circumstances are not only morally, but legally, obliged to act to protect the child.

The scale and breadth of sexual abuse of children within non-government organisations identified by the committee was horrific. The committee described the terrible impact of these crimes as follows:

The committee heard graphic accounts that detailed horrendous and traumatic experiences of victims abused as children in the care of non-government organisations that spanned a period of decades through to more recent times.

Victims provided confronting accounts of their feelings of fear and helplessness when subjected to physical, emotional and sexual abuse by personnel in organisations.

In circumstances of sexual abuse, many explained that as children they lacked the intellectual framework to understand their abuse. They spoke of subsequent feelings of guilt and embarrassment, and a belief that they needed to conceal what they felt was a deeply shameful secret.

As the committee found, the effects of child sexual abuse can be greater where the perpetrator is seen as a person of high moral standing, such as a minister of religion.

In the evidence to the committee and in its report, two major causes of these problems were identified that the criminal law can assist in addressing. First, there can be a culture of non-disclosure in which the interests of the perpetrator or the organisation are placed ahead of the child. Second, known risks of a person within an organisation sexually abusing a child can be ignored, merely shifted or otherwise inadequately dealt with by persons in authority within an organisation.

These two new offences will play an important role in redefining the legal framework for responding to risks of

child sexual abuse. They will help ensure that persons and organisations responsible for children shift to a new paradigm in which the moral imperative to act to protect children is backed up by the law.

Failure to protect a child from a sexual offence

The bill creates an offence of failing to protect a child under 16 from a sexual offence. The committee considered applying the offence to a wide range of harm that may be caused to a child. However, the Crimes Act 1958 already contains prohibitions such as of conduct endangering life, placing a person in danger of serious injury, or negligently causing serious injury. The new offence is therefore targeted at the particular risks identified by the committee of sexual offending by persons within organisations, risks that are not adequately dealt with by the current law.

One of the key aims of this offence is to promote cultural change in how organisations deal with the risk of sexual abuse of children under their care, supervision or authority.

The offence applies to negligently failing to reduce or remove a substantial risk that a person will commit a sexual offence against a child. The offence applies to a person in a position of authority within an organisation that has children under its care, supervision or authority where there is a substantial risk of a sexual offence being committed by a particular person associated with the organisation.

The kinds of organisations the offence will cover include, for example, churches, out-of-home care services and government agencies. The offence concerns persons who hold positions of power or responsibility within such organisations, and applies to risks to children who are, or may come, under that organisation's care, supervision or authority from other people associated with the organisation. The offence does not require that a specific child be identifiable as being at risk.

The offence targets a person who, by reason of the position he or she occupies in an organisation, has the power or responsibility to reduce or remove a substantial risk that a child under 16 years will become the victim of a sexual offence committed by an adult person associated with that organisation, where the person knew of that risk and negligently failed to reduce or remove the risk.

This new offence will apply, for example, if a person in authority within an organisation simply moves a person who poses a risk to children to another place within the organisation involving care, supervision or authority over children. It will also apply where someone in authority, at the new location, becomes aware of such a person's history. As soon as the person in authority becomes aware of the person's history and the risk the person poses to children, the person in authority will be under a duty to act to take steps to remove or reduce that risk.

The maximum penalty applicable to the offence is five years imprisonment.

Failure to disclose a sexual offence against a child under 16

The bill also creates an offence of failing to disclose a sexual offence against a child under 16. This offence applies to an adult who has information that leads him or her to form a reasonable belief that a sexual offence has been committed in Victoria against a child under 16 by an adult. That person

must not fail to disclose that information to Victoria Police as soon as it is practicable to do so, unless they have a reasonable excuse for not doing so.

The committee's recommendation to introduce this offence addresses the concern that there is currently no community-wide duty to report information about a sexual offence against a child to police. This bill establishes a clear legal duty to report such matters to police.

This offence is distinct from the mandatory reporting framework that currently applies under the Children, Youth and Families Act 2005. That regime requires teachers, doctors and other professionals to report concerns about child welfare to child protection authorities. In contrast, this offence can apply to any person. The person concerned is required to disclose the information that leads him or her to form a reasonable belief that a sexual offence has been committed. If such information is not disclosed to Victoria Police, that conduct will constitute the offence. A maximum penalty of three years imprisonment will apply to this offence.

A person who discloses information as required by this offence will receive certain protections under the law, similar to the protections afforded to those who make reports under the Children, Youth and Families Act 2005. This will mean, for example, that it will be an offence to disclose the name of that person, or to disclose any information that is likely to lead to the identification of that person, except in limited, specified circumstances.

The bill recognises that a person may have a reasonable excuse for not disclosing the information they have. For example, a person may reasonably fear for their safety, or the safety of the child or another person, if the offender were to find out that the offence had been disclosed to police. The bill provides that in such cases, the person will not be guilty of the offence provided their failure to disclose was a reasonable response in the circumstances.

The bill also respects the position of a victim who does not want details of the offending disclosed and who is sufficiently mature to make that judgement. Setting the age at which a victim is to be treated as having that maturity is a matter of judgement. The bill sets that age at 16, being the age at which the law already recognises a capacity for certain judgements in relation to sexual matters. The obligation to disclose therefore does not apply where the information comes from a person aged 16 or over who requests that the offence not be reported to police.

However, the law will recognise that a child under 16 is not able to make such a decision. The committee found that children felt shame and embarrassment from what had been done to them and lacked the knowledge and experience to understand how this sexual abuse would affect them. Further, child sexual offending occurs in a context of secrecy in which the child is often told by the perpetrator to keep the offending secret. The committee's report identified the importance of reporting child abuse to the police, even if the victim does not wish to pursue the matter through the justice system. This is because disclosing the information to police might corroborate the account of another victim or encourage other victims to come forward.

In line with the committee's report, the new offence will not apply in relation to information obtained through a rite of confession or similar practice, provided that there is no criminal purpose involved in the confession. It will also not apply in cases of legal professional privilege. In both of these

instances, the law has for many years provided that a person cannot be compelled to give evidence of such matters in court. The new offence will also not require a medical practitioner or counsellor to disclose information to police obtained from a child when providing treatment and assistance to that child in relation to sexual abuse.

Conclusion

The government is introducing these two offences to ensure that strong criminal laws and sanctions will in future apply to failures of responsibility in relation to child sexual abuse such as the committee identified in its inquiry.

We cannot change the past but we can change the way in which we deal with child sexual abuse from now on. All organisations having responsibility for children must take effective action against those within their organisation who pose a risk of child sexual abuse. In such cases, the law will make clear that it is not acceptable to put the interests of an adult or an organisation ahead of the interests of a child. The interests of the child must come first.

The committee's inquiry exposed to the Victorian community the past practices and culture of organisations and individuals that have caused so much harm to so many children and their families. Such practices and culture must not be allowed to continue.

I commend the bill to the house.

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

Debate adjourned until Thursday, 15 May.

JUSTICE LEGISLATION AMENDMENT BILL 2014

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. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Justice Legislation Amendment Bill 2014.

In my opinion, the Justice Legislation Amendment Bill 2014, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The amendments relating to the Country Fire Authority (CFA) Board are the only amendments that raise charter act issues.

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

The amendments to the Country Fire Authority Act 1958 that transform the CFA board may engage the right to take part in public life under section 18 of the charter act. In particular, section 18(2)(b) of the charter act provides that every eligible person has the right, and is to have the opportunity, without discrimination, to have access, on general terms of equality, to the Victorian public service and public office.

Since the CFA is a public entity, changes to the criteria for membership of the CFA board may perceptibly affect an individual's access to public office. Currently, the CFA board is representative in nature. However, the amendments will introduce criteria for membership to the CFA board based on relevant skills and expertise.

Are the relevant charter act rights actually limited by the bill?

Although the criteria for appointments to the CFA board will now include an assessment of applicants' skills, this assessment will apply equally and without discrimination. As such, the amendments are unlikely to limit the right to access to public office.

Is any limit on relevant rights by the bill reasonable and justified under section 7(2)?

To the extent that the right to equal access to public office is limited by the amendments to the criteria for CFA board membership, this is considered reasonable and justified given the broader public benefits derived from ensuring CFA board members have appropriate skills and expertise.

The Hon. Matthew Guy
Minister for Planning

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

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

That the bill be now read a second time:

Incorporated speech as follows:

The coalition government is committed to reforming the state's emergency management arrangements to improve Victoria's ability to mitigate, respond to and recover from emergencies.

Late last year, the government introduced new principal legislation by way of the Emergency Management Act 2013. That principal legislation represents one of the most significant steps to reforming Victoria's emergency

management arrangements since the original Emergency Management Act 1986.

This bill will make important changes to emergency service portfolio legislation to improve the operation of that legislation, enhance the efforts of Victoria's emergency service organisations and make communities safer during bushfire events.

The bill will remove impediments to the participation of forestry industry brigades in fire prevention and suppression activities. Bushfire does not respect property boundaries and the bill will ensure that forestry industry brigades, which are established to protect commercial forestry plantations, are able to assist CFA brigades with planned burns and firefighting outside of the respective forestry plantation areas. Making legislative provision for the participation of forestry industry brigades in planned burns represents a step forward in reducing the risks presented by bushfire.

The Country Fire Authority provides a critical service to communities across Victoria. Indeed, the CFA can be said to be at the heart of many communities and promotes the critical volunteer ethos of getting involved for the greater good. To ensure the CFA continues to provide emergency services that meet the needs of the communities it serves, the CFA board requires the skills to provide strategic direction to a large and important organisation for meeting future challenges. The bill will transform the existing CFA board appointment process by requiring that board members have one or more of a series of critical skills, knowledge or experience, while continuing to recognise that the CFA is essentially a volunteer-based emergency service. It is important that the CFA board has strong volunteer expertise, knowledge and an understanding of CFA volunteerism. To guarantee such familiarity, knowledge and understanding of CFA volunteerism four members of the CFA board will be nominees of Volunteer Fire Brigades Victoria.

This bill will also provide for the prescribing of community fire refuges in regulation. The government initiated the community fire refuges pilot program in response to the recommendations of the Victorian bushfire royal commission. Three pilot refuges are currently operational in the communities of Blackwood, Ferry Creek and East Warburton, to test and refine current policy, guidelines and directions. As a place of last resort, community fire refuges are designed to provide short-term shelter from the immediate life-threatening effects of a bushfire event. Prescribing the location of refuges in regulation better reflects where responsibility currently lies for determining that refuges are fit for purpose as a last resort bushfire shelter option.

The Emergency Services Telecommunications Authority (ESTA) plays an integral role in emergency management, including emergency call taking and dispatch. The bill makes it clear that ESTA has the power to manage contracts associated with emergency communications services, including managing contracts for the issuing of emergency alerts.

I commend the bill to the house.

Debate adjourned for Mr TEE (Eastern Metropolitan) on motion of Mr Leane.**Debate adjourned until Thursday, 15 May.**

**VICTORIA POLICE AMENDMENT
(CONSEQUENTIAL AND OTHER
MATTERS) BILL 2014**

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

For Hon. M. J. GUY (Minister for Planning), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Victoria Police Amendment (Consequential and Other Matters) Bill 2014.

In my opinion, the Victoria Police Amendment (Consequential and Other Matters) Bill 2014, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The primary purpose of the bill is to give effect to the change in language introduced by the Victoria Police Act 2013 (VP act) in relation to Victoria Police and police officers.

This bill makes consequential amendments across the Victorian statute book required as a result of changes in terminology introduced by the VP act. The bill also updates references to provisions of the Police Regulation Act 1958 that will be repealed upon the commencement of the VP act. These consequential amendments are technical in nature, do not involve any substantive change in policy and are not relevant to any rights under the charter act.

The bill also amends the VP act to provide that the Police Services and Registration Board (PRS board) is required to publish a statement of reasons, subject to appropriate safeguards, for certain decisions relating to reviews and registration. Consistent with the presumptions already contained in the VP act regarding public hearings by the PRS board, the bill applies a presumption in favour of publishing statements of reasons for review decisions and a presumption against publishing statements of reasons for refusing an application for registration or an application for renewal of registration.

Human rights issues

Charter act section 24 — the right to a fair hearing

The presumptions in favour of disclosure of information by publication of statements of reasons introduced by the bill promote the principles of open justice and the free communication of information and are consistent with the

right to a fair and public hearing set out in section 24(1) of the charter act. The provisions confirming the obligation to publish statements of reasons for decisions at clauses 5 and 6 of the bill promotes the requirement in section 24(3) of the charter act that all judgements or decisions made by a tribunal in a civil proceeding must be made public unless otherwise permitted by law.

The VP act provides that the PRS board may hold a hearing for the purposes of a review or a determination about the cancellation of a person's registration.

The following presumptions apply:

hearings on an appeal or a review or for the cancellation of registration are to be public unless otherwise ordered; and

hearings conducted for the purpose of deciding whether to refuse an application for registration or renewal of registration must be held in private unless otherwise ordered.

The PRS board may hold a hearing in private, either at the request of an applicant or on its own initiative, if it is satisfied that holding the hearing in private would facilitate the conduct of the proceedings or would otherwise be in the public interest.

The discretion of the PRS board to publish information under clauses 5 and 6 of the bill is consistent with the qualification in section 24(3) of the charter act permitting a court or tribunal not to publish proceedings.

The bill gives the PRS board the discretion to exclude information in the published statements of reasons if the PRS board considers it in the public interest to do so. For instance, this may include personal information or details regarding victims or juveniles who were connected with the matter before the PRS board, or information that would disclose confidential law enforcement practices.

This discretion will be exercised by the PRS board subject to the presumption in favour of disclosure. Accordingly, even if these powers limit the qualified right contained in section 24 of the charter act to have a matter decided by a court or tribunal after a public hearing, these limitations are reasonable and justifiable under section 7(2) of the charter act.

Hon. Matthew Guy, MLC
Minister for Planning

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

The Victoria Police Act 2013 was passed by Parliament in December 2013. That act is a new principal act for the

administration and governance of Victoria Police and it will largely replace the Police Regulation Act 1958.

The primary purpose of the Victoria Police Amendment (Consequential and Other Matters) Bill 2014 is to give effect to the change in language introduced by the Victoria Police Act 2013 in relation to Victoria Police and police officers, and to update references to the Police Regulation Act 1958 that will be repealed by the Victoria Police Act 2013.

The bill makes the following consequential amendments to more than 180 Victorian acts:

it replaces references to the force with the term 'Victoria Police';

it replaces references to member of the force with the term 'police officer';

it replaces references to member of police personnel with the term 'member of Victoria Police personnel'; and

where an act refers to a section within the Police Regulation Act 1958, the bill updates that reference to refer to the new equivalent section within the Victoria Police Act 2013.

These consequential changes will ensure that references to Victoria Police, police officers and Victoria Police personnel are used consistently across the statute book and with proper reference to the definitions contained in the Victoria Police Act 2013.

The bill also makes consequential amendments to ensure that, upon the commencement of the Victoria Police Act 2013, deputy commissioners can continue to exercise the powers of the chief commissioner under certain legislative schemes, as currently provided for in those acts.

The bill also makes some amendments to the Victoria Police Act 2013.

First, the bill amends the Victoria Police Act 2013 to provide that the Police Services and Registration Board (PRS board) is required to publish statements of reasons for certain decisions relating to reviews and registration, subject to appropriate safeguards. The PRS board will have the discretion to exclude information from publication when it considers that it is in the public interest to do so. These amendments will promote the principles of open justice and the free communication of information.

Secondly, the bill makes a minor amendment to the Victoria Police Act 2013 to clarify the authority to make regulations in relation to appeals and reviews by inserting an express power in schedule 5 of that act.

Thirdly, the bill amends the Victoria Police Act 2013 to provide transitional provisions relating to references to protective services officers, police recruits, special constables and Victoria Police employees (public servants employed by the chief commissioner). These amendments will ensure that references to these roles in other legislation or subordinate instruments will be construed as references to these roles within the meaning of this Victoria Police Act 2013.

The Victoria Police Act 2013 is an important piece of legislation, representing a significant milestone in the history

of Victoria Police. This bill provides the necessary consequential amendments for that act to operate effectively.

I commend the bill to the house.

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

Debate adjourned until Thursday, 15 May.

QUORUM

Mr LEANE (Eastern Metropolitan) — President, I direct your attention to the state of the house.

Quorum formed.

VALEDICTORY STATEMENTS

Ms Broad

Ms BROAD (Northern Victoria) (*By leave*) — I thank the Leader of the Government and the Leader of the Opposition, who is not given to displays of sentiment, and all the party leaders for the opportunity to make some reflections on more than 14 years in the Victorian Parliament, and importantly to say some thank-yous.

For my first seven years I represented Melbourne North Province together with Marsha Thomson, a former member of this house, and four Labor members of the lower house: John Brumby, Peter Batchelor, Christine Campbell and Liz Beattie, and later Joanne Duncan, who represents the electorate of Macedon. Liz represented the former electorate of Tullamarine and Mr Finn also represented Tullamarine for a while.

It was an exciting time to be a Labor MP, and if I had to select one thing to illustrate what that excitement was about, it would be the delivery of the first ever public library in Broadmeadows just across the road from my electorate office. I was absolutely astonished that until that time Broadmeadows had never had a public library. The current member for Broadmeadows in the Assembly, Frank McGuire, was a driving force behind the Hume Global Learning Centre, and I expect that Frank will continue to make sure that the needs and aspirations of the Broadmeadows community are pushed to the fore for a long time to come.

In a province represented by six Labor MPs it was necessary, on the one hand, to tread lightly as an upper house member so as not to impinge on lower house members' responsibilities. Fortunately we worked well together, and I thank all my former colleagues for that. On the other hand, I felt very keenly the need to live up to the very high standard set by my predecessor in

Melbourne North Province, the Honourable Caroline Hogg. Fortunately through these years I had some additional responsibilities to keep me out of trouble, at least in Melbourne North Province.

I had the great privilege to serve as a minister through two terms of the Bracks government in the portfolios of energy and resources, ports, housing and local government. I can assure members that summers are never quite the same after you have been Minister for Energy and Resources when the heat is on and there are supply shortages. I very much appreciated the opportunity to serve with all the Labor ministers who made up the cabinet through those two terms.

It was especially exciting to be a member of the first cabinet made up of 8 women and 10 men where the Labor goal of gender equality was demonstrated for all to see. I pay tribute to all the women and men who have contributed to making the achievement of that goal an ongoing priority for the Labor Party, including through Emily's List, the Labor Women's Network and other mechanisms. Of course gender equality in politics is not just a numbers game; it is about making sure that the deliberations of political parties, the executive and the Parliament respect women's choices.

Members are well aware of my commitment to improving women's sexual and reproductive health and rights, a commitment I fully intend to continue to pursue outside of Parliament. I appreciate that not everyone agrees with me on this; however, I record my thanks to all the members who voted to update Victorian statutes and bring them into line with the common law on abortion. There are a great many dedicated health professionals who are very grateful that they are no longer regarded as criminals under Victorian statutes.

Between 2002 and 2006 Labor's constitutional reforms changed the Legislative Council dramatically. They also recognised local government and introduced the possibility of state referendums. It was not an easy thing to do. A lot of MPs were affected by the changes, including some Labor MPs who effectively sacrificed their positions, and I want to pay tribute to them. For my part, I found myself one of five upper house members — and four of us are still members — representing the new Northern Victoria Region, which is almost half of Victoria and approximately the size of Scotland.

It was a whole new approach to parliamentary democracy in Victoria that pretty much had to be invented from scratch in a practical sense. No longer were there any worries about impinging on Labor lower

house members, and there were large areas of Victoria that had previously known only Liberal and Nationals representation for me to rampage around in, much to the irritation, I am sure, of those lower house members.

Some of the most rewarding work I have done as a member for Northern Victoria Region over the past seven years has been to ensure that constituents who want an alternative to the previous Liberal-Nationals hegemony in their area know that there is an upper house Labor member they can turn to. I expect there are Liberal Party and Greens members of the upper house who have similar experiences in parts of metropolitan Melbourne.

I think I can safely say now that I never expected that my experience of being raised on a wool-growing property in the north-west of Western Australia would be an advantage in the Labor Party or as a Labor MP. However, it has been of great assistance to be able to explain to members of communities in the more remote areas of Victoria who are concerned about access to health and education that I know from personal experience what it is like to have access to only the flying doctor service when a member of the family is seriously ill and what it is like for children to not see their parents for most of the year.

I would like to pay tribute to my Labor colleagues in northern Victoria, in particular Kaye Darveniza; lower house members Jacinta Allan, Maree Edwards and Joanne Duncan; and former lower house members Bob Cameron and Ben Hardman. And I wish to say thank you to the Labor Party members and supporters who have provided great assistance to me and to the party on behalf of their communities.

There are a great many people I would like to express my appreciation to in recognition of the fact that no MP can do their job without a great deal of assistance from many people. I thank of course Labor leaders Steve Bracks, John Brumby and Daniel Andrews; current and former Labor colleagues, especially in the upper house, where we work closely together; my electorate officers, Jodi, Ian and Carolyn; a great many ministerial staff, drivers and public servants; community and business leaders; local government representatives; staff of the Leader of the Opposition; parliamentary staff; and the security staff who watch over us.

I have occupied a number of different offices in Parliament House — I have moved around a bit — and I am very pleased that my last office in Parliament is in Russel Bowman Boulevard. I would also like to wish Wayne Tunnecliffe well for his retirement in the middle of the year.

None of this would have been possible for me without the Labor Party, imperfect as it is, an institution with a great history encountering the stresses of moving with the times in a world of unrelenting change. As someone who started out as a community member of the Labor Party focused on building constituencies for Labor policies and goals, and with no aspirations whatsoever to be a member of Parliament, it has been amazing. I am looking forward to again being a community member of the Labor Party, building support for the policies and goals that Labor seeks to implement in office.

To reflect on the Parliament itself, in my view the Victorian Parliament should look to other parliaments for ways to allow MPs to make a greater contribution as state legislators. In my experience executive government heavily dominates the legislative process in Australian parliaments whereas in other parliaments that I have had the good fortune to study there is a much greater role for MPs who are not members of the executive. I think it is also fairly safe to observe now that although I was sworn in as a member of the executive before I was sworn in as an MP, it is probably best to serve as an MP first, if that is an option — but of course politics does not always provide options.

Members will be aware that I served on the inaugural Electoral Matters Committee of the Parliament. It was work that I relished, drawing on my prior experience as a Labor Party official. I think other members of the committee found the work interesting as well, including my Labor colleague Adem Somyurek and even the current Treasurer, Michael O'Brien.

To reflect on the work of that committee, in my view the Victorian Parliament should get on with implementing campaign finance reform in order to safeguard all political parties, prevent the spending arms race and advantage parties and candidates that engage with communities rather than being required to divert their energies to raising ever greater revenue and risking their integrity into the bargain. In a world where communication is shifting decisively from advertising in mass media to social media there may never be a better time to place limits on spending by candidates, political parties and organisations, as well as wealthy individuals seeking to influence elections.

Reflections done, finally, I would like to thank my friends and family, some of whom are here today, and my partner, Hal, for putting up with the fact that so much of my attention has been focused on my role as a Labor MP for so long. I intend to do something about

that after a visit to the Governor tomorrow. Thank you very much. It has been a pleasure.

Honourable members applauded.

Hon. D. M. DAVIS (Minister for Health) (*By leave*) — I rise to wish Ms Broad well. Her 14 years have been fruitful in this place. I well remember her coming in here in 1999. I have a very different response to 1999 having seen the party of which I am a member lose government at that time. Ms Broad was one of 14 Labor members that made up this house at the time, together with 30 Liberal-Nationals members. I recall Ms Broad being sworn in as a minister before being sworn in as a member of Parliament.

She had a number of different responsibilities, and she listed them as energy, ports, housing and local government. I think she also had one more responsibility that she did not mention, which was the return of water to the Snowy River. I remember in the early days of 1999 there were many questions about the increased flow of water to the Snowy River. It was a topic that consumed a great deal of Parliament's time. I remember also — I think she may have been obliquely referring to this matter earlier — that one night the lights went out in Parliament. I think she was Minister for Energy and Resources at the time and we sought, of course, to hold her responsible. In fact a part of the city grid went out. The point is that there are amusing moments in this place as well as fierce political engagement, and both add greatly to the matters in this chamber.

Whilst there are many things that I do not agree with Ms Broad on, I respect her strongly held views and her ability and willingness to advocate for those views. I have enjoyed engaging with her over the 14 years that she has been in this chamber. I wish her well in her retirement. The conversation that I had with her yesterday made it clear to me that her family matters are important and she seeks to attend to those. These are important things that we all need to think about. I wish her well, and I have no doubt that she will enjoy a very fruitful retirement after having achieved a great deal.

Mr LENDERS (Southern Metropolitan) (*By leave*) — I too rise to pay tribute to Candy Broad. For those members wondering why I am in Ms Mikakos's seat, it seems strange to pay tribute to someone with your back to them; that is why I have moved my place.

Firstly, I have had the privilege of knowing Candy Broad for probably more than 25 years now. It has been an amazing journey. For those who have not followed

her background, so much of it has been reflected in her time in this place. When I first knew Candy she had been for a number of years in what was the old Labor Resource Centre in Drummond Street, Carlton, where she worked on research. She was doing research-driven work to produce evidence-based information so that her beloved Labor Party could be in a position to form informed policy positions with which to go into the 1982 election and onwards.

Candy's dedication to and work on policy has never stopped; working at the Labor Resource Centre in 1982 was just one part of that work. In 1998 she was the executive officer for federal Labor's entire policy rewriting process. That was an exhausting, enormous process through which her dedication, hard work, attention to detail and passion for Labor delivered enormous results. In 2006 she had the role of chairing the platform process for the 2006 election, a role that again required assiduity, patience, passion and attention to detail. In all such behind-the-scenes areas she has always delivered for the Labor Party on policy.

I also worked with Candy during her time as assistant national secretary of the party. As the Victorian secretary I was truly blessed that she was seconded to assist with the state campaign in 1999. Her hard behind-the-scenes work, her dedication to detail and her maintaining of attention on what mattered were among the contributions Candy Broad made to the 1999 election campaign, in which she was of course a candidate. The Parliament benefitted as a result. The work she did was amazing.

In terms of adjectives to describe Candy Broad, you would use a word such as tenacious — she is tenacious when it comes to Labor values. She is disciplined. She has attention to detail. She is also a raconteur and good company for her colleagues in this place. She and Mr David Davis have touched on the series of economic and social portfolios she held. I think her contribution speaks for itself, but I would like to refer particularly to two policy areas she has been involved in that in many ways sum up Candy Broad.

One, on the side that is totally unglamorous and which most people would probably never see, is her singular determination in government to make government work more effectively. I dare not use the term 'reducing red tape'. She was determined to have every government region in every government department be uniform. Most people would say, 'That is just a bit of administrivia. What does it mean?'. From Candy's point of view, it meant that those stakeholders in the community who needed to talk to government and to talk to each other were talking to the same people in the

same place at the same time. It might not sound a lot to people, but it is a contribution from a person who understands how government works, who understands the value of community time and who understands a solution that may not be glamorous and may not excite the world but that makes sense for those of us involved in public policy — and I see a lot of ministers and former ministers nodding here. That was the initiative of Candy Broad. That was driven by Candy Broad; it was one of many things she did in government.

The second one I will talk about is more controversial, and Candy touched on it herself — that is, abortion law reform. I voted a different way to the way Candy Broad did when the debate came into this house. But that was the policy of the Labor Party, which had been in place for many years: to have a conscience vote on the issue. This was a particularly difficult area that did not get debated. Through her tenacity, her passion and her determination to make it happen, Candy got it happening. She was a very significant part of getting that debate happening.

During that debate she was respectful both of those who disagreed with her and of the time that was needed for that matter to go through. There is never a single parent of any reform initiative — and again it was not one I voted for — but her tenacity, her attention to detail, her belief in what she was doing and her ability to work with people in a respectful way were such a significant part of that legislation going through this Parliament. I think that is a tribute to the person and her ability to champion controversial matters and seek to see them through.

Candy touched on her role as a local member and the joy she got from being a member in northern Victoria. I echo everything she said. My one comment on that would be that I had the joy of going on what the Brits would call 'surgeries' or whatever we call visiting constituents. I have been with her on a flight to Mildura where she had a day filled in in an area that has never voted Labor and will never vote Labor, but to her it was an area which was part of her constituency and needed that alternative voice. She would go on a plane to Mildura, she would hire a car and she would see multiple people on the day, and for her that was part of her role as a constituency MP. I pay tribute to her for what she did across the electorate.

The final thing I would say about Candy Broad is on her role as a mentor to her colleagues. Whether it was me as a new minister two years into government or whether it was people who have come into this chamber new to the Parliament, she was always a voice of wisdom. She has fought a lot of battles; she is a

tough fighter for the things that matter. She thinks about things, she knows government, she knows the Parliament, she knows campaigning and she is prepared in a modest but effective way to share that knowledge with anybody who may need to be mentored.

We will miss Candy Broad in this place. She has been a champion of the Labor Party. She has been an asset to this institution. On behalf of my colleagues, we thank her for her contribution. We wish her and Hal well in the years ahead. Candy, you will be sorely missed.

Mr BARBER (Northern Metropolitan) (*By leave*) — Together with my Greens colleagues I have put together some brief remarks that befit the modest, dignified, unassuming and, for the most part, unflappable Ms Broad. The first thing we wanted to say was that we believe she shares many values with the Greens. We say that because all three of us crisscrossed her path in the time before we were MPs but during her ministries, including energy, regional development, ports, local government and housing. We were observing her work long before she ever had to deal with us across the chamber.

Ms Pennicuik wanted to say that she is going to miss Ms Broad's attendance at the regular gathering in the lobby that we have every morning while Parliament is otherwise occupied. Ms Hartland wanted me to say — and it is the case for the three of us — that we particularly wanted to note her courage in introducing a bill into this Parliament in relation to one of the great matters of conscience which, at the end of a somewhat extended process, obtained both parliamentary and community support. We pay tribute to Ms Broad's time in this place. It was something of a surprise to learn on Tuesday that we would not be seeing her again here, but we will certainly miss her presence.

Hon. D. K. DRUM (Minister for Sport and Recreation) (*By leave*) — It gives me great pleasure on behalf of Danny O'Brien, David O'Brien and The Nationals to say a few words to Candy Broad. It is a fine thing that we get the opportunity to say nice things about people as they leave. It is especially nice for Candy to give us a chance to say something about her — unlike Philip Davis, who spoke for 3 hours. I appreciate Candy keeping her remarks somewhat brief.

Sitting over the other side watching Candy going about her work as a minister I was full of admiration. In opposition she was never too keen to throw compliments, but it was hard to fault Candy's competency, vigour and understanding. Everybody in this house understands that she is a very competent and smart lady, and that came through in her work as a

minister. The other thing to note about Candy's work as a minister is the loyalty she showed her party when that party took her ministry away. Different individuals will react differently to having that happen to them, but Candy showed that she is very loyal to her party. By continuing to serve in the way she did she demonstrated that she truly believes in the ideals of her party.

The longer we work in this place the more we look at the individual rather than the political views of that individual. I tend to put a test on members of this Parliament, and that is would I like to bump into them outside of this place in the future? When I put Candy to that test, I can say that I look forward to bumping into her many times in the future. I am sure that occasion and that chance meeting will always create an initial smile on my face. It is a good thing to be able to say that to someone else, especially someone from an opposing team. I hope Candy has a great future, and I hope her family's health is good. I hope the reasons she is stepping away a little bit early are worthwhile. I thank her for her contribution to this house, and I want to thank her on behalf of the people of northern Victoria for the work she has done there.

Honourable members applauded.

ADJOURNMENT

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

That the house do now adjourn.

Wedderburn ambulance service

Ms PULFORD (Western Victoria) — It is a big day for me because a good friend and mentor of mine, Candy Broad, is leaving the Parliament. It was no surprise to anyone in this place that Candy was wonderful to the end, as we saw in her contribution.

The matter I raise this evening is for the attention of the Minister for Health. It relates to the need for an ambulance service for Wedderburn. I have been working on this issue with Daniel McGlone. In the contact Daniel and I have had with Wedderburn residents, we have seen their great frustration that an ambulance service for the town has been forgotten by the Napthine government, and we share that frustration. In May 2010 — some four years ago — Peter Walsh, The Nationals member for Swan Hill in the Assembly, called for an ambulance service for Wedderburn. However, the budget released this week revealed that the town has again missed out.

The coalition has clearly been playing games with this issue. In opposition it claimed this issue was a priority, but in government it is either ignoring it or has forgotten about it. Wedderburn has an ageing population — around 35 per cent of its residents are over the age of 60 — so this is an issue of the utmost importance. Clearly Wedderburn needs a basic permanent ambulance presence. We are told that the local crisis response team is held in high regard, but it does not have the same level of training as fully trained and qualified ambulance officers. This is an issue that matters to the community of Wedderburn. It matters greatly to Daniel McGlone and me, and it used to matter to Peter Walsh. I urge the Minister for Health to find the funding required to provide an ambulance service for the people of Wedderburn.

Wind farms

Mr RAMSAY (Western Victoria) — My adjournment matter this evening is for the Minister for Planning, the Honourable Matthew Guy. The matter I raise for the minister is in response to concerns raised with me by constituents of mine across western Victoria in relation to the noise compliance of wind farms, both those that are constructed and operating and those that have live permits and are yet to be constructed. Under permit conditions in existing government regulation and under permits issued by the previous Labor government there is a requirement to provide independent preconstruction noise monitoring and operating noise monitoring in compliance with Australian standards. I understand that noise levels vary day by day with climatic and turbine generation variables and that on any one day or night noise compliance can vary not only between wind farm developments but from turbine to turbine.

At present I understand the Minister for Planning is responsible for wind farm independent noise monitoring and compliance, yet the normal agency for matters of pollution, regardless of whether it is air, noise or waste, is the Environment Protection Authority Victoria (EPA). It has been suggested to me that the EPA should be the referral agency for noise compliance for wind farm generation. On that basis the Minister for Environment and Climate Change, the Honourable Ryan Smith, and his jurisdiction, which the EPA sits under, would need to be engaged in this matter.

To progress this request I ask that the Minister for Planning discuss this referral request with the Minister for Environment and Climate Change to progress the appropriate mechanisms to ensure that both the noise monitoring and the compliance of wind farm generation meet Australian standards.

Melbourne rail link

Mr MELHEM (Western Metropolitan) — My matter is for the attention of Mr Mulder, the Minister for Roads and Minister for Public Transport. Part of the state government's budget announcement yesterday was, according to the papers, a record \$72 billion worth of infrastructure projects — namely, the Melbourne rail link, incorporating the airport rail link, the Cranbourne-Pakenham rail corridor project, the western section of east-west link and the CityLink-Tullamarine Freeway widening. The matter I raise is in relation to whether or not local content — that is, steel, aluminium and cement — will factor in these projects.

As we know, as part of this announcement it has been claimed that thousands of jobs will be created. That is true; the question is whether they are just construction jobs or whether we are talking about the supply chain. I hope the number of jobs announced as part of this or as linked to these projects just represents construction jobs. If that includes the supply chain, that is a scary story because I take it that will mean not much local content.

My request of the minister is that he advise Victorians in general and me whether or not these projects, worth \$72 billion, will have local content — that is, supply of steel, cement et cetera — built into the various contracts, and if it is, what percentage of local content will be built into these projects.

Family violence

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Community Services, Ms Wooldridge. Last month Fiona Warzywoda, a mother of four, was stabbed to death at the corner of Hampshire and Devonshire roads in Sunshine, allegedly by her abusive partner. Her death was an incredible shock to the local community. It was consoling to be involved in the community's response, to pay our respects to Fiona but also to express our collective determination that we must do much more to end violence against women and children at the hands of men.

Her tragic and very public death was but one of the many acts of violence, which mostly occur behind closed doors. Last year in Victoria police responded to over 60 000 family violence incidents, and 29 family violence-related deaths occurred. To me these are shocking statistics. I believe it is time for the government to step up and make these men accountable for their actions. The Greens are 100 per cent behind the calls by Domestic Violence Victoria, No to

Violence and women's health organisations for meaningful investment in the family violence prevention system until women and children are safe from abusive fathers and partners.

In the face of worsening family violence in recent years, I was deeply disappointed by the government's inadequate investment in addressing family violence in this budget. We need an urgent minimum investment of \$16 million for the statewide rollout of the strengthening risk management project. This project would create multi-agency high-risk task forces across Victoria. It is not the Greens calling for this; it is actually the agencies that work on the ground every day. Instead of the modest \$16 million requested, the government announced just \$4.5 million, one-quarter of the amount that the sector experts assess as required.

The government also announced \$8.3 million of funding over four years for additional support to victims of sexual assault and for training under the common risk assessment framework, as well as \$0.6 million for training to identify family violence victims in emergency departments. This is welcome, but it does not go nearly far enough in addressing the 29 deaths and countless incidents of violence which occurred in the last year alone.

The government must get serious about addressing violence against women and make a meaningful financial investment. I ask the minister: will she meet with the families of the victims of family violence, hear their stories and explain to them why she thinks this paltry amount of money is sufficient to address this terrible issue?

Gardiner Reserve, Gisborne

Mrs MILLAR (Northern Victoria) — My adjournment matter tonight is for the Minister for Sport and Recreation, the Honourable Damian Drum, and the matter I raise for the minister's attention is a recent application under the country football and netball program in relation to the Gardiner Reserve community project. The project aims to upgrade Gardiner Reserve in Gisborne to more fully utilise its second ground to enable an extension of playing times. It will also enable netball to be played concurrently with football. This welcome measure is strongly supported by the Riddells Creek Football Netball Club.

I know that Mr Drum is very fond of football, as am I, although I think it is fair to note that while I am very passionate about AFL football, the minister does possess some greater skills and knowledge about the game than I do. However, I am very familiar with

Gardiner Reserve, particularly as in the past my son Hugh Millar played for one of the Gisborne Dragons junior cricket teams over the summer. He also plays football with the mighty Macedon Cats Junior Football Club under-12s, based at the Tony Clarke Recreation Reserve, which is our home ground in Macedon.

Gardiner Reserve is home to many junior, senior and veteran male and female sporting clubs that regularly play football, cricket and netball at this ground, including the very successful Gisborne Rookies Junior Football Club. Sport is central to the township of Gisborne, which is a great town with a growing population. There is always someone playing something at Gardiner Reserve.

One of the huge challenges of our time is encouraging children to participate in sport and other activities. In Gisborne there are hundreds of local children queuing up to join sporting teams, and we need to give them the facilities to do this. I extend an invitation to Mr Drum to visit Gardiner Reserve with me to view the football. We can even kick the football on the oval at half-time if he likes. I know the minister will be thrilled by the Gisborne locals' passion and the participation rates in sports at this ground.

Workplace safety

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is directed to the Premier and is in relation to workplace occupational health and safety matters. I was quite horrified to learn that this government has withdrawn the right of the community to be notified of company breaches of their obligations under health and safety legislation.

For those in the chamber who are not aware, WorkCover has now been advised not to issue media releases when companies are prosecuted for breaking the law. This is from a government that lauds its tough-on-crime credentials at every opportunity. It seems that when it comes to the health and safety of working people on the job, the rights of workers to not be killed or poisoned in the performance of their work is an inconvenience and one that should not be allowed to tarnish the reputations of companies even when they do the wrong thing. This is at a time when we have a very high reportage of workplace deaths and workplace injuries. Indeed it is currently at a three-year high.

I believe that transparency and the name-and-shame arrangements for these serious breaches is an integral part of the system of deterrence that operates to improve workplace safety. It seems to me that rather than trying to hide these facts we should be putting

them up in neon lights as a deterrent to all of those who operate unsafe workplaces or have unsafe work practices.

We also know that the Victorian WorkCover Authority is underresourced. This is no time to have the authority cutting corners. I think it is important that we remind employers that the onus is on them to make sure that workplaces are safe and to educate workers themselves to make sure that everyone is doing the right thing. We know this because even the chief executive of WorkSafe Victoria, Denise Cosgrove, in the WorkSafe annual report identified public information as being central to the authority's strategy to improve workplace safety.

The action I am seeking is that the Premier ensure that the WorkCover ads that have been pulled are put back on our TV screens, billboards and everywhere else so that the public is aware of workplace concerns and ensure that media releases go out from the WorkCover authority that name and shame those who have been successfully prosecuted as a result of unsafe occupational health and safety practices in their workplace.

Regional and rural pedestrian safety

Mr D. D. O'BRIEN (Eastern Victoria) — I raise a matter for the attention of the Assistant Treasurer, the Honourable Gordon Rich-Phillips, in his capacity as the minister responsible for the Transport Accident Commission (TAC). I seek the minister's assistance to ask the TAC to investigate the incidence of accidents involving pedestrians on rural roads and whether it considers that an information campaign is warranted to educate pedestrians about the importance of high visibility when using rural roads.

I am seeking this action after a tragic accident near Stratford in my electorate in early April. Sadly, a woman was killed after being hit by a car while jogging along the Stratford-Bengworden Road at about 6.30 p.m. It is believed the woman in question was wearing dark clothing and was probably wearing earphones. While this was a tragic accident, it has in fact brought together both the victim's family and the driver of the vehicle. I do not intend to name either here tonight. However, the member for Gippsland East in the other place, Tim Bull, and I recently met with both the driver of the vehicle and the victim's husband, who have come together in a bid to ensure that such an accident does not happen again. I commend them for the maturity with which they are working together for the common good in what is clearly a very distressing

and harrowing time for both of them and for their families.

Both families are keen to ensure that no-one has to face a similar tragedy in the future. They have suggested that action could be taken to highlight the importance of visibility for people running or walking along rural roads. While I do not believe it should be compulsory for people to wear high-visibility or reflective material, it is a matter of concern, and perhaps an education campaign could be investigated to help avoid future tragedies. This is particularly an issue for rural roads, where there is generally no or little lighting, no footpaths and narrow roadside verges. In the cities and even in country towns it is not such a concern, as there are generally lights and footpaths. I am aware that there is already some guidance on this matter from VicRoads which provides specific advice to pedestrians, encouraging them to wear bright clothing, including reflective material or a light, particularly at night.

Governments over the years in Victoria have made great strides in reducing the road toll. The road toll for 2014, according to the TAC, currently stands at 87 deaths, compared to 86 at the same time last year. It has been well documented that 2013 had the lowest road toll in Victoria in nearly 90 years — some 40 deaths fewer than 2012. Much of this achievement can be put down to the work of the TAC, including the Bloody Idiot and Wipe Off 5 campaigns. However, as the toll comes down, we need to continue working on the less common causes behind road fatalities.

Rural Victoria still represents a high proportion of fatalities overall, and I am interested in whether the TAC can investigate how many of these involved pedestrians on rural roads and whether visibility was involved in any way. It may be that a targeted education campaign in rural areas would be worthwhile, and I would appreciate it if the minister sought some advice from the TAC on this important issue.

Local government rates

Mr D. R. J. O'BRIEN (Western Victoria) — My adjournment matter is for the attention of the Minister for Local Government, the Honourable Tim Bull. I ask the minister to meet with farmers and other concerned residents in the Moorabool shire concerning the vexed and longstanding issue of farm rates levied by local councils.

Agriculture is an important industry in the Moorabool shire, and members will be well aware of the food bowl centred around Bacchus March and Ballan, known for its fresh fruit and vegetables in particular. Moorabool is

also known in the terminology of some as a peri-urban shire. It holds its unique identity thanks to its agricultural diversity and enduring economic potential for food security, given its geographical proximity to metropolitan Melbourne, but it is also experiencing enhanced population growth, which can pose challenges in terms of urban land use conflicts and other rating issues.

A particular group of residents is concerned at the perceived inequity of the rates burden on farms and agriculture in Moorabool shire. As land in the shire becomes more attractive for residential development, the rates levied continue to increase, and this may not accurately reflect the rate of return on agricultural land for the region. Interestingly, agriculture is the only business that incurs rates on the income-generating asset for that business, which is the bare land.

I had a longstanding involvement in my previous life in rating issues dating back to disputes in Gannawarra shire and other places all over Victoria, and these have continued, including involvement with the Honourable Jeanette Powell, the member for Shepparton in the Assembly, who is the predecessor to the present Minister for Local Government. Under Mrs Powell's administration of local government the most significant reforms for some time were made to differential rating, particularly with the introduction of ministerial guidelines for differential rating that were issued last year. These are supported by legislation, which encourages councils to give favourable consideration to the making of farm rates, particularly for equity reasons.

I am also aware of rate concerns from farmers with property in other shires, in particular those in Ararat and Kerang, but in other areas as well. It is frequently the case that farmers contribute substantially more in rates as a percentage of the population. This is certainly not a new issue. It has been around for a long time, but it is an issue which is receiving increased attention given the increasing rate challenges that face rural shires and the difficulties in infrastructure delivery. Accordingly, I ask the minister to provide assistance with this matter and meet with these farmers and other concerned residents at the earliest opportunity.

Responses

Hon. D. K. DRUM (Minister for Sport and Recreation) — I have four written responses to adjournment matters: Mrs Coote on 4 February, 12 March and 1 April; and Mr Melhem on 11 March.

Ms Pulford raised an issue for the Minister for Health in relation to ambulance services at Wedderburn.

Mr Ramsay raised an issue for the Minister for Planning in relation to the noise compliance of wind farms, and I will pass that on to Mr Guy.

Mr Melhem raised an issue for the Minister for Public Transport in relation to local content and the percentage of local content that will feature in the record infrastructure building budget that was brought down yesterday.

Ms Hartland raised an issue for the Minister for Community Services and spoke about the horrible death of Fiona Warzywoda and domestic violence and family violence issues. She hopes the minister might find time to meet with victims of family violence. I will pass that on to Ms Wooldridge.

Mrs Millar raised an issue for me in relation to the possibility of a successful application for a grant under the country football and netball program, and that grant would be for Gardiner Reserve in Gisborne. I will check on the progress of that grant. I will also be very keen to look at the improvements they are proposing to make as part of that work.

Ms Tierney raised an issue for the Premier in relation to WorkCover media releases for businesses that have been found guilty of breaches of health and safety in the workplace, and she was also looking for the return of WorkCover adverts. I will pass that message on to the Premier.

Mr Danny O'Brien raised an issue for the Assistant Treasurer and requested that he ask the Transport Accident Commission if it would investigate instances of pedestrians being hit, or pedestrian accidents, on regional and country roads, raising the possibility that a high-visibility education campaign could assist with those incidents on country roads.

Mr David O'Brien raised an issue for the Minister for Local Government, Mr Bull, in relation to differential rates for farms, particularly in the Moorabool shire but effectively across regional and rural Victoria. I will pass that message on to Minister Bull.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 5.20 p.m. until Tuesday, 27 May.

