PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 25 May 2010

(Extract from book 7)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Legislative Council committees

Legislation Committee — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Train Services — Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney.

Standing Committee on Finance and Public Administration — Mr Barber, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips, Mr Tee and Mr Viney.

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

Joint committees

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik. (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr Lupton, Mr McIntosh and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mrs Coote, Mr Leane and Ms Mikakos. (*Assembly*): Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris.

Economic Development and Infrastructure Committee — (*Council*): Mr Atkinson, Mr D. Davis and Mr Tee. (*Assembly*): Ms Campbell, Mr Crisp, Mr Lim and Ms Thomson.

Education and Training Committee — (*Council*): Mr Elasmar and Mr Hall. (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

Electoral Matters Committee — (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek. (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson.

Environment and Natural Resources Committee — (*Council*): Mr Murphy and Mrs Petrovich. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (*Council*): Mr Finn and Mr Scheffer. (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey.

House Committee — (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith.

Law Reform Committee — (*Council*): Mrs Kronberg and Mr Scheffer. (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan, Mr Foley and Mrs Victoria.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Elasmar, Mr Guy and Ms Hartland. (*Assembly*): Mr Hodgett, Mr Langdon, Mr Nardella, Mr Seitz and Mr K. Smith.

Public Accounts and Estimates Committee — (*Council*): Mr Dalla-Riva, Ms Huppert, Ms Pennicuik and Mr Rich-Phillips. (*Assembly*): Ms Graley, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells.

Road Safety Committee — (*Council*): Mr Koch and Mr Leane. (*Assembly*): Mr Eren, Mr Langdon, Mr Tilley, Mr Trezise and Mr Weller.

Rural and Regional Committee — (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*): Mr Nardella and Mr Northe.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Burgess, Mr Carli, Mr Jasper and Mr Languiller.

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-SIXTH PARLIAMENT — FIRST SESSION

President: The Hon. R. F. SMITH

Deputy President: Mr BRUCE ATKINSON

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Leader of the Government:
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Deputy Leader of the Government:
Mr GAVIN JENNINGS

Leader of the Opposition:
Mr DAVID DAVIS

Deputy Leader of the Opposition:
Ms WENDY LOVELL

Leader of The Nationals:
Mr PETER HALL

Deputy Leader of The Nationals:
Mr DAMIAN DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Ms Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Murphy, Mr Nathan[2]	Northern Metropolitan	ALP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Mr David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Huppert, Ms Jennifer Sue[1]	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles[3]	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William[4]	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

[1] Appointed 3 February 2009
[2] Appointed 9 March 2010
[3] Resigned 1 March 2010
[4] Resigned 9 January 2009

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TUESDAY, 25 MAY 2010

Tuesday, 25 May 2010

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.05 p.m. and read the prayer.

ROYAL ASSENT

Messages read advising royal assent to:

11 May

Trustee Companies Legislation Amendment Act

18 May

Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Act
Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act.

QUESTIONS WITHOUT NOTICE

Parliamentary Secretary for Human Services: allegations

Mr D. DAVIS (Southern Metropolitan) — My question is for the Treasurer, who is the minister in this place who represents the Premier. I refer to a series of media reports and statements by Mr Costas Socratous, a former employee of parliamentary secretary Telmo Languiller, who is the member for Derrimut in the Assembly, and of former minister Theo Theophanous, and to statements made by Mr Socratous that he has, at the direction of Mr Theophanous and the current parliamentary secretary, Mr Languiller, falsified ALP bank accounts, using them for purposes for which they were not intended. I therefore ask: what steps will the government take to investigate whether the allegations that actions undertaken by Mr Socratous were at the direction of Mr Languiller; is the government certain that, with these allegations directed at him, Mr Languiller is a fit and proper person to hold his position within government administration; and will the government therefore stand Mr Languiller aside so that these actions can be properly investigated and independently investigated to restore public confidence?

The PRESIDENT — Order! I am treating Mr Davis's question with caution. It is incumbent upon Mr Davis to demonstrate that his question relates specifically to the administration of the government, and the Premier in particular.

Mr D. DAVIS — The Premier, who the Leader of the Government represents in this place, is responsible for appointing ministers and parliamentary secretaries, and those parliamentary secretaries undertake a role within government administration. In the case of Mr Languiller, he is the Parliamentary Secretary for Health and undertakes administrative activities through that role. Allegations have been made publicly, and it is a question as to whether he is a fit and proper person to hold that position and whether he should be stood aside while an investigation is undertaken into those matters.

The PRESIDENT — Order! Mr Davis's question, to the Premier via the Leader of the Government, is whether Mr Languiller is a fit and proper person to be a parliamentary secretary given the allegations made against him by Mr Costas Socratous.

Mr D. DAVIS — That is right.

Mr LENDERS (Treasurer) — President, as always, you put things more succinctly than some other people do. Firstly, for the record — and I am amazed the shadow Minister for Health has not worked this out — Mr Languiller ceased being Parliamentary Secretary for Health in July 2007 when he took on the role of Parliamentary Secretary for Human Services. Mr David Davis comes into this place throwing material around without having, as the shadow Minister for Health, worked out something as basic as who the parliamentary secretary has been since July 2007 — and he comes into this place as the font of all knowledge.

Secondly, if we are referring to media reports as the basis for coming in here and casting aspersions on people, I quote the *Herald Sun* of 24 January 2008 describing an individual as a 'divisive branch stacker who has never done a decent day's policy work in his life'. Of course the *Herald Sun* was referring to Mr David Davis — —

Mrs Peulich — On a point of order, President, you would know very well that under standing orders question time is not a time for the government to criticise members of the opposition or debate the question.

The PRESIDENT — Order! As the house well knows, I like to apply the standing orders as they are written and intended to be presided over. However, while the issue of overt criticism is one thing, I do not think it is unreasonable for a question of this nature, having been asked of the Treasurer on behalf of the Premier, to be responded to in any way other than as fully and as strongly as the government may want to without overtly criticising any member or the opposition.

Mr LENDERS — Essentially, as you succinctly put it, President, the question from the Leader of the Opposition concerns whether Mr Languiller is a fit and proper person to be a parliamentary secretary, and I say 'a parliamentary secretary' because the Leader of the Opposition did not read the administrative arrangements clearly and work out what Mr Languiller is parliamentary secretary for before having a go at him. Firstly, people who are in glass houses should not throw stones. If we are basing things here on what is reported in a newspaper, I can go through five or six more quotes as to the character of Mr David Davis — about 50 members being stacked in a branch, about 24 delegates being sent to Liberal Party state council and a range of other things — —

Mrs Peulich — On a point of order — —

The PRESIDENT — Order! Without having to hear Mrs Peulich's point of order, I remind the Leader of the Government that there are matters which need to be adhered to in debating. I will not say relevance because I think this probably does go to the substance of the actual question, but the minister is conversant with the requirements in terms of answering questions.

Mr LENDERS — What we have here is a question from Mr David Davis as to whether he thinks the Premier's choice for the Parliamentary Secretary for Human Services is appropriate. They are clearly matters for the Premier.

The secondary part of Mr David Davis's question, the employment of an electorate officer, is one that is an issue for, in this case, the Speaker of the Legislative Assembly, not the executive government. If Mr David Davis thinks that the executive government should start choosing who electorate officers are to be or form a view on who electorate offices are to be, then he completely misunderstands the Westminster system of government.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — That was a pathetic answer. I ask further of the Leader of the Government, representing the Premier: how is he sure that these corrupt activities within the Labor Party are not factual, as asserted, without independent investigation, and will he therefore request the Ombudsman undertake such an independent investigation?

Mr Viney — On a point of order, President, I did not earlier take a point of order because I thought you were on to the same point as I was — that is, that Mr Davis has clearly drawn an imputation against a member in the other place, alleging corrupt activities. I think he should be required to withdraw that, because it is highly inappropriate.

The PRESIDENT — Order! On the point of order, I will stand to be corrected, but I believe Mr Davis actually referred to corrupt practices in the ALP, without naming or personalising. Whether we like it or not, it is impossible to offend a party, any party. Whilst individuals may take some umbrage at it, I do not think it is within the standing orders or the rules, if you like, for me to suggest that members cannot make an accusation against a party. Therefore I will not uphold the point of order.

Mr LENDERS (Treasurer) — Mr David Davis asked, on the basis of newspaper reports saying that a person was corrupt or activities were corrupt, should the Ombudsman investigate. On the basis of newspaper reports in the *Herald Sun* of 10 March 2000, the *Herald Sun* of 24 January 2008 and the *Age* of 26 November 2006, the Ombudsman should be inquiring into Mr David Davis's branch stacking activities on exactly the same foundation and source as the newspaper reports saying he did those things.

Mr D. Davis — On a point of order, President, the Leader of the Government well knows the task is to answer questions, not to attack the opposition overtly. He well knows that this is a matter about government administration and confidence in government administration, and that there is a question as to whether corruption has occurred inside the government.

Mr Viney — Further to the point of order, President, I appreciate your regular rulings in relation to people not overtly criticising the opposition, but I would put to you that the question itself overtly criticises the government. It would be very difficult to answer a question that is as aggressive as the question and supplementary question were without having some level of response.

Mrs Peulich — Further to point of order, President, standing order 8.03 says:

> In answering any such question, the minister or member will not debate the matter to which it refers.

I think that is probably the more appropriate standing order.

The PRESIDENT — Order! The more appropriate position is that the question itself cannot be argumentative. I think at the margins it is very close to being argumentative. Let us be honest here: question time is a time for robust questioning and answers that

are expected to be open, honest and as robust. These particular lines of questioning are clearly robust, and in that context the government is entitled to respond in a robust manner, again I stress, without overtly criticising. I certainly do not want to sanitise question time to the point where we just have Dorothy Dixers all over the place and a softly, softly approach. I do not think that serves the purpose of question time well at all. Therefore I am not going to uphold the point of order, and I ask the minister to continue.

Mr LENDERS — I will sum up, in essence. The Leader of the Opposition has, on the basis of media reports, thrown up some allegations. The Leader of the Opposition has asked for a course of action. In my response, firstly, I say what is good for the goose is good for the gander. If he thinks those things should be referred to the Ombudsman, perhaps he could refer those four newspaper articles of his own branch stacking to the Ombudsman.

Secondly, and most significantly in this particular space, Mr Languiller has asked the police to investigate this in an effort to clear his name. This place is a coward's castle, where you can throw whatever you like around the place. This man has sought to clear his name by asking the police to look at it. That is an issue of some substance.

Probably most significantly in this house, which spends hours upon hours on a Wednesday talking about separation of powers and about the rights of Parliament, I find it truly extraordinary that the Leader of the Opposition is asking the executive government to start forming a view as to who is or is not an appropriate electorate officer for a member of Parliament. It would be preposterous of me to form a view on who Ms Pennicuik's electorate officer should be, who Mr Kavanagh's electorate officer should be or who Mr Rich-Phillips's electorate officer should be. It is not a role for the executive government to ask individual members to form a view on the staff of members of Parliament or on those they recruit, other than basing such a view on what is in the general guidelines which are set down by the presiding officers of the Parliament and not by the executive.

I say to Mr David Davis that he should practise what he preaches. He should not throw too many stones around in this glass house, or it will come cascading down upon him on the basis of the media reports I have already quoted.

Financial services: employment

Mr MURPHY (Northern Metropolitan) — My question is to the Treasurer, John Lenders. Can the Treasurer update the house on any recent employment data, particularly on Victoria's financial services sector, and can he explain what these figures tell us about the Brumby Labor government's commitment to facilitating a vibrant financial services industry?

Mr LENDERS (Treasurer) — I thank Mr Murphy for his question and his interest in jobs. On this side of the house we have 19 members who are interested in jobs for Victorian citizens in a time of global financial crisis, 19 members who will roll up their sleeves and work to see jobs created in Victoria and take the policy actions that are required to give more Victorians opportunities — and what Mr David Davis is worried about is other people's electorate officer jobs.

Mr Murphy asked the question. In 10 of the last 12 months we have seen more jobs created in Victoria. Over the entire year, as I have reported to this house before, we have seen a constant growth in jobs, to the point now where there are 109 700 more jobs in Victoria.

Honourable members interjecting.

Mr LENDERS — I am sure Mrs Coote is delighted that the epicentre of the new jobs creation is actually in our electorate of Southern Metropolitan Region, in the financial services sector. I am sure Mrs Coote is cheering her enthusiasm for those jobs that have been created in her electorate and mine.

What we are seeing is that employment growth grows, and it has been particularly strong in financial services. The financial services sector has been the growth area of Victoria, to the point where now the financial services sector is the largest single component of the Victorian economy. Our financial services sector continues to grow. Whether it be in the new Docklands precinct where ANZ now has its international banking headquarters reaching out to Asia — there are 6500 jobs in that building alone — whether it be the niche banking opportunities from banks like Bendigo Bank and Members Equity Bank, which David Davis likes so much, and all the other new financial institutions that are growing jobs in Victoria, whether it be banks like St George, the Bank of Cyprus Australia and a range of other banks that are opening up branches across Victoria on a regular basis as part of a growing and vibrant economy going forward, or whether it be the growth of the superannuation sector where we have

the fourth largest amount of funds under management in the world — —

Mrs Coote — The Future Fund, who started that?

Mr LENDERS — I take up Mrs Coote's interjection about who started superannuation. It was the Hawke and Keating governments. We see Labor continuing to focus on superannuation growth. Mr Murphy asked a question about jobs growth and what can be done for it. We are seeing jobs growth because we have a plan. We have a series of plans that build infrastructure, build on the skills of our workforce and make this state more competitive. We are seeing a direct correlation flowing through in jobs. Every job created in Victoria means another family that has a breadwinner and another family has new economic opportunities because of the growth of the Victorian job sector.

I know Mrs Coote subscribes to our philosophy that Victoria is a great place to live, work and raise a family, as does her protégé Kelly O'Dwyer, federal member for Higgins, who uses those terms, as does Alan Tudge, the Liberal Party candidate for the federal electorate of Aston. Even some members of the Liberal Party are coming on board and know that we on this side of the house all aspire to make this a better place to live, work and raise a family.

Australian Labor Party: conduct

Mr FINN (Western Metropolitan) — I wish to address a question without notice to the minister for respect. On 2 February 2010 the minister outlined in this house his responsibilities as minister for respect, including, and I quote:

> The sixth issue is encouraging community participation and civic responsibility, particularly in areas of volunteering.

I note the explosive allegations made publicly by Costas Socratous last week that assert widespread corruption within the Victorian Labor Party at the direction of parliamentary secretary Telmo Languiller, the member for Derrimut in the Assembly, and I ask: can the minister explain to the house how the misappropriation of ALP funds, corruption and intimidation of elected voluntary officials are the best way to promote civic responsibility in Victoria, including within the Labor Party, and therefore what steps he will take as the minister responsible for the respect agenda to ensure that community participation and volunteering are encouraged through putting an end to corrupt internal ALP activity, as pointed to by Mr Socratous, in his electorate?

Mr Viney — On a point of order, President, there are two elements to my point of order. Firstly, the member should be required to use the correct title, which is Minister for the Respect Agenda. Secondly, clearly the issues Mr Finn referred to have no connection whatsoever to the minister's administrative responsibilities in that portfolio.

Mr Finn — On the point of order, President, I clearly quoted the minister as having said:

> The sixth issue is encouraging community participation and civic responsibility, particularly in areas of volunteering.

Clearly the ALP is a voluntary organisation. This goes to the heart of the minister's responsibilities.

The PRESIDENT — Order! On the original point of order that Mr Viney took, there is a very real question as to whether the question asked has anything to do with the direct responsibilities of the minister. I am a little confused, I suppose like a lot of people, as to the actual parameters of the minister's respect agenda portfolio because it can be extrapolated out to encompass almost anything.

In terms of Mr Finn's point of order, it is drawing an extremely long bow to suggest that in some way Mr Socratous's comments had anything to do with the minister in almost any capacity in his portfolio, and I am not sure the description of the ALP as a voluntary organisation is entirely accurate. For that reason I do not believe that the link is clearly demonstrated and that the question is connected to the minister's portfolio, so I am ruling it out.

Mr Finn — On a point of clarification, President, does your ruling make it clear, for future reference, that political parties are exempt from the respect agenda in this state?

The PRESIDENT — Order! I cannot rule on that. I can only adjudicate on a genuine point of order, which that was not.

Mr D. Davis — On a further point of clarification, President, it has been a longstanding tradition in this chamber — —

The PRESIDENT — Order! I have made this point to Mr Davis in particular on numerous occasions: there is no requirement for me to clarify a ruling. Mr Davis's seeking clarification is therefore out of order. If he has a point of view to make, he can make it, but he cannot seek clarification.

Mrs Peulich — On a point of order, President, standing order 8.01, 'Questions to ministers or other members', says:

> (1) Questions may be put to —
>
> 1(a) Ministers of the Crown relating to public affairs with which the minister is connected or to any matter of administration for which the minister is responsible.

Clearly this falls within the parameters of the minister's responsibility, so he ought to be allowed the opportunity of answering the question.

Honourable members interjecting.

The PRESIDENT — Order! This is not going to go on forever. The fact is the minister is not responsible for the administration of the ALP, and that is the end of it.

Employment: regional and rural Victoria

Ms DARVENIZA (Northern Victoria) — My question is to the Treasurer, John Lenders. Can the Treasurer update the house on the current employment figures — —

Honourable members interjecting.

The PRESIDENT — Order! I am trying to hear the question.

Ms DARVENIZA — Can the Treasurer update the house on the current employment figures in northern Victoria, and can he also elaborate on how these figures exemplify the Brumby government's commitment to jobs in regional Victoria?

Mr LENDERS (Treasurer) — I thank Ms Darveniza for her question and her ongoing interest in creating jobs not just in northern Victoria but across the whole of Victoria, but I understand her specific focus on northern Victoria given that it is her particular patch.

There are a couple of things I would say, firstly. Some of us are more interested in jobs than others.

Mr Jennings — A bit of a barnyard scrap.

Mr LENDERS — That is right. Ms Darveniza asked about jobs in northern Victoria. I can tell her a few things. We have seen that unemployment is down, and it is always a fantastic outcome when unemployment comes down, but we need to do a lot more so that every person in a region who wants a job can get a job. We have seen in a number of subareas of northern Victoria — —

Honourable members interjecting.

Mr LENDERS — I am happy to talk about jobs in Victoria at any time, but in the Ovens-Goulburn-Murray component of northern Victoria we have seen 8803 net new jobs created in the last year.

Ms Darveniza's question goes to why these jobs are being created. Part of the reason they are being created is because northern Victoria is a good place to do business, a good place to hire people to work and it has a good workforce to recruit from, but part of it is also that the actions of this government in infrastructure investment have made a critical difference to that growth.

Of those jobs, 680 come from the food bowl modernisation alone. These are jobs today in northern Victoria which will go on to provide infrastructure into the future that will assist farmers, the environment and towns in getting more water through better investment in infrastructure. There is the north-east rail revitalisation project, a multimillion-dollar project that will actually standardise and improve rail services through the north-east while creating jobs today. There are the regional rail link and Bendigo hospital projects which, while they are not employing people yet, will continue to add to growth in these particular areas.

What we see is that no matter where we are in Victoria there are better opportunities than there were. Not just in the Goulburn-Ovens region but right across Ms Darveniza's electorate we are seeing strong jobs being created because of the actions of this government in infrastructure and in facilitating investment.

On Friday a week and a bit back, I had the pleasure of being in Mildura with Ms Broad. We went up to Mildura for the day, or a bit longer, but I went up for the day, and what we saw there was testimony to what a regional — —

Mr D. Davis interjected.

Mr LENDERS — I would say to Mr David Davis that after being in Mildura with Ms Broad, the number of citizens who knew her as their local member was quite extraordinary. We would be having coffee on a main street in Mildura and citizen after citizen would come up because they had access to the state government. There were projects she had been working on, and she is a regular visitor to Mildura. What I enjoyed, as a far less regular visitor to Mildura than Ms Broad, was having the privilege of opening the Chaffey Secondary College, stage 2, another government school where there has been a strong

investment and partnership between state government, federal government, local government and the school community to build wonderful new facilities for students to study in.

I also had a chance to look at the new dental chairs that were funded in this year's state budget. I had a chance to look at some works going on at Sunraysia Community Health Services and some works at the arts centre.

All of these are but examples of investments by this Labor government into northern Victoria, and into this particular place, Mildura, which is seeing better opportunities than there have been for a long time in regional Victoria. All of these actions, which are good infrastructure actions for the future and good policy actions for the future, also add to jobs today. These are all part of the important mosaic of making Victoria an even better place to live, to work and to raise a family.

Minister for Planning: comments

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. I note the minister's comments to the Public Accounts and Estimates Committee following a question put to him about a $2000-a-plate Progressive Business planning function held 12 months ago and sponsored by Grocon. He replied, 'I do not believe I attended that function', and further to the fact that the invitation for the function stated, 'Join Justin Madden for a briefing on our growth areas and the need to fast-track infrastructure investment to create jobs', I ask: did the minister forget the fact that he was the keynote speaker at this Labor fundraiser when he gave incorrect evidence to the committee or is this yet another key detail in his own portfolio that he appears to have forgotten?

Mr Viney — On a point of order, President, I seek clarification about the capacity of a member to ask a question about a hearing — —

Honourable members interjecting.

Mr Viney — They seem to have a view before I have actually made my point of order. It is about the ability to ask a question about matters raised in a committee hearing prior to the tabling in Parliament of either the minutes of that hearing or of any report. I have not, obviously, in jumping to my feet, had time to check the standing orders, but my recollection is that that is not possible.

The PRESIDENT — Order! The committee meeting referred to was a public hearing and therefore it is allowable.

Hon. J. M. MADDEN (Minister for Planning) — If I recall, my response at the hearing was that I was not clear on the event that the member was referring to and I think I said I would need to check my diary on the details. I am pretty sure I said that, and that is under way. I am happy to provide the committee and the member opposite with those details.

Supplementary question

Mr GUY (Northern Metropolitan) — I thank the minister for his answer and for the fact that he will check his facts on that function. I further ask whether the minister could inform the house of the name of the departmental staff member who accompanied him to this function and who paid the $2000 for their ticket?

Hon. J. M. MADDEN (Minister for Planning) — As I said to the Public Accounts and Estimates Committee and as I am stating here today, I do not recall the details of the meeting. If I am to confirm that honestly, to give the details fully, I am happy to have those matters checked.

Mr Guy — His photo was on the invite!

Hon. J. M. MADDEN — The important thing is, Mr Guy, while you may have seen — or believe you have seen — an invitation, I do not think any invitation that comes to me is the invitation that goes to you, Mr Guy. Normally any event that I am invited to is substantially different from the invitation that might go to the likes of Mr Guy. I am happy to check those details. I am happy to provide information to the Public Accounts and Estimates Committee and I am happy to provide that to Mr Guy in the fullness of time. But as I said before, I do not necessarily believe that descriptions of events as they come from the mouths of the opposition are entirely correct. I would prefer to check those details myself rather than take the word of the opposition, because I do not believe that the description of the opposition provided around this event or any other events can be relied on comprehensively or correctly.

Questions interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I wish to draw to the attention of the house that we have an overseas visitor, Mr George Papadakis, who is the Prefect of Rethymnon in Crete. For those who do not know, the Prefect is in fact the equivalent of our Premier. Welcome.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Planning: renewable energy

Ms PULFORD (Western Victoria) — My question is to the Minister for Planning, Justin Madden. Can the minister update the house on how the Brumby Labor government — —

Honourable members interjecting.

Ms PULFORD — Members of the opposition — —

The PRESIDENT — Order! I would like to hear the question.

Ms PULFORD — Members of the opposition might not be interested, but I can assure them that many members of the communities that I represent in this place are. Will the minister update the house on how the Brumby Labor government is, through the Victorian planning system, responding to new opportunities for investment in the renewable energy sector in regional Victoria?

Mr Finn interjected.

The PRESIDENT — Order! Mr Finn!

Hon. J. M. MADDEN (Minister for Planning) — I thank Ms Pulford for her interest in these matters, and I am sure that opposition members should themselves be interested, or should recall that they are interested in the renewable energy sector, because I know the opposition released a policy only recently. Of course I would expect opposition members to listen carefully to my response because we are, as a government, committed to renewable energy, but we are also committed to working closely with local communities and to listening to local communities and councils about renewable energy as a driver and a deliverer of economic and environmental benefits for all Victorians. Wind energy is one of the most effective forms of renewable energy, and it plays an important part in reducing the level of greenhouse gas emissions here in Victoria.

Victoria was the first state to establish a renewable energy target, and to support this, the Premier recently announced the $175 million *Jobs for the Future Economy — Victoria's Action Plan for Green Jobs*, which supports renewable energies, investment in those energies and the development of greener industries. We are a government that is committed to these things, and the Victorian planning system also supports government policy to encourage investment in renewable energy projects, whilst ensuring that proposed developments are assessed against a range of environmental, economic and community considerations. The assessment of applications for wind energy facilities no doubt requires a high level of technical knowledge and considerable resources. It also requires a collaborative partnership between state and local councils.

Only very recently I have been approached by local governments across regional Victoria asking me to become the relevant authority for all renewable energy projects, particularly wind farms. What they have indicated to us is that the considerable technical knowledge and the considerable resourcing that goes with that technical knowledge is putting them at some disadvantage when it comes to assessing and monitoring those developments. I am currently working with the Municipal Association of Victoria to further strengthen the collaborative approach between the state government and local councils during the assessment and enforcement of wind energy facilities in Victoria. Because of that and because of recent requests by the Moorabool council that I become the responsible authority to assess the Yaloak South wind farm to ensure that the cumulative impacts and effects were considered in a coordinated manner, I have called in that project.

As more wind farms are proposed, the assessment of cumulative impacts is becoming a more pertinent and collaborative relationship between councils and the state government. It is essential that these matters are considered in order to ensure that they are appropriately addressed. This ensures that the right balance is provided between supporting renewable energy projects and responding to community concerns. Our government's support of the wind farm industry is in stark contrast to that of the opposition, which has announced a policy that no doubt I suspect — more than suspect — would threaten the future of the wind farm industry. Recently the industry was struck by — —

Mr Lenders — Why do they hate renewables?

Hon. J. M. MADDEN — That is right. Why does the opposition hate renewables? Good question. But the point here is that a lack of certainty would mean investment would leave this state. It would leave this state for other states, because of the added certainty in those states, if this state were to adopt the wind farm policy of the Leader of the Opposition in the Assembly, Mr Baillieu. What that would do is put at risk hundreds

of jobs and potential greenhouse gas savings of up to 9.38 million tonnes per annum. It is important that we give the industry certainty but with appropriate conditions so that all those matters are considered accordingly. But it is more important that we work with local government to ensure that the necessary rigour that goes with that assessment is based on the highest level of skill and technical knowledge. You cannot do that if you push it all back onto local government and expect it to do it without it being able to invest in that technical knowledge.

If the state were to adopt Mr Baillieu's policy, the high amount of assessment and technical knowledge required for some of these major projects right across Victoria would mean that every single ratepayer in regional Victoria would have to subsidise that assessment on every application, particularly the large ones over 30 megawatts. Those large ones of course would require large-scale assessment and a huge amount of technical investment. What that would mean is that every single ratepayer in regional Victoria would have to subsidise the impost put on them and their council by Mr Baillieu's wind farm policy.

Not only does his policy risk stalling renewable energies in this state, not only does Mr Baillieu's policy mean that hundreds of thousands of ratepayers across regional Victoria would have to subsidise this impost, but at the end of the day we would see the industry most likely leaving Victoria and, more importantly than that, we would see those greenhouse gas savings lost as well.

At the end of the day this policy of Mr Baillieu's not only puts a fledgling industry at great risk but it really puts at risk an industry and the environment, and of course puts a huge impost on regional Victoria right across the rate base. We are committed, as this government has always been, to making sure through our policy, particularly in renewable energies, that Victoria is the best place to live, work and raise a family.

Planning: Beveridge freight terminal

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. I ask if the minister could provide a guarantee to the house that neither he, his office nor his department has had direct contact with Labor Party donor Mr John Simpson in relation to the government developing Mr Simpson's land at Beveridge for a major freight terminal and the fact that Mr Simpson's $14.5 million land purchase was settled the day before the government announced the growth areas infrastructure contribution would apply?

Hon. J. M. MADDEN (Minister for Planning) — In relation to the accusations Mr Guy would like to make about the planning system, about this planning minister, about all sorts of matters, this is the sort of behaviour that comes from an opposition that does not have policy when it comes to these matters.

Honourable members interjecting.

Hon. J. M. MADDEN — When you do not have a policy around the urban growth boundary — —

Mr Guy interjected.

The PRESIDENT — Order! Mr Guy asked the question and the minister is trying to answer. I cannot hear the minister, and I doubt whether many other people can. I ask Mr Guy to pay the minister the courtesy of listening to the answer.

Hon. J. M. MADDEN — Thank you, President, I welcome your comment, but I understand why Mr Guy is so easily inflamed about these things and almost melts down before our eyes, because I understand that the opposition has released one planning policy in the last 10 years, which was about wind farms. It is the one planning policy, and when we shoot it down in flames, as it should be, Mr Guy gets heavily inflamed and outraged, so I can understand his sensitivity on these matters.

I make the point that we announced the changes to the urban growth boundary and we went through enormous consultation in relation to these matters. It is not even confirmed that the urban growth boundary will be changed at the end of the day, because it will have to go before this Parliament before any decisions are made in relation to the urban growth boundary. We have also made any changes to the urban growth boundary, should they be supported by this Parliament, conditional on the growth areas infrastructure contribution bill being passed. It has yet to be passed by this Parliament, so for Mr Guy to make these sorts of accusations is just outrageous.

Anybody who knows how land contracts are entered into or how a land settlement takes place knows that these are not done overnight. They occur months and months beforehand. These allegations that Mr Guy makes in relation to these matters are absolutely outrageous. Time and again we see this from Mr Guy. Again, the great challenge here is whether the Liberal Party and the minor parties in this Parliament will support the growth areas infrastructure contribution and any amendments or adjustments to the urban growth boundary, or will they find the most tenuous reason not to support it, as they have done to this point in time.

I look forward to the debate, hopefully today, on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill, and I look forward to any amendment that might adjust the urban growth boundary coming before this Parliament. I look forward to the opposition making its case as to whether it does or does not support those key elements that have to go before this Parliament before they can be ratified, because we have worked and will continue to work through the proper planning process in relation to all these matters.

To justify its position the opposition can throw as much mud at me or this process as it wants to justify its position, but I look forward to the opposition making clear what its position is, because it has not been clear from the day we announced our position that any change has to be ratified by both houses of Parliament and any amendment will have to go through this Parliament. I welcome Mr Guy's position on this, and I look forward to hearing and seeing what he will do on these matters.

Mr Guy — On a point of order, President, while not directing a minister on how to answer a question, the minister has now been speaking for 4 minutes. It was a very simple question about whether or not the minister could give a guarantee to the chamber about whether he had met an individual. It had very little to do with what he is now talking about.

The PRESIDENT — Order! That is clearly not a point of order. The minister has concluded his answer.

Supplementary question

Mr GUY (Northern Metropolitan) — Again I ask the minister a very simple question: can the minister inform the house whether David White, who is acting for Mr Simpson's neighbour and business partner, George Adams, has had any contact with him or his office in relation to this land purchase or the location of the freight terminal, and if he has not checked this fact, why not?

Hon. J. M. MADDEN (Minister for Planning) — What Mr Guy fails to understand in relation to these matters, any planning matters at all — and I made this point very clear to the Public Accounts and Estimates Committee — is that because of the role I have I will meet many people in many forums and discuss many issues. The issue here is the planning system does not necessarily rely on my views or my opinion at all. It relies on good public process, and that public process cannot be corrupted, although Mr Guy would like to make that case.

I meet many people, as I mentioned to the Public Accounts and Estimates Committee. The other Saturday morning I was approached by a lady at the Queen Victoria Market — and it was not anybody from this chamber, although I have been approached by a member of this chamber at the Queen Victoria Market. I have a witness who saw me at the market that morning. On that morning I was approached by a number of community people with various interests who commented to me about the planning system. One person wanted to mention wind turbines to me, and I was quite happy to hear what she wanted to mention. Another person mentioned other things to me, some of them complimentary, some of them not so complimentary, but I understand that when I am out in public, in any meeting, in any forum, I will be approached by many people on many fronts in relation to all these matters.

The point is whilst the opposition would like to make the case that the system can and could be corrupted, it cannot be because the process for all these things requires not only large-scale consultation, independent review and advice but also advice from the department. Whilst the opposition would like to make the case that the planning system is going off the rails, it cannot and will not because of the reforms this government has put in place. Because of those systems, we have one of the best, robust and most transparent planning systems in the world, no matter what the opposition might like to make out. All the opposition does by doing that is undermine confidence in construction and development in this state.

Opposition members can continue to do that as much as they want to, but I will continue to remind them time and again, when they fall into their own trap, of how they undermine the investing community and jobs in this state. In no way can they then guarantee to this community that they respect, look after or commit themselves to jobs. We are committed to jobs and to maintaining people's lifestyle in this state by making this place the best place to live, work and raise a family, whereas we know the opposition is just committed to undermining the construction and development industry in this state.

Ordered that answer be considered next day on motion of Mr D. DAVIS (Southern Metropolitan)

Rail: Gippsland

Mr SCHEFFER (Eastern Victoria) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister inform the house of what the Brumby

Labor government is doing to improve regional rail service reliability in Gippsland?

Ms Pennicuik — It is not a question.

Hon. M. P. PAKULA (Minister for Public Transport) — It is a question. In fact it is a very good question and I thank Mr Scheffer for it. Last week I was in Warragul to inspect the progress of our $25 million improvement program for the Gippsland line. As part of that program up to 80 000 timber sleepers are being replaced by concrete sleepers to help improve service reliability. That re-sleepering program started in March and has involved track renewals at six stations, including Garfield, Tynong, Nar Nar Goon, Traralgon and Yarragon. Eight level crossing surfaces have also been renewed with new concrete sleepers. Road resurfacing works are now almost finished.

The next stage of works will involve replacing sleepers on both sections of track between Pakenham and Traralgon, making them predominantly concrete. That investment in concrete sleepers will have long-term benefits for the line and will provide better track stability. It will mean there will be less long-term maintenance required. Additionally, those concrete sleepers are manufactured right here in Victoria at the Austrak sleeper factory in Lara. This is the next stage in the government's ongoing investment in public transport in the Gippsland region.

In 2005 one track was upgraded to fast rail standards with concrete sleepers to allow peak trains to run at speeds of up to 160 kilometres an hour. The signalling system was also upgraded to allow trains to run in both directions on both tracks. The remaining timber track sections will now have their timber sleepers upgraded to concrete sleepers at passing loops, stations and level crossings to improve reliability.

The work we are carrying out in Gippsland has followed the significant investment we have made in the Ballarat and Geelong regional fast rail corridors, both of which have concrete sleepers running for most of their entire length on two separate tracks. Because of the investment the government is making in public transport in the Gippsland region, people are again choosing to leave their cars at home and take the train. Since we upgraded the Gippsland line in 2005, patronage has more than doubled from 850 000 passenger trips in 2004–05 to 1.77 million in 2008–09.

We are helping Gippsland passengers to get where they need to go, whether it is commuting to and from work, whether they are visiting friends and family or whether they are travelling into Melbourne for appointments. Our commitment to regional Victorians is clear. These works that we are carrying out between Traralgon and Pakenham right now will improve the line. With more V/Locity trains coming, Gippsland residents can be increasingly confident that their transport needs are being met.

Peninsula Link: construction

Ms PENNICUIK (Southern Metropolitan) — My question is for the Minister for Environment and Climate Change. The minister would be aware that construction of Peninsula Link has been started by the Linking Melbourne Authority's contractor, Southern Way. In the last few days I have received a lot of emails and phone calls, as perhaps has the minister's office, on what has been going on in terms of the destruction of flora and fauna. Under the environment effects statement, environment management procedures and mitigation measures were agreed to and the government agreed that the proponent would develop a flora and fauna management plan in consultation with the Department of Sustainability and Environment.

My information is that that plan has not been approved. Some of the objectives under that plan include minimising the interactions between fauna and vehicles during road construction and operation, but I have had reports from Wildlife Victoria staff that in the clearing at Pobblebong reserve in particular trees have been bulldozed without any attempt to rescue or relocate any of the animals on that site — the possums, frogs and bats. Also commitments under the plan should have included the obligation or the opportunity to salvage plant species, collect seed from native vegetation et cetera, but with the bulldozing at Pobblebong reserve I know that rare orchids have been destroyed. My question is: is the minister aware that construction and land-clearing have begun in the absence of the management plan being developed with his department?

Mr JENNINGS (Minister for Environment and Climate Change) — As members would understand, that was an extremely detailed question from Ms Pennicuik. It is predicated on the assumption that there should be an environment management plan developed, established, recognised and complied with in relation to the construction of the road link that she refers to. Certainly it is my understanding that that is a requirement and it is my expectation that a plan would be complied with.

The specific matters that she has raised with me today had not been drawn to my attention until this question. I

am happy to actively and quickly investigate those matters and provide any supplementary information that may be appropriate to Ms Pennicuik, because these things are important. It is important that we take action to protect the environment and ensure that civil construction is undertaken in a way which complies with statutory obligations and the plans that are required to be associated with these construction projects. It is also important for the community to have confidence that that is important not only for the construction process approvals but also the way in which we would expect those matters to be complied with. I will take advice and respond accordingly.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — Will the minister ensure that if it is in fact the case the management plan has not been approved, that construction works will be ceased until that is the case?

Mr JENNINGS (Minister for Environment and Climate Change) — What is appropriate is that I exercise my responsibilities. If I have information that confirms the allegation that is in the question, then I will take the action and intervention that is appropriate, that is in accordance with my responsibilities and that meets the expectations that we, as a community, have for the construction of that roadway.

Bushfires: flora and fauna recovery

Mr VINEY (Eastern Victoria) — My question is also to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister inform the house how the Brumby Labor government, in partnership with the commonwealth and the community, is taking action to assist the recovery of precious plants and animals that were affected by the devastating 2009 bushfires?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Viney for the question because it is, consistent with the last question I was asked in this chamber, important that we protect the vegetation, habitat and wildlife that lives in the Victorian landscape. On a number of occasions since the devastating fires of 2009 I have been asked questions about our support for endangered species and habitats to try to make sure that we have biodiversity protection and restoration of those values after the bushfires.

I am pleased to say that last week I travelled to Gippsland and spent some time in Boolarra, Callignee and Traralgon South engaging in a variety of projects and taking the opportunity to announce a significant investment program. The Victorian Bushfire Recovery and Reconstruction Authority has allocated $4.8 million to 25 projects that will be dedicated to supporting environmental values as they are revived and restored in fire-affected areas across the Victorian landscape. Whether it be strategic predator intervention to try to make sure that some of our vulnerable species are not subjected to unwanted predators or pest and weed infestation across the public land estate, which is an important measure of the program; whether it be trying to protect and revive small mammals in Wilsons Promontory; whether it be to look after the Leadbeater's possum habitat in the Central Highlands region, which has been the subject of a question I have received in this chamber before; or whether it be to try to look after rainforest or subalpine vegetation types — these are the types of projects that will be funded out of this $4.8 million.

The project I visited outside Callignee on the way to Traralgon — and I had the good fortune of Mr Scheffer joining me for this event — was looking at the habitat of the powerful owl. These owls hopefully live successfully in couples, and when you recognise that they live in forested areas and need the best part of 800 to 1000 hectares to successfully live — when you think about the terrain in their natural environment — you see that they are a species that requires a bit of habitat protection. We understand that some of those values need to be revived and to be quarantined from additional pressures and additional threats. We are pretty keen to support that project.

The importance of these projects that are being supervised by the Department of Sustainability and Environment and Parks Victoria is that they quite often involve a bit of restorative work, which is sometimes undertaken by private contractors and sometimes by volunteers, always with the engagement of a broader cross-section of the community. As part of the recovery process the community understands the importance of community rebuilding and redevelopment and its contribution to environmental values. That is something we have acted to protect, and we have provided opportunities for community engagement through the Natural Values program being run by my department and my agencies, thanks to the wise decision-making processes of the Victorian Bushfire Reconstruction and Recovery Authority, which has allocated that funding for that purpose.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 2369, 2565, 2570, 2788, 3030, 4115–9, 4122–6, 4133, 4136–40, 4143–7, 4150, 4151, 4157, 4164, 4171, 4178, 4199, 9085, 9087, 9173, 9174, 9176–83, 9209–18, 9260–79, 9313–22, 9326–35, 9379–97, 9499, 9569, 9688, 9738–40, 9894–6, 9899, 9901, 9904–20, 9923, 9961–5, 9969, 10 155–7, 10 161, 10 162, 10 165, 10 168, 10 171, 10 179, 10 183, 10 184, 10 206, 10 253, 10 257, 10 272, 10 273, 10 302, 10 326, 10 329–35, 10 337–41, 10 343, 10 346–9, 10 351, 10 352, 10 354–8, 10 360, 10 397–99, 10 401–3, 10 405–9, 10 414–6, 10 418–20, 10 422–6, 10 428–31, 10 435–7, 10 444, 10 448, 10 469, 10 477, 10 481–92, 10 515, 10 518–22, 10 541–4, 10 552, 10 554–6, 10 561–3, 10 565, 10 567, 10 568, 10 570, 10 571, 10 576, 10 583–7, 10 594–8, 10 600–4, 10 606, 10 608, 10 609, 10 624–7, 10 635, 10 637–9, 10 644–6, 10 650, 10 651, 10 659, 10 666, 10 667, 10 670, 10 676, 10 677, 10 679–81, 10 683, 10 684, 10 691, 10 692, 10 702, 10 703, 10 707–10, 10 712, 10 715, 10 716, 10 718, 10 719, 10 721, 10 722, 10 726–8, 10 730, 10 732–6, 10 740–856, 10 861, 10 862, 10 866–9, 10 874, 10 875, 10 877, 10 879–81, 10 889, 10 891, 10 892, 10 894, 10 895, 10 907, 10 908, 10 910, 10 912, 10 918, 10 920, 10 921, 10 931, 10 933, 10 944, 10 945, 10 949, 10 950, 10 952, 10 960, 10 962–4, 10 973, 10 975, 10 976, 10 979, 10 984, 10 992–5, 11 004–6, 11 009, 11 013, 11 014, 11 016, 11 017, 11 019, 11 020, 11 073–6, 11 083, 11 089, 11 091, 11 093–7, 11 100, 11 108, 11 110, 11 111, 11 115–9, 11 123, 11 124, 11 126–31, 11 134, 11 138, 11 139, 11 141, 11 142, 11 144, 11 145, 11 150, 11 157–61, 11 168–73, 11 176–81, 11 183, 11 184, 11 199–202, 11 210, 11 212–4, 11 219–23, 11 225, 11 226, 11 228, 11 229, 11 236, 11 237, 11 241–4, 11 246, 11 252, 11 254–7, 11 261–5, 11 267, 11 270, 11 271, 11 283, 11 284, 11 294–98, 11 301–6, 11 308, 11 317, 11 324, 11 325, 11 328, 11 335–39, 11 342, 11 346, 11 347, 11 349, 11 352, 11 353, 11 358, 11 366–9, 11 376–8, 11 380, 11 383–8, 11 390, 11 398, 11 399, 11 423, 11 431, 11 433, 11 434, 11 441, 11 443–6, 11 448–52, 11 454, 11 456, 11 457, 11 465, 11 472, 11 473, 11 475, 11 476, 11 483, 11 485–8, 11 491–4, 11 496, 11 498, 11 499, 11 509, 11 510, 11 514–7, 11 519–23, 11 531, 11 533, 11 535, 11 538, 11 539, 11 563, 11 565, 11 573–5, 11 586, 11 588–90, 11 593, 11 595–9, 11 601, 11 603–5, 11 607, 11 608, 11 611–3, 11 657, 11 659, 11 661–5, 11 672, 11 673, 11 677, 11 680–2, 11 684, 11 689–91, 11 693, 11 694, 11 696, 11 701–3, 11 707–11, 11 715–28, 11 730, 11 732, 11 737, 11 742, 11 746, 11 751–9, 11 761–7, 11 777, 11 783, 11 797.

PETITIONS

Following petitions presented to house:

Graffiti: Bentleigh

To the Legislative Council of Victoria:

The petition of certain citizens of Victoria draws to the attention of the Legislative Council the failure of the Brumby Labor government to prevent the spread of the graffiti scourge in Bentleigh and its lack of initiative to address the issue.

The petitioners therefore request that the Minister for Local Government provide funding to introduce a holistic program to address the issue of graffiti in the electorate of Bentleigh.

By Mrs COOTE (Southern Metropolitan) (11 signatures).

Laid on table.

Thomson River: environmental flows

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council their total opposition to the Labor government's decision to take a further 10 billion litres of water from the Thomson River to top up Melbourne's water supplies, with the knowledge that this action will have a disastrous impact on the health of the Thomson River and the Gippsland Lakes, and particularly when the government has made no meaningful effort to utilise the 300 billion litres of wastewater each year going out to sea and the 250 billion litres of stormwater falling on Melbourne's roofs, roads and footpaths.

The petitioners therefore request that the government abandon its plan to take a further 10 billion litres of water from the Thomson River.

By Mr HALL (Eastern Victoria) (9 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Mr EIDEH (Western Metropolitan) presented *Alert Digest* No. 7 of 2010, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Parliamentary Committees Act 2003 — Government Response to the Rural and Regional Committee's Report on Regional Centres of the Future.

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

Boroondara Planning Scheme — Amendments C93, C105 and C111.

Cardinia Planning Scheme — Amendments C77 and C113.

Casey Planning Scheme — Amendment C119.

Darebin Planning Scheme — Amendment C114.

Greater Shepparton Planning Scheme — Amendment C94.

Knox Planning Scheme — Amendment C71.

Latrobe Planning Scheme — Amendment C24 Part 1.

Maribyrnong Planning Scheme — Amendment C91.

Monash Planning Scheme — Amendment C91.

Mount Alexander Planning Scheme — Amendment C48.

Nillumbik Planning Scheme — Amendment C59.

South Gippsland Planning Scheme — Amendment C53.

Stonnington Planning Scheme — Amendments C121 and C124.

Surf Coast Planning Scheme — Amendments C54 and C64.

Whittlesea Planning Scheme — Amendment C125.

Wodonga Planning Scheme — Amendment C79.

Victorian Planning Provisions — Amendment VC70.

Statutory Rules under the following Acts of Parliament:

Magistrates' Court Act 1989 — No. 25.

Road Safety Act 1986 — No. 26.

Supreme Court Act 1986 — Nos. 22, 23 and 24.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 22, 23, 24 and 25.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 26.

Victorian Electoral Commission — Report on the Altona District by-election held on 13 February 2010.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Transport Legislation Amendment (Compliance, Regulation and Enforcement) Act 2010 — Part 1, sections 18, 37, 38, 40, 41, 42, 43, Division 4 of Part 5, sections 77, 78, 79 and 81, and Divisions 2, 3, 4 and 5 of Part 6 — 22 May 2010; Division 1 of Part 5 — 1 June 2010 (*Gazette No. G20, 20 May 2010*).

Trustee Companies Legislation Amendment Act 2010 — 11 May 2010 (*Gazette No. S171, 11 May 2010*).

PARLIAMENTARY PRIVILEGE

Right of reply: Migrant Resource Centre North West Region

The PRESIDENT — Order! Pursuant to the standing orders of the Legislative Council I present a right of reply from the Migrant Resource Centre North West Region to statements made in the Council by Mr Bernie Finn, MLC, on 9 March 2010.

During my consideration of the application for the right of reply I gave notice of the submission in writing to Mr Finn and also consulted with him prior to the right of reply being presented to the Council. I have omitted some expressions which I deemed not to be in accordance with the spirit of the standing order.

Having considered the application and determined that the right of reply should be incorporated into the parliamentary record, I remind the house that the standing order requires me when considering a submission under the order to not consider or judge the truth of any statements made in the Council or the submission.

In accordance with the standing orders the right of reply is hereby ordered to be printed and incorporated in *Hansard*.

Reply as follows:

The MRC North West Inc wishes to place on the public record a response to comments made by Mr Bernie Finn, MP, in an adjournment debate on 9 March 2010.

Mr Finn's comments about the MRC North West, inter alia, are premised on three key issues: our method for endorsing memberships, a suggestion that the organisation directly involves itself in the machinations of the Australian Labor Party and that it is being operated as part of a political 'empire'. In all of these matters, Mr Finn is seriously mistaken. In so doing, he has attacked the reputation and propriety of our chairperson, Mr Hakki Suleyman, and Mr Anthony Abate, our executive officer. He has also indirectly attacked the reputations of all other members of our hardworking and diligent committee of management.

All of our committee members serve the organisation in a voluntary capacity. They receive no remuneration for their work.

The comments have also been most hurtful for some members of our staff, and an unwelcome distraction to the outstanding work they undertake on a daily basis.

Membership issues

We have written to the Premier, in his capacity as the Minister for Multicultural Affairs, detailing the organisation's method for accepting memberships. It includes reference to the fact that membership issues do not involve the executive officer; that all such applications are registered on a database upon receipt; that they are endorsed at monthly committee meetings; and most significantly, that the organisation is not aware of any membership ever being rejected. The executive officer has no role in approving or denying memberships.

Moreover, our organisation is always openly and publicly looking to attract new members. Our widely distributed quarterly newsletter contains information on new memberships on its front page; and our old and new websites encourage people to join. The measure of our success is that we have members from a host of cultural backgrounds.

Our constitution is designed to maximise broad ethnic representation so that a variety of views are reflected in our decision making. This is why we have a committee, which is reflective of established and emerging ethnic groups.

Unfortunately, Mr Finn did not take the time to make contact with our organisation, as he would have been furnished with the same facts.

Links to the Australian Labor Party

Mr Finn's assertion that the MRC is directly connected to the Australian Labor Party is also without foundation. The MRC has been operating for 21 years as an apolitical and secular organisation focused on providing social services aimed at improving the lives of migrants and refugees. If members of our committee or staff are members of political parties, religious faiths, or any other social grouping, this is a matter for them. The organisation places no interest in identifying such links and draws a very strict line in ensuring such matters are not part of the centre's operations.

The MRC, as an organisation, has no direct links with any political party. Our facilities are not used by any political parties.

Work of the MRC North West

We are concerned that Mr Finn should choose to listen to the uninformed views of unidentified members of the Labor Party or other third-party political groupings. We have a 21-year history which is underpinned by a commitment to financial diligence that includes providing acquitted financial reports to our funding bodies and fully audited financial reports to our members and relevant authorities. Our balance sheet is relatively healthy because past and present members of the committee have exercised great care in ensuring services are provided to the needy while ensuring the centre operates in a responsible financial manner.

The relative paucity of social services in the western suburbs is a well-worn adage. The MRC fills much of this breach through hard work and a cooperative vision that embraces diversity and social need, and leaves out politics. In the absence of evidence to justify the contrary, the maintenance of our collective and individual reputations is essential to enabling this work to proceed. The above facts, in our minds, justify the preservation of these reputations.

Mr Finn is more than welcome to visit our organisation and we wish to place an open invitation on the public record. We would be more than pleased to meet with him. We are always more than happy to take any opportunity to spread the word on multiculturalism and its positive capacity to change people's lives.

Laid on table.

Ordered to be printed.

DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF HEALTH: PRODUCTION OF DOCUMENTS

The Clerk — I have received the following letter dated 14 May 2010 from the Attorney-General:

ORDERS FOR THE PRODUCTION OF DOCUMENTS

I refer to the Legislative Council's (Council) orders of 5 May 2010 seeking the production of:

> a copy of the following reports commissioned by the Department of Human Services:
>
> (1) Economic and social costs of out-of-home care in Victoria (Deloitte);
>
> (2) Evaluation of the implementation of the Disability Act 2006 (Plexus Consulting);
>
> (3) Evaluation — quality of life outcomes following Kew Residential Services redevelopment (La Trobe University);
>
> (4) Respite provision for people with disability in southern metropolitan region (Nucleus Consulting Group
>
> (5) Respite provision for people with disability in Gippsland region (Nucleus Consulting Group); and
>
> (6) Phase 1 of the statewide project to develop a strategic plan for respite services (Nucleus Consulting Group).

and:

> a copy of the following reports commissioned by the Department of Health (formerly the Department of Human Services):
>
> (1) Formative research for the development of a Victorian alcohol social marketing initiative (the Social Research Centre); and
>
> (2) Victorian youth alcohol and drug survey 2009 (the Social Research Centre).

These orders requested that the government produce the documents sought by the Council on 5 May 2010 — the same day on which the orders were made. The government will respond to these orders as soon as possible.

GOVERNMENT: PRODUCTION OF DOCUMENTS

The Clerk — I have received a further letter dated 14 May from the Attorney-General, which reads as follows:

I refer to the order made by the Legislative Council on 5 May 2010 titled '*Further Demand to Lodge Various Documents and Appointment of Independent Legal Arbiter*'.

The government is considering its response to the Council's order and anticipates being able to respond to the issues raised by it by the end of May 2010.

PLANNING INSTRUMENT OF DELEGATION: PRODUCTION OF DOCUMENTS

The Clerk — I lay on the table the following documents received in accordance with the resolution of the Council of 24 February 2010:

(1) Minister for Planning permit register, decisions under delegation 2006;

(2) delegated decisions register, authorisation to prepare amendments signed by the delegate 2006;

(3) planning permit tracking system, register of applications 2006;

(4) delegated decisions register, amendments signed by the delegate 2006;

(5) Minister for Planning permit register 2007;

(6) delegated decisions register, authorisation to prepare amendments signed by the delegate 2007;

(7) planning permit tracking system, register of applications 2007;

(8) delegated decisions register, amendments signed by the delegate 2007;

(9) Minister for Planning permit register, decisions under delegation 2008;

(10) delegated decisions register, authorisations signed by the delegate 2008;

(11) planning permit tracking system, register of applications 2008;

(12) delegated decisions register, amendments signed by the delegate 2008;

(13) Minister for Planning permit register, decisions under delegation 2009;

(14) delegated decisions register, authorisations signed by the delegate 2009;

(15) planning permit tracking system, register of applications 2009; and

(16) delegated decisions register, amendments signed by the delegate 2009.

Ordered that documents be considered next day on motion of Mr BARBER (Northern Metropolitan).

BUSINESS OF THE HOUSE

General business

Mr D. DAVIS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 26 May 2010:

(1) the notice of motion given this day by Mr Hall relating to the allocation of gaming machine licences by the Victorian government;

(2) order of the day no. 16, resumption of debate on the second reading of the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Bongs) Bill 2010;

(3) the notice of motion given this day by Mr D. Davis relating to the operation of Ambulance Victoria;

(4) the notice of motion given this day by Mr Atkinson relating to funding support to the Victorian college of the arts;

(5) order of the day no. 15, resumption of debate on the motion moved by Mr O'Donohue relating to government services; and

(6) the order of the day for the consideration of the register of the exercise of delegated powers, discretions and functions between the Minister for Planning and departmental staff.

Motion agreed to.

MEMBERS STATEMENTS

Members: overseas travel

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased to put on the record that I think it is important for members of Parliament to travel overseas to inspect various things or events. Some in this chamber would like us to travel on the zone 1 tram ticket to get around to explore the world, but I do not think that is quite

feasible. There are some members who would probably like to look at visiting the different transport ticketing systems in the world. I am glad the Minister for Public Transport is here; maybe he could take the advice and see how myki could be up and running. But there are some, President, who would like to look at how gift shops are operating around various Parliaments across the world. Again, that is a reasonable assessment and something that should be done — if, of course, we are aware of what happens when those members go overseas.

It is important to put on the record that when you do go overseas you must be able to provide those reports to the people of Victoria. It is incumbent upon us, whether we are on committees or other taxpayer-funded events, to actually report those events appropriately.

I am not saying that a gift shop may not be appropriate in this place — I do not think it is — but it would be nice to know the experiences of other gift shops around the world and in particular the benefits to Victorians. I also put on the record that I would also like to see investigations into the food services of other parliaments around the world. It is important to put that on the record.

Public transport: western suburbs

Ms HARTLAND (Western Metropolitan) — Last night I held the first of a series of seven neighbourhood-based meetings in the western suburbs for better public transport instead of the $5.3 billion WestLink nightmare.

The government spent 12 months — more than 12 months, in fact — trying not to give Mr Barber information about the shaky economic grounds for putting a dirty great road tunnel and freeway through my neighbourhood, and I am not surprised. Last night at the meeting, Kingsville and Yarraville residents were talking about what public transport, hospitals and schools could be created with $5.3 billion. That $5.3 billion would electrify and duplicate the Bacchus Marsh and Melton line 10 times over, it would build or renovate 1000 schools or it would build 10 new hospitals.

I would like to thank the government for finally releasing the information after only a year's battle, because now we know the project is a big, dirty, noisy destructive economic lemon, and we know the community can defeat it.

The local residents who came to the meeting last night are politically astute. They know this project is of no benefit to them and that it will bring more trucks and cars through their suburb. They want public transport, they want freight on rail, they want the West Gate bike punt, they want bike paths and they want a clean future.

National Volunteer Week

Ms PULFORD (Western Victoria) — I would like to congratulate a number of volunteers who have been recognised for their contributions to our health services during volunteer week. Ron Munn from the Edenhope and District Memorial Hospital has been a volunteer in the Edenhope adult day centre men's shed for eight years, volunteering two full days a week. The men's shed projects have offered an often-forgotten group, older men in regional Victoria, an outlet for their skills, experience and knowledge, often in forgotten crafts and trades. Ron Munn's generous contribution of his time and skills is a fine example of the strength that exists within our small but vibrant community.

The Hamilton community transport service has also been recognised. The service was introduced 10 years ago in response to a growing need for transport for older and disadvantaged people to get to medical appointments outside Hamilton. The service began with 5 volunteer drivers and it now has 40 drivers and 12 escorts. These outstanding volunteers are kind, caring and reliable people who have built the reputation of the service.

A third worthy recipient of recognition during volunteer week in the category of rural health service is the Wimmera Base Hospital ladies auxiliary, which works with the Wimmera Health Care Group. This dynamic group of women meet monthly and work in close partnership with management to determine how their fundraising activities can best be utilised to benefit the health service and patients.

I wish to congratulate all the nominees and recipients of the respective awards for health volunteers and thank them for the fantastic contribution they make to the health and wellbeing of their communities.

Australian Labor Party: allegations

Mr D. DAVIS (Southern Metropolitan) — My matter today concerns the extraordinary allegations made by Costas Socratous, a former employee of Mr Theophanous, a former minister in this chamber, and a former staffer of Mr Telmo Languiller, the member for Derrimut in the other place and Parliamentary Secretary for Human Services.

It is very clear that Mr Socratous has spoken with firsthand knowledge because he has announced to the

community, through a series of media reports, what he has actually done. These are grave and serious allegations that go to the heart of corruption in this Brumby Labor government. This corruption in the government is very serious indeed, and I have to say that the decision of the Leader of the Government today to dismiss these matters is extraordinary. There needs to be an independent investigation of these matters; we need to get to the heart of the corruption inside the Brumby government. The idea that communities would be overridden roughshod by the Brumby government and its agents is simply disgraceful.

In my view the Ombudsman has a role to investigate here, as do the electoral commissions, because there are questions about the registration of the Australian Labor Party. The pathetic response by the Leader of the Government is outrageous. The Premier is setting very low standards. He needs to step forward and clean up the corruption in the Labor Party and in his government. It is simply disgraceful. Victorians are angry and sick of it.

Chisholm Institute of TAFE: Bass Coast campus

Mr SCHEFFER (Eastern Victoria) — I congratulate the Bass Coast campus of the Chisholm Institute of TAFE on the excellent work it is doing to support job seekers who face barriers to finding employment. Last week I joined Chisholm CEO, Maria Peters, and campus staff at the official launch of the local Victoriaworks project for job seekers with employment challenges.

Chisholm TAFE received a grant of $434 000 to deliver the Bass Coast water and allied industries initiative. This initiative provides a coordinated service that supports, trains and mentors participants to find employment in the building, water and environmental industries related to the establishment of the Wonthaggi desalination plant. The desalination plant will also create a demand for employment opportunities in allied and associated industries such as hospitality, retail, and administration, and the project will also assist individuals wanting to find work in these areas.

It was terrific to see Russell Broadbent and Ken Smith, federal and state Liberal MPs, and Peter Hall at the launch, showing their support for Chisholm and for this Brumby Labor government employment project. I wish the Chisholm Institute of TAFE and those job seekers already engaged in the project all success.

Country Fire Authority: Tooradin brigade

Mr SCHEFFER — On another matter, I also acknowledge the fantastic work of the 36 volunteer members of the Tooradin Country Fire Authority and the Tooradin community on the rebuilding of their fire station and for their fighting fires since 1945.

The brigade was active at Boolarra and Yanakie during the February 2009 fires, and it was a great honour and a pleasure on 16 May to officially hand over the keys of a new ultra-light fire truck to David Bullman and Ted Clay, representing the CFA.

Housing: government performance

Ms LOVELL (Northern Victoria) — As winter nights and morning frosts really start to bite, I would like each member of this chamber to spare a thought for Robert Kearns and his five children, who have been forced to seek refuge in a tent in Shepparton's Strayleaves caravan park due to John Brumby's housing crisis. Robert Kearns is doing the best he can to provide a home for his five children: Tahlia, 13; Maximus, 5; twins Caleb and Tiffany, 3; and William, 2. The family's tent is strewn with power cords, heaters and blankets, but it is not enough to block out the cold, and a number of the children are battling chest infections.

This situation is bleak, but unfortunately it is not unusual. In the first three months of this year, 1013 Victorian families joined Labor's growing public housing waiting list. There are now almost 40 000 families on the waiting list for public housing in Victoria, and an incredible 11 832 vulnerable families, like the Kearns family, who are waiting for urgent early housing.

The Brumby government's response to the plight of the Kearns family has been abhorrent. During a recent interview with a full press pack, Mr Kearns was asked where was the first place he went for help. Robert told them the first place he went was to local Labor MP, Kaye Darveniza, but instead of providing assistance she — incredibly and very lazily — told him to go, 'go to Wendy Lovell's office!'.

Something is very wrong in Victoria when a local Labor member fobs off families in a housing crisis and sends them to opposition members rather than contacting the Minister for Housing to advocate on their behalf. What a joke! It is time Labor took responsibility for its ongoing failure.

Samir Kairouz

Mr ELASMAR (Northern Metropolitan) — I have just come from a very sad funeral service held at Our Lady of Lebanon Church in Thornbury which was offered for the repose of the soul of the late Samir Kairouz, a senior partner in the Cedar Meats family business located in Footscray.

Mr Kairouz passed away suddenly and we are all in shock, especially his inconsolable elderly parents. I wish to express my sincere condolences to them, to Samir's wife, Mona, and their five children, and to his five brothers, six sisters and their families, who are all grieving in this time of tragedy.

Mr Kairouz was a well-loved and highly respected person within the Australian Lebanese community. He was a kind, considerate man who was well known by his community for his generosity in helping others in their time of need. He will be sorely missed by his loving family, his employees and by his many, many friends. Samir Kairouz was my dear friend and more than a brother to me. May he rest in peace.

Grampians Pyrenees Wine Cooperative

Mr KOCH (Western Victoria) — I recently attended the launch of the Grampians Pyrenees Wine Cooperative and its first product, the Ararat Gold Shiraz. The cooperative is an important initiative between Ararat Rural City Council and its Chinese sister city, Taishan. Winemakers from the Grampians and Pyrenees regions that were involved include Eurabbie Estate at Avoca, Clayfield Wines at Moyston, the fabulous Michael Unwin Wines at Beaufort, Mount Cole Wineworks, NSP Winery, Redbank and Concongella wineries and Chandler's Vineyard, along with Northern Melbourne Institute of Technology at Ararat. Over 95 per cent of wine produced will be exported to China. This has been a huge success, and production increases are planned for future years to meet demand and orders currently being placed.

The state government-funded winery building was left incomplete after $7 million was spent some eight years ago. Who knows how long the project would have been left to linger had the Ararat Rural City Council not taken the initiative and resurrected the state government's earlier investment by securing the last $200 000 necessary to purchase a pump and filtration system, allowing its completion.

I congratulate all involved, especially shire councillors, the CEO, Stephen Chapple, and local vignerons on this great local business initiative. It will benefit the Grampians and Pyrenees communities for years to come. However, one is left to wonder how many other great projects in western Victoria, including those in the Assembly electorate of Ripon, have been left languishing through a lack of genuine government commitment.

Preston Primary School: Premier's reading challenge

Ms MIKAKOS (Northern Metropolitan) — On 18 May I was pleased to join Carole Wilkinson, children's author and the Victorian Premier's reading challenge ambassador, in congratulating students and celebrating Preston Primary School's participation in this year's Premier's reading challenge. I congratulate the 200-odd grade 5 and 6 students who will take up the challenge to read more books, and I wish them every success.

Children's Protection Society: art exhibition

Ms MIKAKOS — On 19 May I was honoured to officially launch the Children's Protection Society term 2 art exhibition. The theme of the exhibition was based around families. Students from Ivanhoe East Primary School showcased their artistic talents through paintings that reflect the importance of families in their lives. I have a great deal of respect for the society, whose mission is to break the cycle of abuse and neglect to improve the life chances and choices for children at risk. This art exhibition is part of the society's Covering Empty Walls project which links the society to community through the arts.

Darebin intercultural centre: funding

Ms MIKAKOS — On 20 May I attended, with the Minister for Community Development, the mayor of Darebin, Cr Vince Fontana, and dignitaries, the announcement of $122 000 of state government funding towards a new Darebin intercultural centre. The centre will see the redevelopment of the old Preston courthouse which is to be transformed into a multi-use facility for a range of ethnic communities in Melbourne's north. This project has also received funding from Darebin City Council and the federal government.

Northern Melbourne Institute of TAFE: technical education centre

Ms MIKAKOS — Finally I would like to congratulate the Brumby government for giving young Victorians more training options with the new $8 million technical education centre at the Heidelberg

campus of the Northern Melbourne Institute of TAFE. The centre will offer around 300 students training in areas including building and construction trades, community programs, hospitality, multimedia and arts. I welcome this investment in opening up more career pathways for young people.

Liberal Party: policies

Mrs COOTE (Southern Metropolitan) — I recently sent out a brochure enunciating, amongst other things, the Liberal Party's law-and-order policy ahead of the 27 November state election. I have had an overwhelming response from constituents in Southern Metropolitan Region. They are particularly concerned about the lack of law and order; and what is happening on their streets. People are concerned that they do not feel as safe as they did 10 years ago. They are particularly concerned about their neighbourhood safety, the safety of their children, elderly parents and safety with regard to crimes against the person.

The Liberal Party has an outstanding law and order policy which will make our streets safer. The Liberal Party will employ 2640 additional police officers and protective services officers, introduce tougher sentencing, including abolishing suspended sentences and home detention, restore Neighbourhood Watch, ban violent drunks from licensed premises, outlaw criminal motorcycle gangs, ban the sale of knives to minors and establish an independent broadbased anticrime and corruption body. This has been very well received by people, particularly in the Assembly electorates of Bentleigh, Prahran and Albert Park. They are particularly pleased to think that the Liberal Party is out there listening, is reflecting this in its policy and making quite certain that in November this year it will take it up to this government and make certain that — —

The ACTING PRESIDENT (**Ms Pennicuik**) — The member's time has expired!

Buddha's Day and Multicultural Festival

Mr MURPHY (Northern Metropolitan) — On Sunday, 16 May, I attended the Buddha's Light International Association (BLIA) of Victoria's Buddha's Day and Multicultural Festival 2010. Proudly presented by Fo Guang Shan Melbourne and Buddha's Light International Association of Victoria, the 15th Buddha's Day and Multicultural Festival marks the Buddhist holiday with a unique annual event celebrating Buddha's birthday, flavoured by Melbourne's diverse multicultural society. Buddha's Day and Multicultural Festival incorporates the traditions of Buddhist ceremonies and celebrations including the bathing of the Buddha, daily Dharma ceremonies, the wishing bell and traditional incense offerings, a vegetarian culinary tour of Asia alongside the Yarra on the river terrace, cultural demonstrations and insights, music, art and craft, and community service groups.

It was a great experience to be involved in the bathing of the Buddha. When performed with reverence and a purified mind the ritual is said to improve harmony and inner balance, leading to a flourishing, fulfilling, wholesome, blissful and enlightened life.

The crowd was met by a perfect crisp autumn Sunday morning and their numbers grew as the ceremony continued.

Following the ceremony I met a number of young members of the BLIA Victoria who I admire for their welcome and their enthusiasm in terms of Buddha's teachings. I thank Abbess Yi Lai of Fo Guang Shan Australia for the kind words of spirituality and support to those who were present at Federation Square that morning. I encourage all members of the community to get involved in future festivals and activities of the BLIA.

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL

Statement of compatibility

For Hon. J. M. MADDEN (Minister for Planning), Hon. M. P. Pakula tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009.

In my opinion, the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The purpose of the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 is to amend the Planning and Environment Act 1987 and six related acts to introduce a new growth areas infrastructure contribution (GAIC) scheme for the levying and collection of

monetary contributions in certain growth areas for the provision of state infrastructure and associated costs in those areas.

This scheme will establish a simpler, fairer and more flexible system for funding the state infrastructure needed by new communities in growth areas.

The bill gives effect to the government's announced intention to introduce a state infrastructure contribution, as outlined in *Melbourne @ 5 Million* (December 2008).

Specifically, the bill:

> Proposes to introduce a GAIC for the provision of state infrastructure and associated costs at a set rate on specified land in existing and future growth areas, which is triggered in a specified set of circumstances (such as on the subdivision of the land or certain land transactions), which will apply retrospectively from December 2008.
>
> Establishes the legislative framework for the amount, payment, management and disbursement of the GAIC.

Human rights issue

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

Section 20 — property rights

Section 20 establishes a right not to be deprived of property other than in accordance with law. The requirement that deprivations only occur in accordance with law imports a requirement that the law not be arbitrary. It means that the law must be accessible to the public generally and the class of persons who are likely to be affected by the law in particular. The law must also be formulated with sufficient precision to guide those who apply it.

The term property is not defined in the charter but includes both real and personal property and any right or interest regarded as property under Victorian law. It can also include less formal rights in relation to property. The term 'deprived' includes situations where a regulation has the effect of substantially depriving a property owner of the ability to use his or her property, including deriving profits from it.

Clause 9 of the bill establishes the legislative framework for the GAIC scheme for the specific purpose of levying contributions towards state-provided infrastructure in certain growth areas. The operation of this scheme is clearly defined and appropriately circumscribed in the bill. It applies only to specific areas of land within clearly defined boundaries; the events that trigger a GAIC liability and the amounts that must be paid are clearly specified; and the circumstances and procedures for granting exemptions, reducing or deferring the GAIC liability are defined.

In clause 9, proposed section 201RC defines which land within a growth area is subject to the GAIC; proposed section 201RA sets out the events that trigger the requirement for the GAIC to be paid, while proposed section 201RB sets out excluded events and proposed sections 201RF and 201RG set out excluded subdivisions of land and building work; proposed sections 201S–201SD set out when the GAIC liability arises; proposed section 201SG defines the amount to be paid and the method by which this amount is indexed; proposed section 201SE sets out when a GAIC trigger event occurs while proposed section 201SF sets out who is liable to pay the GAIC; proposed section 201SLA provides for the refund of GAIC paid if land ceases to be within a contribution area within three years of the payment except where an approval has been granted for a staged payment in association with development of the land, proposed section 201SM sets out the capacity to elect to defer payment of the contribution, proposed section 201SMAA provides for the liability to pay the deferred GAIC to pass to any subsequent purchaser, while proposed 201SOB provides for the extinguishment of the liability if the land is removed from the contribution area within three years of the election to defer payment, proposed section 201SPA provides for payment of GAIC where there is a default on payment of a deferred GAIC, proposed sections 201SN–201SQ set out procedures for the indexation and calculating interest payable on the deferred contribution as well as when the deferred liability must be paid; proposed sections 201SR–SW set out the capacity to apply for staged payment of the GAIC as well as procedures for calculating interest payable on the staged contribution, proposed section 201SRA provides for any outstanding staged payment approval to pass to any subsequent purchaser of the land and for any liability for the seller to be extinguished, proposed sections 201TA–201TD set out a range of dutiable and land transactions which are exempt from the requirement to pay the GAIC; proposed sections 201TE, 201TF and 201TG set out the circumstances and procedures for reductions of the GAIC liability; proposed sections 201TH–201TM provide for the establishment of and procedures for a GAIC hardship relief board to consider applications for relief from the GAIC liability; and proposed sections 201U–201VC set out the requirements for the collection, administration and expenditure of the GAIC.

The government's intention to impose the GAIC was publicly announced in *Melbourne 2030: A Planning Update — Melbourne @ 5 Million* in December 2008. This announcement included that the GAIC would be applied to trigger events from the date of the announcement. Public notices regarding the government's intention to impose the GAIC were also placed in the major newspapers at this time. A further public announcement applying to additional land to be included in the Melbourne west investigation area was made in May 2009. In addition to these public announcements and notices, the Growth Areas Authority wrote to all registered proprietors of affected land notifying them of the proposed GAIC and its intended application.

Since this time there has been a policy refinement in who would be liable to pay the GAIC, with the general principle now being that the liability to pay the GAIC sits with the person who is the owner of the land immediately after the liability arises. In instances of dutiable transactions relating to land, the overarching change is that the person who would be taken to be the transferee (under the Duties Act 2000) for these transactions is the person now liable to pay the GAIC. For transfers of land, it is the purchaser who is liable to pay instead of the vendor. The drafting of the proposed legislation is clear as to who will be liable to pay the GAIC. The bill, under clause 17, also provides for amendments to the Sale of Land Act 1962 to require the vendor statement under a contract of sale of affected land to include a warning about the potential liability of a purchaser to pay any applicable GAIC, as well as to attach to the statement specified certificates or notices regarding the GAIC liability in respect of the land.

Clause 18 of the bill includes transitional provisions for circumstances of the application of the GAIC to contracts of sale entered into between 1 December 2008 and 1 December 2009. These transitional provisions make accommodation for instances where contracts of sale have anticipated that the vendor would be liable to pay the GAIC. While under the proposed legislation the purchaser will be liable to pay the GAIC in such circumstances, provision has been made for the purchaser to deduct from the purchase price the amount of the GAIC they are liable to pay. This will have the effect of the purchaser not suffering a loss as a result of their liability to pay the GAIC where the contract for the sale of the land otherwise anticipated the vendor bearing the liability.

The bill also provides greater certainty, flexibility and fairness for the purchaser liable to pay the GAIC by allowing the purchaser to elect to defer payment of the GAIC to the issue of a statement of compliance relating to a plan of subdivision or the making of a building permit application. A subsequent purchaser will also be able to elect to defer the payment of the GAIC.

The bill sets out that the new provisions are to come into effect on a day or days to be proclaimed, rather than immediately after the bill is passed by Parliament. This will enable further public information regarding the GAIC and its application to be provided. It is intended that the government will write to all affected landowners about these changes as well as provide public notices in the media.

To the extent that these parts of the bill engage section 20 of the charter, they do not limit it. The imposition of the GAIC is not arbitrary because it is precisely formulated and not only accessible to the public but the government has taken proactive steps to inform the general public and in particular the class of people who are likely to be affected by the GAIC. Therefore, the legislative provisions in relation to the GAIC do not limit section 20 of the charter.

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

The bill engages but does not limit the section 20 property right and it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it raises human rights issues but does not limit human rights.

Justin Madden, MLC
Minister for Planning

Second reading

Hon. M. P. PAKULA (Minister for Public Transport) — Acting President, I advise the house that when this bill was debated in the Legislative Assembly, it was passed with an amendment. The amendment reflects the dispute resolution reached on 22 April 2010 by the Dispute Resolution Committee. I would like to take this opportunity to commend the Dispute Resolution Committee for its work in negotiating an agreed way forward for funding vital infrastructure in Melbourne's growth areas.

The new arrangements will enable developers to match payments to cash flow and provide greater protection to the interests of small landowners. This is a critical issue for the future of Melbourne and the government has been willing to make considerable concessions in order to reach this agreement. I am pleased that the opposition has recognised this and worked with the government to agree amendments to the bill in line with the government's discussions with property and development peak bodies. With this clear way forward we can now get on with the important job of planning for Melbourne's future livability.

The amendment:

enables a GAIC liability to be automatically deferred upon an 'election to defer' until land is either subdivided or developed. In the case of 'type A' land, a purchaser will be able to defer up to 100 per cent of the growth areas infrastructure contribution liability if the land was purchased before the commencement date of the bill, or up to 70 per cent if purchased afterwards. For 'type B1, B2 or C' land, a purchaser will be able to defer up to 70 per cent of the growth areas infrastructure contribution liability;

requires that a deferred liability be indexed annually using the consumer price index (all groups index) for Melbourne until such time as a precinct structure plan is gazetted over the property, after which the indexation will be replaced by interest charged at the 10-year Treasury Corporation of Victoria bond rate;

allows a deferred growth areas infrastructure contribution liability to be passed on to a subsequent purchaser. That purchaser can elect to assume the liability and to continue the deferral arrangement;

allows a deferred liability to be rolled over into a staged payment approval for a staged plan of subdivision or building development, with the outstanding liability charged interest at the 10-year Treasury Corporation of Victoria bond rate;

clarifies that a 'charge over the land' subject to a deferred payment only becomes operational when the payment is due;

enables a landowner/developer who has obtained a staged payment approval to pass forward that approval intact to a subsequent purchaser;

provides for a refund of the growth areas infrastructure contribution, or extinguishment of a deferred liability, if land proves to be undevelopable within three years after the growth areas infrastructure contribution has been paid;

excludes land from 0.41 hectares up to 5 hectares in area for vacant land, and up to 10 hectares in area for land on which there is a habitable dwelling, from incurring a GAIC liability at the 'point of sale';

removes the requirement to obtain the Treasurer's consent to either a deferral of the payment of the growth areas infrastructure contribution greater than $2 million or for a staged payment approval greater than $2 million;

removes the ability to use the growth areas infrastructure contribution funds to pay for the expenses of the Growth Areas Authority;

clarifies the reporting requirements for expenditure of the growth areas infrastructure contribution funds to ensure that the details of projects supported by the funds are publicly known for each growth area;

provides for the contribution amounts to be indexed annually by reference to the consumer price index (all groups index) for Melbourne;

removes the requirement for the payment of a fee to obtain a 'GAIC' certificate from the commissioner of state revenue under section 201SZF;

allows the hardship relief board to grant a person an extension of time to pay a growth areas infrastructure contribution;

provides a number of other necessary technical amendments.

The second-reading speech and the statement of compatibility have been amended to reflect this.

Ordered that second-reading speech, except for statement under section 85(5) of the Constitution Act, be incorporated on motion of Hon. M. P. PAKULA (Minister for Public Transport).

Hon. M. P. PAKULA (Minister for Public Transport) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill implements the government's announcement on 2 December 2008 in *Melbourne 2030: a planning update — Melbourne @ 5 Million*, that improved arrangements will be put in place to fund the provision of new state-funded infrastructure in growth areas.

The Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 was defeated in the Legislative Council on 23 February 2010. Under the Constitution Act 1975 the bill became a disputed bill and was referred to the Dispute Resolution Committee by a motion of the Legislative Assembly on 23 March 2010.

The Dispute Resolution Committee met and I am pleased that the committee was able to reach a dispute resolution. I commend the committee for the collaborative manner in which it was able to resolve the issues of contention and was able to reach a dispute resolution within the time frame set out by the Constitution Act 1975. I will refer to some of the amendments made as a result of the dispute resolution as I outline the main provisions of the bill, but first, I will provide the overall picture.

The bill will apply the GAIC at a rate of $80 000 per hectare for all land currently within the existing urban growth boundary that has been brought within that boundary since November 2005 and is zoned for urban development, and $95 000 per hectare for land that is brought into the urban growth boundary in the future. Each of these contribution amounts will be indexed annually by reference to the consumer price index (all groups index) for Melbourne.

The GAIC is to be a once-only charge, payable on the first 'GAIC event' to occur in relation to particular land. GAIC events relate to dutiable transactions relating to land, such as a sale or transfer of land, the issuing of a statement of compliance for a plan of subdivision of land, or the making of an application for a building permit for development.

Application of the GAIC will be subject to transitional provisions retrospectively imposing the GAIC liability to trigger events from the date of the announcement of the state infrastructure contribution charge in *Melbourne @ 5 Million* in December 2008, and a subsequent announcement on 19 May 2009. The retrospective application of the GAIC is to apply in relation to land brought within the urban growth boundary from November 2005 to December 2006, and to land within an investigation area brought within the urban growth boundary and rezoned to an urban growth zone from the relevant announcement date up until one year after the commencement of these new provisions. The retrospective application of the GAIC was announced in *Melbourne @ 5 Million* and will ensure that the objective of obtaining contributions towards infrastructure cannot be undermined by speculation in property that could arise if there were no retrospective provisions.

Incorporated into the bill are a range of circumstances where there is no liability to pay a GAIC. This demonstrates that the government has designed the GAIC with a high degree of fairness, ensuring it covers a broad range of exclusions and exemptions as well as catering for potential hardship circumstances.

In addition, the bill provides flexibility around the payment of the GAIC by enabling persons who are liable to pay a GAIC to defer the payment as well as providing for the GAIC to be paid in stages in particular circumstances.

The new provisions are to operate in conjunction with the Taxation Administration Act 1997 to enable the commissioner of state revenue to be responsible for collecting the GAIC on behalf of the government.

GAIC funds will be fully accounted for and will be paid into the Consolidated Fund. The GAIC funds will be equally directed into two individual trust funds — the Growth Areas

Public Transport Fund and the Building New Communities Fund. The trust funds will be administered by the Department of Planning and Community Development, which will forward the funds to the Growth Areas Authority to administer the individual payments and projects in line with the state government's infrastructure investment priorities.

Both accounts are to be used to provide state-funded infrastructure, however the Building New Communities Fund is to focus on projects supporting economic, environmental and community infrastructure and be allocated following consideration of applications submitted by local councils and others.

That is the overall picture. I would like to turn now to the specific provisions of the bill, and in doing so, expand on a number of features of the proposal, including exceptions to the general principles to take account of special situations which may arise. I will not refer in detail to all of the provisions of the bill, the effect of many are obvious from reading the bill, rather I will focus on those that do need explanation.

The bill is divided into four parts. Part 1 deals with preliminary matters; part 2 details the proposed amendments to the Planning and Environment Act 1987; part 3 describes amendments to other acts; and part 4 is an administrative provision relating to repealing of this amending act.

As I have mentioned, part 1 of the bill deals with preliminary matters.

The principal amendments are to the Planning and Environment Act 1987 to impose contributions towards the provision of state infrastructure in certain growth area land. There are also consequential and supporting amendments to be made to the Building Act 1993, Sale of Land Act 1962, Subdivision Act 1988, Project Development and Construction Management Act 1994, Victorian Civil and Administrative Tribunal Act 1998 and the Taxation Administration Act 1997.

Part 2 of the bill details the amendments to the Planning and Environment Act 1987.

Clauses 3 and 4 of the bill set up the framework for the application of the GAIC in 'contribution areas' that are characterised by three elements, the first of which is being within a designated growth area, as well as being within an urban growth boundary and zoned for urban growth.

Clause 5 amends section 46AP of the Planning and Environment Act 1987 to include Mitchell Shire Council in the list of growth areas councils, as was announced in *Melbourne @ 5 Million.*

Clause 6 ensures that the Growth Areas Authority will have the powers needed to administer functions conferred on it under the new provisions.

Clauses 7 and 8 of the bill deal with the interaction of the GAIC with the development contributions plans system under the Planning and Environment Act 1987. The effect of these amendments will be to exclude the making of further development contributions plans to provide for state infrastructure in areas where the GAIC applies.

These restrictions on the use of development contributions plans will not affect their use in levying for contributions towards either local or state infrastructure in other circumstances. Nor will they limit the powers of state agencies, as referral authorities under the Planning and Environment Act 1987, from imposing conditions on proposed developments for a contribution towards works to connect to or upgrade state infrastructure networks where required by that development.

Clause 9 is the main clause inserting the new part 9B into the Planning and Environment Act 1987, to implement the new system for the growth areas infrastructure contribution, or GAIC, for state-funded infrastructure.

The introductory matters set out in division 1 include definitions and other relevant terms.

Proposed section 201RA defines the GAIC events that trigger the liability to pay a contribution. These events are the issuing of a statement of compliance for a plan of subdivision, making an application for a building permit to carry out building work and dutiable transactions relating to land, such as transferring or selling land. A series of excluded events that do not trigger a liability to pay a contribution are set out in proposed section 201RB. These excluded events include certain subdivision of land and building permit matters that are set out in more detail in proposed sections 201RF and 201RG. The excluded events also apply to circumstances where actions in relation to an event have occurred prior to the announcement of the GAIC or land coming within a contribution area. Such circumstances include where a planning permit had been issued for either the subdivision of the land or for building work to be undertaken, or where a binding contract relating to a dutiable transaction or a significant acquisition of interest was entered into before the relevant day. This is to ensure fairness in the application of the GAIC.

Proposed section 201RC defines the 'contribution areas' where the GAIC is to apply. There are four different types of land that comprise the contribution areas. The first three types of land, referred to as type A, type B-1 and type B-2 land, relate to land included within the urban growth boundary between November 2005 and the end of December 2006, land identified as being in an investigation area as set out in *Melbourne @ 5 Million* on 2 December 2008, and the further land from the expanded Melbourne West investigation area announced on 19 May 2009. The fourth type of land, referred to as type C land, is other land that is brought within a growth area and an urban growth zone on or after the commencement day of this legislation.

This introductory division is completed by a number of general provisions. Proposed section 201RH is a machinery provision that sets out that the new part of the Planning and Environment Act 1987 is to be read together with the Taxation Administration Act 1997. The bill includes complementary amendments to the Taxation Administration Act 1997, which I will outline in due course.

Division 2 of the proposed new part 9B of the act addresses the imposition of the GAIC.

Proposed section 201S imposes the liability to pay a GAIC on the happening of the first GAIC event. It also provides that where a person liable to pay the contribution is exempted from that liability, under provisions set out in other proposed sections, the GAIC is imposed in respect of the next GAIC event that occurs in relation to the land. It also confirms that a GAIC may be imposed only once in respect of any land.

Proposed subsection 201S(3) sets out the circumstance in relation to land-rich land-holders where a GAIC may be imposed in respect of more than one GAIC event relating to the land, where the GAIC payable in respect of the first event does not discharge the whole of the GAIC payable in relation to the land. Examples are provided within the bill to explain how this provision applies.

Proposed section 201SA sets out circumstances in which a GAIC liability is not imposed on the 'sale of land' event. The bill excludes land from 0.41 hectares up to 5 hectares in area for vacant land, and up to 10 hectares in area for land on which there is a habitable dwelling, from incurring a GAIC liability at the 'point of sale'.

The Dispute Resolution Committee recommended this provision to ensure that small landowners are excluded from the effect of the GAIC when selling their land because such sales would not normally lead to a demand for the provision of urban infrastructure. These properties will only be affected by the contribution if they are later subdivided or developed.

Proposed section 201SD deals with the retrospective provisions, defining when the liability to pay a GAIC arises where a GAIC event occurs between when the state infrastructure contribution was announced and the commencement of these provisions. In addition to the public announcement of 2 December 2008 contained in *Melbourne @ 5 Million* and the further public announcement affecting additional land in the Melbourne west investigation area made on 19 May 2009, the Growth Areas Authority has written to all registered proprietors of land affected by these transitional arrangements so there will be no surprise in these provisions to any landowners in the affected areas; any actions taken since the announcement dates will have been taken in the knowledge of these proposed arrangements.

The person who is liable to pay a GAIC is set out in proposed section 201SF. In the case of a dutiable transaction relating to land, such as a sale of land, the person liable to pay the GAIC is the person who would be taken to be the transferee, who is normally the purchaser.

Proposed section 201SG sets out the amount of the GAIC, which I have detailed earlier.

Proposed section 201SH enables the minister, with the agreement of the Treasurer, to fix the annually adjusted GAIC amounts for the different categories of land, that is, type A, types B-1 and B-2, and type C land, at a lower amount than the calculated annually adjusted rate. The minister could approve a lower increase or no increase at all. Proposed section 201SI allows a lower rate of GAIC to be set for any one or more of the types of land in a particular growth area.

Proposed section 201SLA sets out an entitlement to a refund of any GAIC that has been paid, if the land ceases to be in an 'urban development area' within three years from the date on which liability to pay the GAIC was imposed. Proposed section 201SOB sets out a similar entitlement to extinguish a GAIC liability where it has been deferred.

These provisions of the bill were recommended by the Dispute Resolution Committee to ensure that any land purchased in good faith for development purposes that is subsequently found to be undevelopable through further technical studies is entitled to a refund of the GAIC.

The grounds on which land may be considered 'undevelopable' will be set out in guidelines to be developed by the Growth Areas Authority. It is likely that this will include land that is: subject to flooding or subsidence; biodiversity or Aboriginal cultural values as a result of further detailed technical studies that could not be foreseen at the time of purchase.

A person that applies for a staged payment approval will not be able to apply for a refund as such land is already sufficiently committed to some form of development through further subdivision to be credibly excluded from the contribution area.

Proposed section 201SM provides an option for a person who is liable to pay a GAIC in respect of a dutiable transaction relating to land to defer the payment of that contribution.

The Dispute Resolution Committee recommended changes to the deferral provisions in the bill to ensure that more generous opportunities are provided for the deferral of a GAIC liability.

A person liable to pay the GAIC after purchase of land can automatically 'elect' to have a deferral of payment of the liability by submitting the required information to the State Revenue Office.

In the case of 'type A' land, a purchaser will be able to defer up to 100 per cent of the GAIC liability if the land was purchased before the commencement date of the bill, or up to 70 per cent if purchased afterwards. For type B1, B2 or C land, a purchaser will be able to defer up to 70 per cent of the GAIC liability.

Proposed section 201SMAA allows a deferred GAIC liability to be passed on to a subsequent purchaser. That purchaser can elect to assume the liability and to continue the deferral arrangement. The deferral provisions ensure that purchasers are provided with a greater range of options for deferral, along with lower interest rates for payment of any GAIC liability, while keeping timing of payments more in line with the timing of expenditure on infrastructure by the government.

Proposed section 201SMA sets out how the method of indexation and the rate of interest are to be applied to the deferred liability. The change from an indexed liability to one that is charged interest will be dependent on when the land comes within an approved precinct structure plan area.

The Dispute Resolution Committee also recommended that a deferred liability be indexed annually using the consumer price index until such time as a precinct structure plan is approved covering the land that carries the liability. At that point, the indexing of the liability will cease and the liability will be subject to an interest payment being the 10-year Treasury Corporation of Victoria bond rate.

The opportunity to defer the payment of the GAIC along with a change to the methods of indexation and interest calculation provides greater certainty, flexibility and fairness for purchasers.

The bill also provides for the staged payment of a GAIC in proposed section 201SR. This will enable developers to match their GAIC liability against cash flow for very large developments by ensuring that the payment of GAIC and any interest accrued is paid 'pro rata' on a stage-by-stage basis

prior to the issue of the statement of compliance for the relevant stage.

Proposed section 201SRA also provides for any staged payment approved under proposed section 201SR to be transferred when the land is sold to the new owner of the land, and for the original terms and conditions of the staged payment to continue to apply. This provision was a recommendation of the Dispute Resolution Committee.

Guidelines will be developed in consultation with the development industry around the circumstances in which staged payments will be approved to provide the necessary certainty to the development industry to continue to provide land for new communities in a cost-efficient manner.

The bill sets out provisions for the commissioner of state revenue to issue certain certificates to persons relating to the GAIC liability, upon application under proposed section 201SX. These certificates include a certificate of release of liability, a certificate of staged payment approval, a certificate of partial release of liability, a certificate of exemption and a certificate of no GAIC liability. The details of these certificates are set out in sections 201SY through 201SZD.

Proposed section 201SZF provides for a person to apply to the commissioner of state revenue for a GAIC certificate, which will set out in respect of the particular land the amount of the GAIC that is due and unpaid, or has been deferred or would be payable in respect of a GAIC event if it occurred in relation to that land in the same financial year the application was made. This GAIC certificate will provide certainty to intending purchasers of land of the likely GAIC liability prior to them entering into any contract. There will be no fee for this type of certificate.

A series of exemptions and reductions from GAIC liability are dealt with in division 3 of the proposed new part 9B of the act. Generally, where an exemption from GAIC liability applies the GAIC liability will arise at the next GAIC event; in the circumstance of a reduction in the GAIC liability, the payment of the reduced amount satisfies the GAIC liability and no further liability applies.

Proposed section 201TA provides an exemption from paying a GAIC in respect of a dutiable transaction relating to land that is made for no consideration. The term ‘consideration’ in this context has the same meaning as defined in section 32A of the Duties Act 2000. An example of a dutiable transaction made for no consideration is where a person transfers the title on a property to his or her spouse and there is no consideration for this change.

Exemptions from paying a GAIC if an exemption from paying duty on certain types of transactions applies are set out in proposed section 201TB. This section calls up various sections of the Duties Act 2000 to define the relevant circumstances for which the GAIC exemption would apply. These circumstances include transfers of title in the instance of the breakdown of a marriage or domestic relationship and a transfer from a deceased estate.

The bill also includes, under section 201TE provision for the Governor in Council, on the recommendation of the minister, to grant a reduction or exemption of a GAIC liability where it is considered that exceptional circumstances exist. While by their nature ‘exceptional circumstances’ are generally unforeseen, such circumstances might include unintended consequences of the legislation that result in undue commercial hardship or inequity. A reduction may reduce the GAIC liability in whole or in part, while an exemption defers the liability to the next GAIC event affecting the land.

Proposed sections 201TH through to 201TM establish a process for a growth areas infrastructure contribution hardship relief board to grant relief from the liability to pay a GAIC. These provisions are to deal with circumstances of financial hardship arising from the imposition of the GAIC.

Under the proposed provisions, the board may decide to reduce the GAIC liability, either wholly or in part, exempt a person from the whole of their GAIC liability, provide additional time in which to pay the liability or to refuse the application to grant relief. Where the board grants a reduction of the liability, the payment of the reduced amount satisfies the GAIC liability and no further liability applies. Where an exemption from GAIC liability is granted the GAIC liability will arise on the occurrence of the next GAIC event.

Proposed division 4 deals with the powers and duties of the Growth Areas Authority, commissioner of state revenue and the registrar of titles. Proposed sections 201U to 201UF essentially set out the system by which a notification to the effect that a GAIC may be payable is to be recorded on or removed from the titles of affected land. Provisions are included regarding the removal of such notification in specified circumstances.

Proposed section 201UAB provides the Growth Areas Authority with the authority to request land-related information from a growth area council to assist with the carrying out of the Growth Areas Authority’s functions under this part.

Proposed section 201UG requires that the registrar of titles must not accept a lodgement of an instrument of transfer of land where there is a notification on the land that a GAIC may be payable unless the lodgement is accompanied by a notice to the registrar, showing evidence of no liability, exemption from a GAIC liability, deferral of the GAIC or a staged payment approval, as appropriate.

Proposed division 5 sets out arrangements for the establishment of the growth areas funds, and their application. Although coming at the end of the proposed new part of the Planning and Environment Act 1987, this is the main purpose of the GAIC system — to provide funding for state infrastructure in growth areas.

There are to be two funds — the Growth Areas Public Transport Fund and the Building New Communities Fund. These are set out in proposed section 201V, along with a provision that 50 per cent of the GAIC moneys must be paid into each fund.

Proposed section 201VA provides that the public transport fund is to be used to provide financial assistance for capital works for wholly or partly state-funded public transport infrastructure for the benefit of any growth area, the acquisition of land and other infrastructure necessary for the operation or maintenance of such public transport infrastructure, and for the payment of any recurrent costs resulting from the bringing forward of a new public transport service in a growth area for a maximum period of five years after the commencement of that service. Funds may also be

used for payment of the costs and expenses incurred by the commissioner of state revenue in administering this part of the act.

Proposed section 201VB provides that the Building New Communities Fund is to be used for any state-funded infrastructure including other transport infrastructure, such as walking and cycling facilities, but excluding major public transport infrastructure; community infrastructure including health, education and major recreation facilities, regional libraries and neighbourhood houses; environmental infrastructure including regional open space, trails and creek protection; economic infrastructure including providing access to information and technology; and infrastructure supporting the development of commerce and industry.

Proposed section 201VC sets out reporting requirements for the Department of Planning and Community Development and the Growth Areas Authority to report on the income and expenditure details of the public transport fund and the Building New Communities Fund separately for each growth area.

Clause 10 of the bill provides for new regulation-making powers relating to the administration of the GAIC.

Clause 11 provides for a new power to prescribe fees for GAIC certificates, if necessary, and for matters relating to a function or duty exercised by the registrar of titles in relation to this new part of the act.

Clause 12 inserts a new section 218 into the Planning and Environment Act 1987 providing a transitional provision which enables fixing a lower GAIC amount payable for the 2010–2011 financial year, if considered appropriate.

Clause 13 proposes introducing a new schedule, being schedule 1, at the end of the Planning and Environment Act 1987 relating to the GAIC. This schedule provides for the definition of the 'investigation areas', the indexation of the threshold amount for excluded building work, the formula for adjustment of the GAIC amount and the formula for indexing a deferred liability. A set of the relevant maps defining the investigation areas have been lodged with the parliamentary library.

I will now outline part 3 of the bill, which makes complementary amendments to other acts that will support the amendments to the Planning and Environment Act 1987.

Amendments to the Building Act 1993 under clause 14 will require that a notice be given by a building surveyor to the commissioner of state revenue in the event of an application for a building permit on land in a contribution area unless the application is an excluded GAIC event or a circumstance where GAIC is not imposed, as set out in relevant sections of the Planning and Environment Act 1987. Clause 15 will amend the Building Act 1993 to enforce the principle that any applicable GAIC contribution must be paid before a building permit can be issued.

Clause 16 provides for minor consequential amendments to the Project Development and Construction Management Act 1994 that will include the GAIC contribution within the list of charges that the Treasurer may either exempt or defer payment of.

Clauses 17 and 18 specify amendments to the Sale of Land Act 1962. The intention of these amendments is to provide protection for an intending purchaser of land in a contribution area where there is a GAIC notice on the title for the land. This will enable the purchaser and vendor to negotiate the sale price with knowledge of whether or not the GAIC will apply to the land upon its disposition.

Clause 17 will amend section 32 of the Sale of Land Act 1962 to require the vendor statement under a contract for the sale of land that is in a contribution area and has a recording in relation to the title of the land indicating that a GAIC may be payable to include a warning about the potential liability of a purchaser to pay the GAIC as well as to attach to the statement specified certificates or notices, as applicable, regarding the GAIC liability in respect of the land.

Clause 18 will also make amendments to include a new section 50 to the Sale of Land Act 1962 enabling the purchaser under a contract for the sale of land entered into on or after 2 December 2008 or 19 May 2009 and before 1 December 2009 to deduct from the purchase price the GAIC amount, where there is a clause in a contract requiring the vendor to pay the GAIC. This provision is required to ensure that liability to pay the GAIC rests on the purchaser.

Clauses 19 and 20 of the bill make amendments to the Subdivision Act 1988.

Clause 19 makes amendments to section 21(8) of the Subdivision Act 1988 regarding statements of compliance. The amendment will insert a new subsection requiring a council to notify the commissioner of state revenue when a statement of compliance is issued for a plan of subdivision relating to land in the contribution area and in respect of which there is a recording in relation to the title of the land indicating that a GAIC may be payable. This notification is required as the liability to pay GAIC arises when the statement of compliance is issued.

Clause 20 amends section 22(1) of the Subdivision Act 1988 regarding when the registrar of titles may register a plan of subdivision where the land is in a contribution area and a GAIC may be payable.

Clauses 21 to 31 of the bill make amendments to the Taxation Administration Act 1997 to enable the operation of the GAIC system. A key aspect of these proposed amendments is contained in clause 22, which provides that the proposed part 9B of the Planning and Environment Act 1987, and any related regulations made under that act, is taxation law for the purposes of the Taxation Administration Act 1997. Clause 28 limits the ability for a taxpayer to object to an assessment of a contribution imposed in relation to a GAIC event in respect of land under proposed part 9B of the Planning and Environment Act to specified circumstances. These circumstances are essentially where there has been an error made in the administration of part 9B, in the calculation of the area of land or of the GAIC amount, or, in the case of a dutiable transaction, that an exemption should have applied.

Clause 31 amends the Taxation Administration Act 1997 to alter or vary section 85 of the Constitution Act 1975. This will limit the jurisdiction of the Supreme Court. I will outline this in more detail in my statement under section 85(5) of the Constitution Act 1975 in a moment.

Clause 32 of the bill makes a consequential amendment to the Victorian Civil and Administrative Tribunal Act 1998,

recognising that the proposed new part 9B of the Planning and Environment Act 1987 is a taxing act.

The bill concludes with part 4, which provides for repealing of this amending legislation on 1 May 2012 by which time the legislative amendments it has made will have come into operation and its effect spent.

Finally, I draw the members' attention to clause 31 as this bill proposes to limit the jurisdiction of the Supreme Court. Accordingly I provide the following statement.

Section 85(5) of the Constitution Act

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by this bill.

Clause 31 of the bill inserts a new subsection (5) into section 135 of the Taxation Administration Act 1997 to provide that it is the intention of sections 5, 12(4), 18(1), 96(2) and 100(4) of the Taxation Administration Act 1997, as those sections apply after the commencement of clause 31, to alter or vary section 85 of the Constitution Act 1975. These provisions preclude the Supreme Court and the Victorian Civil and Administrative Tribunal (VCAT) from entertaining proceedings of a kind, to which these sections apply, except as provided by those sections.

A central purpose of this bill is to bring the growth areas infrastructure contribution under the Taxation Administration Act 1997.

This bill provides that for the purposes of the Taxation Administration Act 1997, part 9B of the Planning and Environment Act 1987 and any regulations made under that act for the purposes of that part is a 'taxation law'. Part 9B of the Planning and Environment Act 1987 introduces a growth areas infrastructure contribution for the provision of state infrastructure in certain growth area land.

Section 5 of the Taxation Administration Act 1997 defines the meaning of non-reviewable in relation to the Taxation Administration Act 1997 which now also applies to the growth areas infrastructure contribution. 'Non-reviewable' is referred to in sections 12(4) and 100(4) of the Taxation Administration Act 1997.

The reasons for limiting the jurisdiction of the Supreme Court in relation to a compromise assessment under section 12 of the Taxation Administration Act 1997 are that agreement has been reached between the commissioner and the taxpayer on the taxpayer's liability, and the purpose of the section would not be achieved if the decision were reviewable, and this provision now applies to the growth areas infrastructure contribution.

Section 18 of the Taxation Administration Act 1997 establishes a procedure, the adherence to which is a condition precedent to taking any further action for recovering refunds. The purpose of the provisions is to give the commissioner the opportunity to consider a refund application before any collateral legal action can be taken. The purpose of these provisions would not be achieved if the commissioner's actions were subject to judicial review. This provision will apply to the growth areas infrastructure contribution under this bill.

Division 1 of part 10 of the Taxation Administration Act 1997 establishes an exclusive code for dealing with objections, and this division will also apply to the growth areas infrastructure contribution under this bill. This code establishes the rights of objectors in a statutory framework and precludes any collateral actions for judicial review of the commissioner's assessment or decision of a type referred to in section 96(1) of the Taxation Administration Act 1997. The objections and appeals provisions of part 10 of the Taxation Administration Act 1997 establish that review of assessments is only to be undertaken in accordance with an exclusive code identified in that part. The purpose of these provisions would not be achieved if any question concerning an assessment or decision referred to in section 96(1) was subject to judicial review except such judicial review as provided by division 2, part 10 of the Taxation Administration Act 1997.

A power is provided to the commissioner under section 100 of the Taxation Administration Act 1997 which provides the commissioner with discretion to allow an objection to be lodged even though out of time. This decision is non-reviewable to ensure the efficient administration of the act and to enable outstanding issues relating to assessments to be concluded expeditiously. This provision will apply to the growth areas infrastructure contribution under this bill.

Mr GUY (Northern Metropolitan) — People often ask me, 'How would you be different from the current minister if you were the Minister for Planning?'. I will give you one example. If I was the Minister for Planning and I had the biggest bill in my entire career as Minister for Planning coming before the Parliament, I would be in the chamber. Not only that, I would have been the one who produced and read the second-reading speech that Mr Pakula, the Minister for Public Transport, has read today. I note the spokesman on planning for the Greens is also not in the chamber. I find it astounding that for this bill, which all parties have been running around debating and talking about for the last 12 months, the only person of the three of us

who is here in the chamber to talk about it is me — much maligned, but here I am! Let me put that on the record from the very start. If I were the Minister for Planning, what would I do differently? That is the first thing that I would do differently.

There are many issues connected to this bill. There is not just the growth areas infrastructure charge. As members of this chamber who have been following this debate know, there is amendment VC55, which I understand will come back as VC67. There are motions that have been put on the notice paper in relation to committee debates and committee establishment, and a whole range of other things will be debated in relation to this issue. I intend to cover a lot of those issues. As I said, there will be a lot of them, and more for consumption as the debate goes on, so I ask members to bear with us.

The first thing we should have to talk about in my view is, again, the Dispute Resolution Committee. This is not a process that we in opposition established, it is not a process we voted for, it is not a process that we support, but it is a process that exists. It is a process that was put in place by this government when it had a majority in this chamber. The view of members on this side of the chamber is that it is a complete travesty that this process exists to, in effect, render the state upper house powerless, unable to reject a bill and to actually put a point a view that says, 'We differentiate ourself from the lower house of this Parliament'.

However, that is the case, that is the institution that has been put in place by the Labor government through the Dispute Resolution Committee and that be a legacy of the party that was elected feigning interest in democracy and in protecting democracy. I still remember Steve Bracks on election night in 1999 powering his fist into the air, yelling out, 'Let's bring democracy back to Victoria!'. This is the man who made that claim. The former Premier introduced the Dispute Resolution Committee, which has gutted the chamber to which he claims he brought a fairer voting system. That will be his legacy.

As I said, the Dispute Resolution Committee is not a process we supported, voted for or liked in any concept, but it is there. There has been some conjecture and debate in the public arena about what might happen if this bill becomes a disputed bill and what the process would be from there. I have seen a number of emails and email chains, but some of them are just not right. Let us put the facts on the table. If any bill — not just this bill, because two planning bills have already gone to the Dispute Resolution Committee — is rejected by the upper house of the Victorian Parliament, that bill can be sent off by the lower house of the Victorian Parliament off to the Dispute Resolution Committee, a committee on which the governing party has a majority, in this case the Labor Party. There are a number of options for a bill that is sent to the Dispute Resolution Committee. It can become, should the government of the day choose, a trigger for an early election; it can be subject to negotiation and then brought back to the chamber for another vote; or there can be protracted negotiations and it can time out and there may be no resolution at all.

In relation to the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill, if the bill was twice rejected by the upper house, it would no doubt become a disputed bill. Under the constitution that exists today what can a government do with a disputed bill? It is very clear. There does not have to be an early election. In fact any disputed bill can be used by a government, should it be returned after a general election, at any time in the next term for a joint sitting. That joint sitting will then pass the original model of that bill which became the disputed bill. In this case, on the GAIC (growth areas infrastructure contribution) bill, we are faced with the prospect that, should the government be returned in November — and this is a 50-50 chance; no-one is a punter nowadays, no-one is going to pick these things — we will have a situation where — —

Ms Mikakos interjected.

Mr GUY — I will come to that, Ms Mikakos. Believe me, I will be covering that. We will have a situation where this bill could easily then be returned to the Dispute Resolution Committee and considered a disputed bill. Should the Labor Party be returned to government, either by itself or in a minority government, it will have the choice of bringing the original bill back to a joint sitting of the Victorian Parliament. Forget any memorandums of understanding with industry; all bets will be off. Forget any public consultation. Forget any point of rallying or negotiation or whatever. The fact is that the original bill could be brought back for debate and passed by the government if it has the majority in a joint sitting, and you would suspect that it would. In this case we are faced with a number of models of GAIC.

The original proposal for an up-front tax on land-holders, which could be brought back via a joint sitting, is an awful proposal, appallingly drafted and an appalling concept. It is an up-front tax on land-holders — not on people who seek to develop the land, but on land-holders. This tax would cripple people's ability to borrow against their properties. In

many instances people would have GAIC bills for more than the value of their properties — all facts that are denied by the government. We would have a situation where the development industry — not larger developers but medium and small-size developers — would be no longer able to afford start-up costs in the state of Victoria. The development industry would become a group of seven or eight companies and that would be it.

That is what we would create in Victoria — land-holders paying an up-front charge with seven or eight development companies running development in the state of Victoria. That is it. That is what the original proposal would have done. Is it any wonder there was a very solid campaign against it. In fact that campaign led to the defeat of the original bill and the up-front proposal in February by the coalition and other non-government parties when all of us said, 'We do not believe anyone who is not developing land should pay a bill'. That is fair enough.

Then came a protracted period of negotiation with the government and industry bodies which saw a memorandum of understanding produced whereby the person who was purchasing the land at the first point of sale would pay 30 per cent of the cost of the GAIC, not all of it. Accepting that that 30 per cent would be factored into the first sale, there would be no GAIC paid by the land-holder; it would be paid by the purchaser of the land. If you did not seek to develop the land, you would not be getting a bill. Yes, there are issues about it being factored into the purchase price — how much and whether you could bargain — that is all legitimate, but the land-holder would not be liable for the GAIC and would not receive a bill for the GAIC on the sale of their land.

This is a derivative of the model looked at by the Dispute Resolution Committee. The GAIC would have been imposed, and remains imposed, in three instances — that is, if the land is sold, or if the land is subdivided or if the land is built upon on a commercial scale, which is a building permit application. Therefore you would have to be a developer to be paying the GAIC. I am not talking about factoring in the price of the GAIC, I am talking about receiving a GAIC bill. It would not be the case unless you are developing the land.

It has always been the coalition's belief that no land-holder should receive a bill for or should be paying the GAIC. We believe that those who seek to develop the land are the ones who should be paying the GAIC. That has been our policy from the start, and that will remain our position should we be elected in November. It would be our absolute model. A government led by Ted Baillieu, the Leader of the Opposition in the Assembly, elected in November, would seek to alter or amend the GAIC legislation, should it pass, to reflect a full statement of compliance model of GAIC — that is, that those who are developing the land should pay 100 per cent at the back end of the sale.

From our point of view, we believe that the GAIC should be paid 100 per cent at the statement of compliance. We have a model that has gone before the Dispute Resolution Committee where the purchaser of the property will pay 30 per cent of GAIC and the remaining 70 per cent will be predominantly paid, over a period of time, at the statement of compliance stage. This is not perfect. We in no way believe this bill is perfect.

I explained the Dispute Resolution Committee process earlier and why, from our point of view, we did not wish and do not wish to play financial roulette with a lot of small and medium-size land-holders' financial futures, principally because we believe that is entirely unfair. It is unfair for politicians who personally do not pay a GAIC. I will not pay a GAIC; I live in the middle northern suburbs. The point is I will not be personally levied with a GAIC, so it is easy for me to run around and say, 'Well, I will have a political fight and if I lose at the end of it, it does not personally impact upon me'. I have had a number of people in my office — a couple of them in tears — expressing concern as to the size of the bill they would face should the original model of GAIC be the model that is passed either by this Parliament now or in a joint sitting of Parliament. That is a responsibility that, as legislators on this side of the house, we do not believe we can shirk. We do not believe we can walk away from this and simply say to land-holders, 'Your concerns should not matter' or to play politics with them. This is something that I cannot bring myself to do.

The Dispute Resolution Committee, which consists of a number of members, has worked out a proposal where the GAIC will not apply to properties which are 10 hectares or smaller. This is five times larger than the memorandum of understanding model, which had a 2-hectare cut-off, and it does bring a lot of the small farming properties within the urban growth zone, or the investigation area, and make those properties GAIC-free. Obviously that does not impact upon those land-holders whose properties are larger than 10 hectares.

There will be no listing of GAIC under this proposal on the land title until the GAIC becomes due, so it does not

have the equity impact about which we had particular concerns. There is more transparent reporting of the GAIC expenditure; thus, when the GAIC is spent we will now know where it has been spent, in what growth area, what growth corridor and on what. There are staged payment plans to continue if a development is sold, which is something which will be very important. Some of the smaller and medium-size developers would not be able to onsell a development if they could not keep up with a staged payment process that had been put in place. The 70 per cent deferral until the time of development and the statement of compliance would still remain.

There have certainly been some significant changes from the original model of the bill, which was 100 per cent on land-holders, to a situation where those purchasing the property would be the one receiving the bill, not the land-holder. I noted Mr Barber's earlier interjection, and no doubt he will be saying everything to everyone and promising everyone that he will do everything for them, but — —

Mr Barber — No, that was the mistake you made.

Mr GUY — No. In fact it is the mistake Mr Barber is making, because his party is, as he knows, the one now running around to inner city newspapers claiming it wants to form a coalition with the party opposite, should there be a minority government. We have a question that should be asked: then whose policy would apply? Whose policy would apply on the GAIC if there were 42 seats here, 42 seats there and presumably 4 seats over there? Whose policy would apply in relation to the expansion of the urban growth boundary? Whose policy would apply in relation to Melbourne 2030? Whose policy would apply in relation to all of the contentious planning issues? Whose policy is going to apply?

If you want to behave like a major party, you want to be treated as a major party and if you run around saying, 'We are a major party and people should treat us as one', you are going to have to be as accountable and face the same questions as the Liberal Party, the Labor Party or The Nationals.

Mr Barber — Hurry up and finish, and I will get up and be accountable.

Mr GUY — Yes, you will, but we will come to some more examples later of where that works one way but does not work in all ways.

Another point about this bill that we will look at in time is the VC55 amendment, or what I understand will come back as the VC67 amendment. I am not sure that it has been well communicated that this is not simply an amendment to expand the urban growth boundary. What was the VC55 amendment has a number of key points to it. They are obviously the native grassland reserves in Melbourne's western suburbs; the expansion of the urban growth boundary in the growth areas; the placing of the E6 freeway, the outer metropolitan ring-road (OMR) and the regional rail link; and in clause 12 some very prescriptive high-density targets along to-be-defined transport corridors and routes such as bus routes, which would change the shape of Melbourne should they be passed.

I say from the outset that whenever it comes in, whether it be this week, next week, in 10 weeks or whenever, we on this side of the house will support the expansion of the urban growth boundary. In principle we would not oppose the regional rail link, the OMR or the native grasslands; however, in principle the coalition does not support anything like what is in clause 12 of that amendment. We remain opposed in principle to the E6 freeway reservation, given in particular that there is a freeway 2 kilometres from the E6. Clearly we would seek to remove those two points from any amendment that came before this Parliament. I will say that again. The E6 freeway reservation we do not believe is relevant, particularly given some bills passed by this Parliament in the last four years. That point is completely irrelevant and should not be in there.

I will talk about some housing targets which were in VC55, particularly along orbital bus routes. We on this side of the house have some concerns about some of the changes that have been placed in the amendment which are highly ideological changes to the make-up of Melbourne in its built form.

If you look at the VC55 amendment, you see it talks about tram, light rail and bus routes that are part of 'principal public transport network close to' — and it inserts — 'employment corridors, activities districts, principal and major activity centres and around train centres' where new significantly high-density housing would be able to be constructed. There is no mention of E-gate, there is no mention of looking at things like Fishermans Bend and there is no mention of the approval of sites in the city where you have the ability to build high-rise towers. Over there they are simply calling in 31-storey buildings.

There is no mention of the fact that this government is allowing townhouses to be built at Docklands, which should be a safety valve for high-density growth across Melbourne. In fact we are going to allow the Victorian Civil and Administrative Tribunal carte blanche to approve anything that is remotely close to any urban

centre across the suburbs of Melbourne. There are also points about determining the urban growth boundary changes against the following criteria: population projections, existing UGB (urban growth boundary) areas to accommodate growth, longer term UGB issues such as economic and social factors and transport investment, but there is not a single mention of decentralisation or regionalisation.

Although there is a section at the back, when talking about growth areas there is not a single mention of open space and the need for points on increased open space. We have the point about encouraging overall residential densities in growth areas to a minimum of 15 dwellings per developable hectare, but there is nothing on open space requirements in that part of the amendment.

It talks about restricting low-density rural and residential development that would compromise future development at higher densities. This is in rural and regional Victoria. In other words, the government is saying, 'Come to country Victoria; come and live in a unit'. There is ideological warfare against the ability of councils to offer a lifestyle of 1–1.5 hectare properties that abut towns. That is something that we on this side of the house in principle do not support.

Mr Barber commented before about keeping him to account, so I put this on the record for him. On 7 May 2010 Mr Barber's colleague Ms Hartland issued an email which stated that if the city is to expand at its edges, they want to see new suburbs built along existing or upgraded rail corridors. That is what the Greens say. I simply say very clearly: what rail corridors, what new suburbs, what areas? What are they? Are they in the city of Yarra, the city of Stonnington or the city of Boroondara? They are three areas in particular where Mr Barber, who has left the chamber, is out there personally campaigning against higher density development. If we are going to talk about consistency, you cannot have it both ways. You cannot say, 'No, we are not going to expand the city's urban growth boundary. We are going to build new suburbs in existing urban areas'. Where? As I say, you cannot have it both ways. We have telegraphed our point of view on these issues to the voters and the community for some time.

We will not support another committee to look into the urban growth boundary. We have looked into this via the Outer Suburban/Interface Services and Development Committee of which Ms Mikakos, who is in the chamber, and I are members. We did that for months. Establishing another committee that has three members from the Labor Party, three members from the coalition and one member from the Greens — without any reference to the Democratic Labor Party, and I do not know why — four and a half months before the Parliament is prorogued might make for a good story in the *Melbourne Times*, but it is not sensible.

We have right now the most powerful self-referencing standing committee this Parliament has ever had in existence, and it was put in place when Philip Davis was Leader of the Opposition in this chamber. It is the Standing Committee on Finance and Public Administration, and that committee can look into anything. It is, as I said, self-referencing for any of the members on it. To establish another committee is, in my view, not going to be the best way forward in terms of looking at those issues raised.

I want to say again that there are other issues about outer urban growth that have not been considered by the government and that should be considered. One in particular is logical inclusions. Expanding the urban growth boundary of Melbourne will not solve land supply problems in this city. It will not solve them for at least the next five to six years. That is how long it takes to bring land from being a farmer's paddock to a place where you can build houses; it does not take a year and a half or two years. It takes two or more years for the government's own precinct structure plans.

Housing shortages will not be solved tomorrow by expanding the urban growth boundary. If we have serious shortages in land we need to look at precinct structure planning, the timing of precinct structure planning, the processes that are in place behind it and the processes the government has put in place to bring that land currently within the urban growth boundary on-stream.

While we have close to or maybe more than $4 billion worth of logical inclusions, whether it is at Cranbourne West, Attwood, Baxter or Melton, that have been approved by councils, sitting there waiting for the government to actually bring them on-stream, abutting existing infrastructure provision and abutting areas that in some cases have existing bus routes put in place by this government, the government is not considering any of those. The government is not looking at any of those processes to bring land on-stream.

It is astounding that when we put this to the government we were told it would take two years to establish a process on logical inclusions. It beggars belief that we are genuinely trying to solve housing affordability in Victoria when we have projects worth $4 billion or more, approved by local government authorities, waiting for the government to bring them in and approve them, and instead we say, 'No, we will

look at land supply in five or six years time and not concentrate on what has been done today'. Again, I say in conclusion that the coalition has not looked at this issue, or any of these issues, with any kind of pleasure.

Mrs Peulich — Enthusiasm!

Mr GUY — Or any kind of enthusiasm. This has been an appalling process that we intend to correct should we be elected in November, particularly in relation to development assessment committees and the growth areas infrastructure contribution. We stand by our model of a 100 per cent statement of compliance, and the properties of small land-holders will be GAIC exempt. There is a proposition being put forward that land-holders themselves will not be paying the GAIC, that those who purchase the land will be paying the GAIC so that no land-holder will receive a bill.

As I have said, there are a number of points that could be made in relation to other parts of this debate, which is not simply limited to what we are debating today. It is something that will continue for some weeks, I imagine. It is something that the government, if it wished, could solve very quickly, but it has sought to drag it out and will continue to drag it out over the next few weeks.

Mr BARBER (Northern Metropolitan) — I understand the Liberal Party's position is that it will vote for the bill, that we should trust it and vote for the bill because it will repeal this legislation if it gets into government. The Greens have no such qualms and do not hide behind the constitutional processes of the Dispute Resolution Committee and so forth. Mr Guy puts a perfectly logical reason as to why his party sees it as the best deal available to vote for the bill at this time. Mr Guy's problem is he has not convinced his own constituencies that that is correct. It is not so much the big bad Labor government with its horrible constitutional processes that is causing Mr Guy the problem. The problem is that a number of his natural constituencies are now going in two different directions. The Victorian Farmers Federation and land-holders on the urban fringe are of one particular view; and the Property Council of Australia, having signed on the dotted line a deal with the government, a deal that is meant to decide how we vote in this place, is going in the other direction. It was from that point onwards that the Liberal Party was losing its ability to hold up.

Mr Guy's other major problem is that when this bill was first suggested, he adopted an extremely hairy-chested attitude and instantly got involved in a bunch of public meetings with land-holders, which excited his leader, Ted Baillieu, so much that his leader wanted to come charging in and actually address those meetings, at which great promises were made.

The Greens did not undertake such a risky process. After all, we had not even seen the bill in the period that I am referring to. It was simply that letters had gone out to affected persons. Members of the Greens were determined to bide their time and wait to see exactly what was proposed. We took a bit of stick for it at the time, but it was probably better to do that up-front, be seen to be honest about our position and come up with something that we could stick with all the way through and beyond. It was better to do that than to make a lot of what might sound like very strong and committed promises, but then have to come back to those same groups and say, 'Whoops-a-daisy, we have discovered a problem. We are not going to be able to support you any more'.

The vast majority of Mr Guy's speech was directed to someone he had in his mind — no doubt someone a bit like Clyde beef producer Winsome Anderson, who is quoted in the *Weekly Times* of 12 May as being:

> … ready to abandon her 25-year membership of the Liberal Party.

I doubt she is a Greens voter. She may have had a 25-year membership of the Liberal Party and secretly been voting Green for the last 17 years, but I am just guessing that is not the case. The article continues:

> That's how angry the 74-year-old beef producer is at the coalition's capitulation to the government on the imposition of a $95 000-hectare tax debt on her 26 hectare farm.
>
> After opposing the growth areas infrastructure contribution, the Liberals struck a deal with government this month restricting the tax to land-holders with more than 10 hectares.
>
> 'Where we thought we had friends (among the Liberals) they've now become traitors', Ms Anderson said.
>
> But the only answer coalition planning spokesman Matthew Guy could give was that he wasn't part of the negotiations team that thrashed out the deal with government.

And that last paragraph may explain a further reason for Mr Guy's frustration.

The Greens have been of the view from the beginning that some sort of growth areas infrastructure charge and indeed a fixed charge is appropriate, provided a number of conditions are met. One of the difficulties that land-holders have had and will have when this bill passes is that, as the Minister for Planning has told us, this is a once-in-a-lifetime land release — 25 years of land will be released all in one go. It therefore follows that there may be some sales of land that lead to a

growth areas infrastructure contribution event where that land will not be developed for 25 years.

Much as the Treasury may argue for a model where the money gets put in the bank now, and then some time in the future — hopefully in 25 years — as a result of the amazing accounting method that Mr Guy negotiated, we will be able to determine that that money is still there and is going to be spent on the right things in the right place, we do not really have that much confidence in governments these days. In fact in the good old days governments provided infrastructure when it was needed and borrowed the money to provide that infrastructure when it was needed because the payments on that debt represented the economic benefits of that infrastructure spread over the life of the infrastructure. The government then taxed people, through whatever means it wanted to, to get that money back. But never has it been argued that we must tax people prior to or at the exact moment we are providing the infrastructure or they cannot have any infrastructure.

We should never forget that what we are talking about in this debate is a tax that may raise about 15 per cent of the money needed for necessary infrastructure. It is a nice supplement but hardly a solution, hardly a warranty to future communities that they will have the infrastructure they need — and that is not just physical infrastructure; it is also the associated social infrastructure.

That is the basic idea behind the charge. I have never been particularly in love with it. Mr Jennings and I have had some discussions about that, and despite our normally like-minded and compromising natures, even we have not been able to get agreement about the merits or otherwise of this tax, although there are many other aspects of the expansion of the urban growth boundary (UGB) on which I am sure we could reach a consensus if it were just the two of us running some sort of kitchen cabinet government, perhaps in a time of national emergency.

Mr Jennings — I will be in trouble again. Thanks so much.

Mr BARBER — I am giving him some material to work with on the off-chance he wants to fire up. But it is interesting. I was reading the Henry tax review on the weekend, just for a bit of a rage and just to let my hair down a bit. I could not help thinking about this tax and applying to it the different sorts of tests Mr Henry has put forward. Mr Henry, being the head of the federal Treasury, always has as his no. 1 test for a tax that if people cannot avoid it, the money will come in. There is no question that this will pass that test; it is hard to come up with an offshore tax avoidance scheme for this one. However, he is also very concerned about people avoiding a tax or, if you like, the economy itself becoming distorted by those attempting to avoid a tax and thereby moving certain factors of production in and out in a way that is inefficient.

His overall conclusion is that we are a lot better off charging ongoing land tax on a broad base — asking land-holders to front up a bit of cash each year for a piece of land from which they obtain economic benefit. This tax, though, is designed in a different way. In the end what got it over the line for Labor, for Liberal or for anyone else is the government simply moved to exempt from the tax large numbers of small land-holders — anybody with 10 hectares or less. It certainly does not speak to the merits of the design of the tax, does it? It simply says, 'We do not care whether this tax is a well-designed tax. We simply want to get those voices to stop screaming, so let us draw an appropriate line at a point where all the little people stop screaming and only a small number of large land-holders end up paying'.

I would not even call that an equity approach; I would simply call that a political approach of trying to ensure that there are only a few hundred instead of thousands upon thousands of protesters following the Premier — and who knows, now maybe the Leader of the Opposition in the Assembly, Ted Baillieu — around for the rest of the election campaign. I am sure that if it was a well-designed tax we could have done better than that. The thing that everybody said from the beginning is that it could have been closer to the point of development — to make it real simple, a subdivision tax applied at subdivision and/or those associated activities for subdivision of a new suburb such as building permits for the new houses. After all, it is that process of subdivision that creates the cost to the government.

Admittedly, though, it is not necessarily the point at which the thing the government is now levying, the increased land value, occurs. The government did present a small data set that suggested that in most of the growth corridors where land is between three and five years from being ready to be subdivided there is a significant increase in the value of that land. It is that land that the government would at least hope to capture. The problem is we are releasing 25 years worth of land all in one go, and we do not know what the impact of that will be on property values at the most remote end.

This is where Mr Guy still gets to save the day if he wants to. No-one, apart from those who have already

been zoned in, need have the tax imposed upon them in the short term unless we release more land under amendment VC67; I am told that will be its new number. That amendment is apparently going to be brought forward. That amendment in fact will determine when things really change from the government's point of view and from the land-holders' point of view. It is that amendment that is most crucial. Mr Guy will remember, because he mocked the Minister for Planning and threw this in his face on many occasions, that Mr Madden stood up in front of a group of land-holders and said, 'If you don't want to pay the tax, we will zone you out'. It was quite a facetious and unfortunate thing for the minister to say. He was attempting to bait those people, not reassure them. But in any case Mr Guy was very willing to show Mr Madden up for that. Now it is Mr Guy's chance to determine who will be zoned in and who will not be zoned in.

This is the constituency the Greens have sought to represent from the beginning, the constituency of the city as a whole — everybody who lives in it, everybody who might come to live in it — and the sustainability, the livability and the viability of that city. We have deep concerns about rapid and broadscale expansion of the urban growth boundary because, as the minister disclosed early in the piece, this tax will only pay for 15 per cent of the huge infrastructure bill. We know there are various estimates of that bill but it could be anything from tens up to hundreds of thousands of dollars per dwelling. In fact the faster we sprawl, the more broke the state budget gets, and the Liberals often wonder where all the money went. They point to all the revenue of the state government and say, 'How can it be that at the end of this you still have no money left?'. There is one answer. That revenue comes in from stamp duty, so every time a property is sold it is great for the government. But the government then becomes saddled with a political and very real backlog of infrastructure, and this proposal to expand the UGB in such a massive way adds to that backlog.

Even as we expand the UGB there is concern for two groups. One is the fragmented biodiversity on the outer edges of Melbourne, which, if it was to be protected properly, would almost create a ring around a large part of the city to the north and west. In fact if the red gum woodlands of the north and the grasslands of the west were fully protected, we would have ourselves a couple of new green wedges. The government, or whoever it is that wants to back this policy, could make the claim that they are the first since Hamer to create new green wedges. Instead we are going to see those remnants destroyed in an attempt to protect some remnants of the remnants.

In terms of livability, that is entirely dependent on the government's ability to provide the necessary services and spaces for people in these new suburbs. The soul of a community is where people get together. They may get together on the pavement out the front of their houses and they may play cricket in their cul-de-sacs, but not if there is a huge stretch of cars tearing up and down their streets all day and hooning through them at night. They may get together in community facilities around schools and shopping centres, but again not if those facilities are so poorly planned, so meagrely provided and so badly designed that they become huge car parks and huge expanses where no-one would stand around and talk.

This is the value of village life. My mum's side of the family used to come into town once a week, and they would stand around on the street corner and talk to each other and catch up with everybody they had not seen for a week. You do not see a lot of that happening out in shopping malls, and you certainly do not see it happening in the areas surrounding shopping malls.

Viability is a function of both the state government's budget and the household budget. If you are running four cars, as is often essential if you have two teenage children who need to work in order to study — and to get to work and study — you have not really given anybody an affordable home.

This city functions around its pre-existing transport links and, despite some aspects of sprawl, you can still see how most of Melbourne was built around its tramlines and its train lines. Nobody has yet succeeded, despite their best efforts, in obliterating the city with what they often claim to be the nature of the city: highly dispersed, directionless people going in every direction while seeking their opportunities. In fact, although there are some low-density suburbs, employment itself is still highly concentrated in high-density employment precincts. Road builders and various other lobbies, for their own reasons, have attempted to say the city is otherwise, and with the policies they had hoped to get passed — with amendment VC67 — in some aspects they would hope to make it otherwise. However, they have not convinced us that that is the city we live in, and I do not know they will succeed in making it that way. In fact VC67, as we will see it — and we have been shown some of its doctrines through the previous version — appears to have not so much a bob each way as a bob in every direction. It is just a bunch of different planning doctrines all thrown together. Who knows which one will actually prevail? There is nothing resembling a plan.

Without anticipating debate, President, I should let people know that when the government, presumably following the passage of this bill, reintroduces its planning scheme amendment to achieve these results I will suggest that that amendment be sent off for some further scrutiny. It is a 500-page planning scheme amendment with hundreds and hundreds of maps. It is not the sort of scrutiny we can do in the chamber here. There are overlays for grassland protection and there is material that is still being approved by the federal government for grassland protection that is only now being brought into the scheme. It is simply impossible for members to give proper scrutiny to that document and ask the necessary questions in this sort of environment. And, since VC67 is not in and of itself a bill, we will not able to go through it clause by clause with the minister proposing it to understand exactly how it is intended to work.

However, the government has not yet brought forward that amendment. No doubt it is taking things a bit more stepwise than it has in the past. We will therefore wait for the amendment to be put on the notice paper by the government. I will then give a notice of motion and we will hopefully have a vote on my motion prior to the other one, but if we vote on the other one, that will be the same thing as voting on my motion. The government's motion would be saying that it was prepared to undertake a massive planning exercise with the detailed material not being available to anybody other than politicians, and if it were passed, it would mean the Liberals were not prepared to do the sort of work that would be required to make sure that the detail was correct.

There is important detail there, and the amendment affects the electorates of many MPs. It affects my electorate, it affects Ms Hartland's electorate and therefore Mr Finn's, and it affects Mr Hall's electorate and the electorates of other members down that way. It affects tree changers, it affects land-holders, it affects biodiversity, it affects people who do not even yet live in these communities but will one day and it affects those who had hoped to keep farming, notably the market gardeners down in the south-eastern growth corridor, who have twice the farm-gate sales of the Werribee market garden area, which itself is fully protected by a green wedge. If this amendment was to go forward, those south-eastern market gardens, which are of even greater value, would go straight under the bricks and mortar and asphalt.

I hope that all members of that particular electorate, including Mr Hall, Mr Philip Davis and Mr O'Donohue, as well as the Labor members, would want to be able to assure their voters that they stopped to think about what they were doing before agreeing to such a significant change.

Mr HALL (Eastern Victoria) — It is important for me to say right at the start of my contribution today that so far as the coalition is concerned we are not debating this amended bill by choice. In February it was the view of the coalition — a view shared by all parties that sit on this side of the chamber — that we would oppose the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009. In an ideal world, and if the consequences of doing so were not as grave as they are — I will outline them in a minute — we would be exercising that same choice again today, because, as my colleague Mr Guy has already said, this is far from ideal. We as a group are not happy with the content of this bill. The alternatives are worse, and we needed to give consideration to them in coming to the decision we made.

It is important that people understand the process which has brought us to this debate this afternoon. My colleague Mr Guy spelt out that process to some extent — that is, this bill has been the subject of consideration by the Dispute Resolution Committee of the Parliament. It is a process established by the Labor government when for a period of time it had a majority in both houses of Parliament and changed the Constitution Act to put this process in place. It is a process, I might add, that I think is a very poor process in terms of trying to resolve points of difference between government and opposition.

When this bill was defeated by the Legislative Council in February of this year the government chose to declare this a disputed bill. I would like to emphasise the point that it was purely the government's choice to label this a disputed bill. A piece of legislation can be defeated in the upper house of Parliament, and that can be the end of it; it can simply lapse, because it has been defeated and failed to be passed by the Parliament. The alternative, if the government so chooses, is it can call it a disputed bill. That was the path the government decided to take on this particular bill. It chose to take that path because it believes this is a very important piece of legislation that warrants the sorts of actions and outcomes provided for by the Dispute Resolution Committee process.

Mr Guy spelt out the alternatives pretty well. If the Dispute Resolution Committee cannot come to agreement and resolution, the bill can be put back into the Parliament, and the Parliament is advised of that. The ramifications of what the government can then do again provides it with some choice. As Mr Guy said, it can use it as a trigger for an election to be brought on at

any time — immediately or at a time of the government's choosing somewhere between that exact time and the time of the next scheduled election — or it can just sit on that piece of legislation and, if it is returned at the next election, it can convene both houses of the Parliament in a joint sitting and pass the bill in its original form.

As part of the Dispute Resolution Committee process — and I was one of the members of the Dispute Resolution Committee and I have been through that process — the considerations by all parties represented on the committee need to have an eye towards the possible outcomes and the implications of the decisions they make. I might just add that in terms of a process the dispute resolution process is far from conducive to coming up with a resolution that genuinely accommodates a full range of concerns. It is a process required to take just 30 days from whoa to go — that is, if the Dispute Resolution Committee has not achieved a resolution within 30 days from the time the government refers a piece of legislation to it, it automatically becomes a disputed bill. The time pressures imposed upon that process, I believe, are unrealistic in terms of trying to achieve a satisfactory resolution. I point that out because they are the constraints under which members of the Dispute Resolution Committee work.

Members sit around in the Dispute Resolution Committee, and they throw together some of the concerns, some of the issues, some of the things that have been put forward by way of submissions — not formal submissions, I might add, but views that have been expressed to members of Parliament through various channels of public commentary — and try to reach an outcome that goes at least some way towards addressing those concerns.

As I said in my opening remarks, what we have arrived at today is absolutely far from ideal. However, there comes a point in the process where, even if you are still dissatisfied with aspects of things that are possible in terms of a resolution, you have to start to look at considerations of the different outcomes of that resolution process. You have to look at where you are up to in terms of agreement on some matters compared with the option of not coming to an agreement and then having the original bill imposed upon the people of Victoria you have been asked to represent. That is the position you have to weigh up in your own mind. Yes, it is a compromise position — and indeed the position we are in today is a compromise position — but somewhere along the line you have to make the choice, difficult as it is, whether to support an amended bill which is an improvement on the original bill, or take the risk of having the original bill imposed upon the people you represent. It becomes a difficult decision at that point in time. That is where we are up to today.

At least I can say to the people I represent and to the people who have emailed me that I do not think any of those people would disagree with my contention that the amended bill we have today before us today is at least an improvement on the draconian legislation that was being suggested when this bill was first introduced to the Parliament.

There are some significant differences, and they need to be acknowledged. Those significant changes have been made as a result of a number of measures. The dispute resolution discussions were part of it, but the public pressure applied by different groups of people affected by this has been most valuable in the debate, and equally they should be accorded some responsibility for the changes.

I believe one of the most significant of these changes relates to who bears the actual tax liability — that is, who is required to actually pay the growth areas infrastructure contribution (GAIC). It is true that in the original form of the legislation the original property owner — that is, the person who owned the property and sold it to somebody else — and then the seller of that property, the original owner, bore the tax liability for that transaction. Now that has been changed so that it is the purchaser who bears the tax liability for the growth areas infrastructure contribution.

Some people would say that that is really one and the same because the purchaser will factor in that tax liability to their offer of how much they would pay to the landowner, but if I were in those shoes, I would rather be in the position of saying to somebody, 'This is the figure I want for my property', and sticking to that figure. It is a bit like when you sell goods at an auction, for example. If you present an item for an auction, you know that you get back whatever your item is sold for at the auction, because most auctions operate under a buyer's premium system, whereas if you pay $100 for an item at an auction, when you go to pick up that item you end up actually paying $110 or $112 or $115; you pay a premium on the price of those goods. As I understand it, that is essentially how this new form of a GAIC would work. Rather than having the 10 or 15 per cent subtracted from the $100 that you have received for the sale of your goods, it is actually the buyer who pays something more. I would rather be in the shoes of someone in the new system, whereby it is the purchaser, not seller, who becomes liable for the GAIC payment. That is a significant improvement.

I also do not underestimate the increase in exemptions for the sale of land which is 10 hectares or less. It means that if you own land of 10 hectares or less, even if you choose to subdivide that land, you do not pay a growth areas infrastructure contribution tax. There is a significant number of those properties in the defined growth areas, and that increase in size for properties exempted is a significant improvement. There is also greater accountability in the way the growth areas contribution tax is spent — that is, it cannot be just spent wherever; it needs to be spent in the area where the revenue is generated — and by way of reporting back to the public of Victoria on what projects the revenue was spent.

From the point of view of a developer or an existing land-holder who chooses to become a developer, the ability to defer a component of the infrastructure tax is also a significant concession and improvement on the legislation. There are probably some others, but I will just mention those as four significant improvements.

With all of that in mind, and representing Eastern Victoria Region where this has generated a fair controversy, particularly in the area of the Berwick-Pakenham corridor, I understand this is a contentious issue and that many people will still be unhappy with the position that we are forced into today by this amended version of the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill. However, I also know in the back of my mind that there would be far more people disadvantaged in my electorate if the original form of this legislation was being imposed on them. They would be on my back in their thousands if I were to accept a position or allow, and this possibility is quite distinct, a returned Labor government — I cross my fingers and for goodness sake I hope that never happens — to impose the original form of the legislation upon them. That would be a far more significant and worse outcome for the people I represent than the one within the bill before us today.

It is a calculated risk. It is far from ideal. We are being forced into this compromised position. However, in terms of being pragmatic about it and trying to achieve the best outcome for the people I represent, it is my contention that on balance the decision to not oppose this new bill will have less of an impact on them. That is why, reluctantly, I am forced to do that this afternoon.

Mr KAVANAGH (Western Victoria) — In fairness, comment on this bill should begin with a recognition that the bill is a significant modification on what went before. Not charging people the growth areas infrastructure contribution (GAIC) if they own land which is less than 10 hectares and making most of the GAIC payable on development rather than sale is a significant change from the original version of this bill. However, having said that, in my opinion it remains a rather sudden imposition of a new tax — a sudden imposition on people who have worked towards accumulating an asset, perhaps for their retirement and their old age, over many years.

It has occurred to me just today why I think that is so bad. It seems to me that this bill represents a form of retrospective legislation. It is saying, 'We will decide this year to tax you not only on any improvement in the value of your land from now on but also on the improvement of the value of your land since you bought it'. That is, 10 years ago when you saw the value of your land go up by $5000 a hectare, you did not know you were going to be paying this charge 15 years later. In effect the government is now saying, 'You will now pay us a tax for the improvement in the value of your land that was obtained years ago'. In my opinion that is really retrospective in nature.

There are two other problems with the bill. There is no relationship between the value of the land and the GAIC — that is, those who have had huge gains pay the same amount as those who have had relatively small gains in the value of their land. Furthermore, although exempting people who own less than 10 hectares is, I suppose, a welcome development, in another way it also points to a certain deficiency in the legislative integrity of the bill. Why should somebody who owns 10.1 hectares have to pay $1 million and someone who owns 9.9 hectares pay zero? There is not much rhyme nor reason behind that.

During debate on the GAIC in February this year I proposed amendments to the bill: firstly, that the full amount of the GAIC be made payable on development; and secondly, that it should be related somehow to the value of the land to be sold. Neither of those amendments were accepted, but I indicated at the time that I could only support the GAIC if both of those amendments were accepted. Unfortunately they have not been. In spite of those important amendments not being accepted, the coalition has agreed to support this bill.

Mr Hall says that people will understand that, but I do not think they will. In the end there will be a price to pay, one way or another, for the coalition supporting this bill. Nearly everything that Mr Barber said about the situation was correct, but he was perhaps not being entirely up-front in indicating that a large part of the reason for the Greens opposing the bill is their

opposition to an extension of the urban growth boundary. I say that only tentatively because I always regard the worst type of argument in debate is to attribute motives to people who deny them. I will not say that is what the Greens are actually motivated by, but it seems to me it could be a factor.

On the other hand, I personally do not object to the expansion of the urban growth boundary (UGB). Melbourne is growing very quickly. Its population will soon again be the largest of any city in Australia. But it seems to me that, with the increase in our population, we should be arguing — as my party, the DLP, has always argued — to do it in a way that encourages decentralisation. Already Melbourne is 35 times bigger than the second biggest city in Victoria. That is a huge difference. It would be a lot better if in future decades regional towns and cities in Victoria were to grow much faster than Melbourne does.

The government said that this GAIC will pay for only about 15 per cent of the cost of infrastructure development that is required in UGB areas. In February it said it was 15 per cent, but exempting properties that are 10 hectares or less would probably make it less than 15 per cent of the cost of infrastructure development.

There seems to have been quite a lot of trouble taken to introduce a tax that will pay for only a small proportion of what is required anyway. I think people are quite angry about this. In representations made to me I have been surprised at how strongly people feel. They feel they have worked hard over many years to acquire an asset and now it is a case of the government just coming along and pinching a good part from them. They are particularly angry about the fact that even with this modified bill, a large chunk of the payment will have to be made upon sale rather than at the time of development and that, furthermore, there is no relationship between the amount paid and the value of the land that is subject to the tax.

Consistent with what I said in February, I feel obliged to vote against the bill — I understand the coalition is voting for it — even though that will not have any practical effect.

Ms MIKAKOS (Northern Metropolitan) — I am very pleased to be able to make a contribution and speak in support of this bill, a bill that most members of this house recognise as being critical to the future of Melbourne. It is also an issue that is critical to the future of housing affordability in our city and to the building of infrastructure and facilities for new communities across our city.

As members know, this legislation was brought into this Parliament originally in response to the challenges our community and our state face in relation to how we cater for an expanding population and how our city will adapt and flourish in response to these challenges. Maintaining the livability of our city has been paramount, as has been safeguarding housing affordability. All these issues depend on us making good planning decisions here in this Parliament so that we can protect the lifestyle of our existing suburbs and also plan for and provide the facilities our new communities will require in the future. That is why this government, when it released its *Melbourne @ 5 million* strategy document in December 2008, announced a review of the urban growth boundary to cater for Melbourne's growing population as well as flagging the need for a growth areas infrastructure contribution.

We all know the early provision of key state infrastructure is critical to the development of livable, sustainable communities. This bill provides a mechanism for the government to seek a contribution towards this infrastructure from developers and people acquiring land for development or subdivision.

I remember when the original bill was in this house that every single party in this chamber indicated it supported the concept of developers making a contribution to essential infrastructure. The funds collected will contribute towards paying for the essential infrastructure that will be required by families who will be moving to some of Melbourne's newest suburbs. It will provide for public transport, parks, health services, libraries and sports facilities needed by those families.

I recall the Minister for Planning coming into this house and speaking about his childhood when he grew up in the former outer suburbs of Melbourne, around Tullamarine, and saying that that community lacked critical infrastructure that all of us expect as a community. It is important that we do not allow suburbs to pop up in the future without having the infrastructure those communities will require. The government is determined to manage growth by planning new neighbourhoods with the services families need rather than just allowing subdivisions to occur.

The release of more land that will result from not only the passage of this legislation but the planning scheme amendment that is yet to come to Parliament will provide for affordable housing that will take pressure off the rental market, as young families will be able to move out of rental accommodation into new, more affordable housing on the fringe. In addition, the

proposed expansion of Melbourne's growth boundary will ease pressure on Melbourne's existing urban areas to accommodate the projected population growth over the next 20 years. The growth areas along with the increasing development of regional areas will provide people and businesses with real choices of affordable living, lifestyles and developing new job opportunities.

The successful passage of this bill will deliver $1.2 billion for the extension of Melbourne's public transport network, and an additional $1.2 billion will be available through the Building New Communities Fund for grants for councils and other bodies for the development of vital community infrastructure such as some of those I mentioned earlier. I believe this will be a great outcome and a big step forward for planning our communities in our city.

Coming to what Mr Barber raised in his contribution, I recall that in an earlier contribution to debate on this bill he spoke quite enthusiastically about the concept of developer contributions, although he did spend the vast bulk of his time talking about what was then planning scheme amendment VC55, and it may well be that his opposition and the Greens' opposition to the extension of the urban growth boundary is driving their position in relation to this legislation, but I think it is clear that the Greens are trying to be all things to all people.

Mr Barber spoke about their constituency being everyone who lives in Melbourne. I would say it is everyone who lives in Melbourne except those who want to buy a home or rent a home. What we need in this debate is a bit of honesty from the Greens. We have the Greens opposing the extension of the urban growth boundary, but they also oppose infill development, so I am not quite clear where the Greens would allow housing to occur in our cities. Perhaps the Greens only want to allow millionaires or those who have family trusts to be able to purchase homes in our city.

Mr Barber spoke about rank and file Liberal Party members being disillusioned, and I wonder how Greens party members would feel if they knew that a dividend for the environment — new grassland reserves that have been proposed as part of the urban growth boundary change — was to be lost or threatened in some way, which is what Mr Barber is seeking to do with his position here tonight but also with the action he has indicated to the house he will seek to take tomorrow by bringing forward a motion to establish a select committee that would just seek to delay the urban growth boundary extension and the creation of these new grassland reserves.

As Mr Guy mentioned in his contribution, a bipartisan parliamentary committee, the Outer Suburban/Interface Services and Development Committee, has already looked at the issues around interface suburbs. There has been a lot of consideration of planning scheme amendments in this house previously, and of course the house will have a further opportunity to debate the planning scheme amendment when it is introduced into the house. The government will be opposing any move by the Greens to delay the changes or the extension to the urban growth boundary, because we see this as the political stunt that it is from the Greens political party.

Just briefly in relation to the process engaged in by the Dispute Resolution Committee, what is important to understand here is that this mechanism was put in place under the Victorian constitution as part of the full gambit of reforms introduced to this Parliament in relation to how this house is elected — or was elected at the last election and will be elected in November. It is a mechanism that allows the government to sit down with other parties in good faith, as has occurred here, and try to reach a resolution when legislation has been blocked by the Legislative Council.

This reform was introduced to seek to engage other political parties. It is interesting that we have the Greens party complaining about the Dispute Resolution Committee process. They have a seat at the table on that committee. They have an opportunity to have their two bobs' worth on that committee process, and because they have not agreed with the outcome, they are complaining about the process.

I believe it is a good process and all parties should applaud the fact that we have a situation where members of Parliament — and those members of Parliament represent the overwhelming majority of the Victorian public; in fact more than 90 per cent of the Victorian public voted for the major political parties — have been able to negotiate a bipartisan way forward for funding vital infrastructure in an expanded urban growth boundary, and I think it is a good outcome. It is an outcome that at least some of the parties in this house have been able to take a mature approach on and seek to achieve an outcome that is of benefit to the Victorian people.

Coming briefly now to the key amendments to the bill, the key changes are that developers will pay 30 per cent of the GAIC liability when they purchase land with the remaining 70 per cent to be deferred and paid in stages as the land is subdivided.

Another key change is that the outstanding balance will be indexed at the consumer price index up to the point

that a precinct structure plan is gazetted, at which point any amount deferred will accrue interest at the Treasury Corporation of Victoria 10-year bond rate, which is currently 6.072 per cent. Properties between 0.41 hectares and 5 hectares will now be exempt from GAIC on the sale of land unless it is being subdivided or developed.

In addition, GAIC is not payable on lots of 10 hectares or less, up from 2.03 hectares, where there is a habitable dwelling until subdivision or development, and 50 per cent of the GAIC revenue will now be spent on delivering public transport infrastructure in growth areas through the newly named growth areas public transport fund, demonstrating the government's commitment to delivering public transport infrastructure in line with new supply as part of Victorian transport plan.

That last point is something I would have thought the Greens would be welcoming — that commitment of having 50 per cent of the GAIC revenue going into public transport.

I want to emphasise here that the government has been prepared to work with the opposition to get a good outcome for the people of Victoria. It is important that we have this legislation go through. I would say it is a historic moment to have these changes go through this Parliament to enable that infrastructure to be funded, but also to enable people to purchase homes in Melbourne and ensure our housing affordability is protected. With those words, I commend the bill to the house.

Mrs PETROVICH (Northern Victoria) — I would like to highlight the difference between the current planning minister and the future planning minister. The Minister for Planning, who is also the minister for respect, has not even graced us with his presence in this chamber. This is probably one of the most important bills he will ever have carriage of and probably one of the most important bills for many community members and many people in this house. I believe this shows an absolute disservice to his portfolio and a complete lack of respect for the importance of this bill and the people in those communities. The difference between the current planning minister and the future planning minister is that the next Minister for Planning, Matthew Guy, is not afraid to front up and genuinely work with communities to try and make things better.

If this government were not completely incompetent in managing its finances, there would be no need for us to be standing here today debating a new development tax for Victoria — the much maligned growth areas infrastructure contribution.

I have been to meetings with people who have been distressed and in fear for well over 12 months because of lack of information and lack of consultation. This government originally chose to target a small group of Victorian families with a $2 billion tax. Let us not forget that the original growth areas infrastructure contribution (GAIC) model was aimed at 100 per cent of landowners — a tax of $95 000 per hectare on the first sale of land payable by the vendor. That was devised by this government and imposed on the people of Victoria. This government was prepared to get both its hands on people's hard-earned assets.

John Brumby has overseen budget cost blow-outs of more than $10 billion on state government projects in Victoria in his 11 years as Treasurer and now as Premier. His government has squandered millions in recent times. It is important to remember why this tax has been imposed on people. His government has spent $850 million on myki and it still does not work. The Minister for Public Transport, Mr Pakula, is no longer in the chamber.

The government has been responsible for an estimated $1 billion in lost revenue from bungled pokies fire sales and $225 billion on smart meters that nobody wants. This same government was planning to hit families on Melbourne's fringe with a $2 billion tax. Understandably these families were concerned and angered by this proposal and had little choice but to fight back.

For 15 months a group called Taxed Out and other landowners, the development industry and the coalition have fought for a fairer GAIC tax. The requests for change were not unreasonable. Most opponents were not against an infrastructure tax outright; they simply wanted the tax to be levied at an appropriate time when the land is actually developed and not up-front at point of sale.

The government continued to tinker around the edges of the GAIC proposal without addressing the core issue of the timing of the tax and continually refused to release any reports or detailed sales evidence to support their up-front models. I wonder how much involvement the minister has had in this or whether it has been devised by the department, which has been instructed by the Treasurer, who is not in the chamber either, interestingly enough, for this important bill.

Even after two parliamentary inquiries, the Outer Suburban/Interface Services and Development

Committee's *Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary* and the Standing Committee on Finance and Public Administration's *Inquiry into Departmental and Agency Performance and Operations*, the government has still not released any material to support an up-front GAIC model.

The opposition has repeatedly asked for the mysterious Charter Keck Cramer report, as have the group Taxed Out. This report was used to justify charging the GAIC on the first sale of land. The Minister for Planning, Mr Madden, was asked to present it to the Standing Committee on Finance and Public Administration but claimed it was cabinet in confidence. I put it to Mr Madden — or I would if he were here — that the report was never made public because it does not exist. The government's public consultation around this issue has been nothing short of appalling. This arrogant government is not interested in listening.

Mr Koch — It's a sham.

Mrs PETROVICH — It is a sham, Mr Koch. It has been a sham from start to finish. Other people have been left to tidy up the mess. The government is only interested in grabbing cash from a select few to make up for its wild and ruthless spending. This is just unfair and a sham.

I have tabled petitions of over 4500 signatures in this place relating to this bill. Affected landowners that I have spoken to, some of them elderly, had to stand around for hours on a winter's morning in Melton and ambush the Minister for Planning to have him hear their concerns. He did not listen to what they were saying, obviously. This arrogant, out-of-touch minister told them that if they had concerns about paying the GAIC, they should contact him and he would see if he could have their land taken out of the urban growth boundary (UGB). That was in August of last year. Many landowners did write to Mr Madden. They finally got a reply a few weeks ago. It was clear from his letter that Mr Madden has no intention of taking those properties out of the UGB.

Ordinary families who wanted to be taken out of the UGB have been ignored by this government, but Labor Party mates have been well and truly looked after. I would like to highlight this today. One such mate, John Lawrence Simpson, bought a few hundred hectares of farming land at Beveridge and settled the day before the GAIC came into effect. What this means is that the $19.2 million GAIC tax has been fully deferred until the land is developed. But this man's good luck does not end there. In June 2009 the government released maps showing that the freight terminal that was to be built at Donnybrook — —

Mr Koch — How interesting.

Mrs PETROVICH — Yes, very interesting, Mr Koch. The plot thickens. The freight terminal that was to be built at Donnybrook has now been moved to the Simpson land, earning him a potential $200 million windfall. It beggars belief.

In the 17 months since Premier John Brumby first announced the GAIC, the Premier has not met with one single affected landowner. Our Premier is happy to slap a $2 billion tax on these people but he cannot take the time to listen to any of their concerns. Yet he was happy to meet with developers twice in two weeks to broker a GAIC deal.

This government is not interested in listening to the opposition parties. For 12 months the Liberal-Nationals coalition offered to negotiate with the government on the GAIC. The government refused and instead tried to push its deeply flawed GAIC bill through the Parliament. In February the bill was defeated in this house. Defeated bills are not common in this house but no bill deserves to be defeated more than this one. This was a dog of a bill. Landowners breathed a sigh of relief, but, like all of us, their relief was short lived because this government deems a defeated bill to be a disputed bill.

The shameful changes that we have seen in this house that the Labor government invoked through the Victorian constitution mean that the Legislative Council no longer has the power to completely defeat a bill. Bills defeated in this house can now be deemed 'disputed' and referred to the Dispute Resolution Committee. This committee meets in secret and has no input from the rest of Parliament and absolutely no input from the community members who will suffer the consequences of this bill. We did not vote for this. We do not agree with this committee. Disrespect for democracy and disrespect for this house has been demonstrated once again by this disrespectful government and by the absent and disrespectful minister.

The Dispute Resolution Committee is chaired by a government member, giving the government the casting vote on this committee. It is completely undemocratic and undermines the role of the Legislative Council in the review and rejection of bills. The GAIC tax that landowners were entitled to think was gone for good was suddenly brought back to life.

In March the government announced it had signed a memorandum of understanding with the Property Council of Australia and the Urban Development Institute of Australia for a new model that would charge 30 per cent of the GAIC when land is sold and the remaining 70 per cent when it is developed. It should be noted that the Housing Industry Association of Australia and Master Builders Australia were not involved in these negotiations.

The government has said 50 per cent of funds collected will be for public transport infrastructure, with the remaining 50 per cent to go to other community infrastructure, but there does not seem to be any nexus between collection and expenditure. The government also said that it has 'undertaken to speed up the process for preparing precinct structure plans for each new community', but this slick line in its media release remains the only information we have about this.

Unfortunately, once again words are not actions and it remains to be seen if the government will honour this statement. The GAIC was promptly referred to the secretive Dispute Resolution Committee, which reported back after just 30 days. It took only 30 days to resolve a bill that two houses of Parliament could not reach agreement on after 15 months of community debate and two parliamentary inquiries. The coalition parties strongly opposed Labor's constitutional changes in 2003 and we strongly oppose Labor's use of constitutional powers for this bill.

Once Labor had used its majority in the Legislative Assembly to invoke the procedures — despite our opposition — refusing to negotiate and continuing to reject the bill was not a risk-free option. It might have meant no GAIC, or it might have meant that landowners would be hit with the full, original GAIC of $80 000 or $95 000 a hectare at point of sale if Labor were able to take this bill to a joint sitting of Parliament. That has always been a threat.

The government's decision to tie the expansion of the urban growth boundary to the passing of the GAIC bill has resulted in the stalling of development in Victoria. From the outset the position of the coalition has been that it was willing to negotiate, provided it could achieve an acceptable outcome. After much negotiation we have achieved this for all landowners. The GAIC on the sale has been cut down to 30 per cent of what it was under Labor's model — and payable by the purchaser, not the owner. That benefits every landowner living on more than 10 hectares. I believe that change alone is an enormous achievement for those landowners, for the group Taxed Out and for the coalition. All land under 10 hectares with a dwelling was not subject to GAIC on sale at all. It can continue to be bought and sold and used for non-development purposes indefinitely without a GAIC.

We have secured a similar exemption on vacant land under 5 hectares. We have also secured that a charge on land only applies when a GAIC is due on sale. This means that the purchaser or landowner can use the land as a security for financing without being impeded by a charge on the title, which was in jeopardy. Of course we would have all preferred no GAIC at all; that remains the coalition's objective. However, continuing to block the bill would not have guaranteed that outcome; it would simply have left land-holders exposed to continued financial uncertainty and huge risk. I have seen the faces of those people firsthand. I have spoken to them over the past 15 months. It has been a very trying period for them. At least some of them now have certainty and some guarantees.

I do have a question: how will the Greens reconcile their preferences or form a coalition with Labor? The question remains to be seen. What will the Greens position be at the next election? Let us hope it does not come to that, because I have a funny feeling that the animal that is GAIC in another life will morph back if Labor is returned to government in November through Greens preferences, and who knows what can happen through a joint sitting of Parliament then. A serious implication of the November election is that the coalition will rectify the travesty of both the development assessment committees and the GAIC.

Ms HARTLAND (Western Metropolitan) — I have some brief comments to make, and some of them are issues that have been raised about what the Greens position is on a number of these issues. Initially I was only going to talk about my personal experience with this issue over the last 15 or so months. Particularly in my mind is the first meeting I attended at Rockbank well over a year ago. Mr Guy was also in attendance, thumping the table and saying, 'Under no circumstances will the Liberals ever support this bill', and that was before they even had the bill. At that meeting I copped a lot of flak from Mr Guy and from the audience because members of the Greens do not say whether we are going to support a bill before we have seen it. We do not have the power to know what is going to be in a bill. Our position now is as it was then. I find it quite astounding that the speakers from the Liberals and The Nationals have been so opposed to this, talking about the harm it has caused and how terrible it is, and yet they are voting for it. In their minds it cannot be causing all that much harm after all.

Ms Mikakos raised a number of issues about our position on infill. I would like her to reference where she believes the Greens policy is opposed to infill developments. Many of our councillors are often accused of supporting too much high-density development, so I do not think Ms Mikakos can really have it both ways.

On the issue of grasslands, I would seriously suggest that Ms Mikakos look at the submissions that were put forward to the Outer Suburban/Interface Services and Development Committee from a number of groups who actively work on these issues and that she read what some of their concerns are about how this is going to affect precious, irreplaceable grasslands that will be bulldozed for some of these new developments.

Ms Mikakos talked about how this was going to be great for the outer suburbs because it was going to supply infrastructure and transport. That may be so if the electrification and duplication of the Melton–Bacchus Marsh line were to happen. That would improve services to existing outer suburbs which are lacking in infrastructure. I am not all that sure about her point on that.

Mr Guy is right; we do believe that new suburbs should be built along existing and upgraded rail corridors, as stated in a letter dated 7 May that I sent out to a number of people who had concerns about the issue and who had written to my office. We believe that is a logical place. That obviously also means that we support infill.

I am a bit concerned about a number of things that have been said. I am very concerned about all the community meetings I attended at which the Liberal Party stated it was never, under any circumstances, going to vote for this bill — it was going to protect people — and now it is voting for it. I would suggest that Mr Guy should go back out to Rockbank, organise some public meetings and explain to people who have 10.5 hectares what he is going to do to assist them.

Ms PENNICUIK (Southern Metropolitan) — I would like to make a few remarks. They go mainly to the dispute resolution process that has led us to the position we are in today with this bill back before us in the upper house.

When Mr Pakula was introducing the bill and the amendments made to the original bill he paid tribute to the Dispute Resolution Committee for coming to the resolution. It is incumbent upon me as a member of that committee to make some remarks about that process and to put on the record that I was not party to that resolution and was the only member of the Dispute Resolution Committee to vote against the resolution in the committee. That needs to be made clear.

The Greens are definitely of the view that a bill that is defeated in the upper house is a defeated bill. It is definitely deceased. Not that this is a funny situation at all, because it is far from funny, but in our view once a bill has been defeated in the upper house, the bill is no more; the bill has ceased to be; the bill has expired; it has gone to meet its maker; it is bereft of life; it is an ex-bill. I am sure many members would know from whence I draw these words. That is what a bill that is defeated in the upper house is, and it should not come back. It surely should not come back on a motion from the lower house with no involvement of the upper house at all requesting its agreement or anything like that. That the lower house, where the government has the numbers, can pick up that expired ex-bill and breathe new life into it is completely undemocratic.

Ms Mikakos said this was a reform meant to get the parties together, it was a mature approach and a good process and that we have a good outcome before us now. She said we should not complain, we have a place on the committee and we can have our two bob's worth. I cannot believe she made those remarks when we are talking about such an important bill that is going to have ramifications, especially when the new amendment VC55 — or VC67, as it might be called — descends upon the community of Victoria. That is not a good outcome, and the process that we have gone through is completely undemocratic.

The Constitution Commission of Victoria, which had a look at this issue and recommended that dispute resolution be put into the constitution, had a somewhat sanguine and more optimistic view about how the Dispute Resolution Committee might operate. My strong view is that in its two outings the committee has shown that the commission had no cause to be optimistic and any optimism it may have had is completely unwarranted.

I would say that, regretfully and unfortunately, the Dispute Resolution Committee that we have appears to be entrenched in our constitution. I am looking in a very serious way at how it can be removed from our constitution, because it is such a bad provision and is not needed. The situation should be that once the upper house, which is duly elected by the people of Victoria in fairly close proportion to the votes the parties get in the community — and certainly in much closer proportion than is the case in the lower house — has considered a bill to be so bad that it needs to be defeated, that should be the end of the story. I think I have said before that only four bills have gone down

that path. That is how you would get the government to really negotiate in good faith.

There is no negotiation in good faith in the Dispute Resolution Committee which has 12 members and is controlled by the government. The chair comes from government members in the lower house and has the casting vote and all say as to what goes. It is completely undemocratic. It completely undermines this house, and for Ms Mikakos to get up there and call it a good process is beyond belief.

We are here now because this government, when it had the numbers in the upper house, forced through this undemocratic process. As a member of the committee, let me tell the house there is no good faith in it. There is a sort of lip-service given to it. I asked in that committee if we could discuss amendment VC55, or whatever amendment it is going to be. The minister, who has just appeared in the house, told me at the time that something of its ilk would appear. I see him smiling. There was no ability for the Dispute Resolution Committee to look at that amendment, which is part and parcel of the bill. The bill and the amendment go together. The Dispute Resolution Committee did not look at that. It just looked at a bad bill with a few amendments to make it not a totally intolerable bill.

I could not let Ms Mikakos get away with saying that this is a good faith way to negotiate a way forward. It is not. The other parties have the sword of Damocles hanging over their heads. There are ridiculous time frames and there is the idea of it being a deadlocked bill to cause an early election. It is all completely undemocratic and unnecessary, and the process should be removed from the constitution. I would like to see the Liberal-National coalition commit to working towards removing it from the constitution, because it should not be there. It is totally abhorrent. It is an affront to the people of Victoria that it is there and that the Labor Party rammed it through when it had control of both houses in a sham display just because it was reforming the electoral system. It gives with one hand and takes away with the other.

House divided on motion:

Ayes, 34

Atkinson, Mr
Broad, Ms
Coote, Mrs
Dalla-Riva, Mr
Darveniza, Ms
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Eideh, Mr (*Teller*)
Elasmar, Mr
Guy, Mr
Hall, Mr
Huppert, Ms
Jennings, Mr
Koch, Mr
Kronberg, Mrs
Leane, Mr
Lenders, Mr
Lovell, Ms
Madden, Mr
Mikakos, Ms
Murphy, Mr
O'Donohue, Mr
Pakula, Mr
Petrovich, Mrs
Peulich, Mrs
Pulford, Ms
Rich-Phillips, Mr
Scheffer, Mr (*Teller*)
Smith, Mr
Somyurek, Mr
Tee, Mr
Tierney, Ms
Viney, Mr

Noes, 4

Barber, Mr (*Teller*)
Hartland, Ms
Kavanagh, Mr (*Teller*)
Pennicuik, Ms

Motion agreed to.

Read second time.

Third reading

Hon. J. M. MADDEN (Minister for Planning) — By leave, I move:

> That the bill, as amended by the Legislative Assembly on the recommendation of the Dispute Resolution Committee, be now read a third time.

The PRESIDENT — Order! As I am of the opinion that the third reading of this bill requires to be passed by an absolute majority, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! In order that I may determine whether the required majority has been obtained, I ask those members in favour to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Mr D. Davis — On a point of order, President, earlier today during the production of documents section of proceedings a letter dated 14 May 2010 from the Attorney-General relating to orders for the production of documents was tabled. The letter related to two motions passed in the Council on 5 May, but there appears to be some confusion in that letter. The letter relates to motions about Department of Human Services reports and Department of Health, formerly the Department of Human Services, reports that were commissioned. These motions were passed by the chamber.

The Attorney-General said in his letter:

> These orders requested that the government produce the documents sought by the Council on 5 May 2010 — the same day on which the orders were made. The government will respond to these orders as soon as possible.

I have checked with the clerks and with the *Minutes of the Proceedings* and items 6 and 8 on the *Minutes of the Proceedings* for 5 May list the motions. Under item 8 the documents sought are listed and the motion was passed and agreed to. I note that it has 25 May 2010 as the date on which they were to be tabled.

I put it to you, President, that the Attorney-General has in some way become confused or has made an error and has not complied with the order of the Council. Although he has responded, he has not given a definitive response. I seek your guidance as to how we deal with a situation where the Attorney-General has made a series of blunders.

The PRESIDENT — Order! In terms of the point of order raised by Mr David Davis, I am of the view that there is nothing I can do with regard to his request. In my opinion it is simply a matter of Mr Davis bringing his issues with that matter to the attention of the house.

SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL

Committee

Resumed from 25 March; further discussion of clause 4.

Clause 4

The DEPUTY PRESIDENT — Order! The committee is resuming consideration of the Severe Substance Dependence Treatment Bill 2009. The committee has dealt with clauses 1 to 3. On the last occasion the committee sat it agreed to report progress to facilitate discussions relating to amendments that were to have been circulated by Ms Hartland. It is my understanding that Ms Hartland is about to circulate some new amendments which will replace at least some of the amendments she had previously indicated would be pursued in respect of this clause and others. Therefore I ask for Ms Hartland's amendments to be circulated.

Greens amendments circulated by Ms HARTLAND (Western Metropolitan) pursuant to standing orders.

The DEPUTY PRESIDENT — Order! I am of the understanding that the first clause to involve an amendment is clause 12. Can I have an indication at the outset whether there are any clauses between clauses 4 and 12 that are required for discussion or questions?

Ms HARTLAND (Western Metropolitan) — There is also a set of suggested amendments, and they start at clause 4. There are two separate pages of amendments.

The DEPUTY PRESIDENT — Order! In respect of clause 4, Ms Hartland has proposed several amendments which, if accepted, would have financial implications. As amendments of this type are outside the Legislative Council's constitutional powers, these proposals must be considered as suggested amendments; they are the amendments Ms Hartland has just referred to.

If any of the suggested amendments are agreed to by the committee, the relevant clauses will stand postponed. If this occurs, once the committee has concluded its consideration of Ms Hartland's other amendments — those without financial implications — the committee will report progress whereupon a message will be sent to the Assembly seeking its consideration of the suggested amendments and any other amendments agreed to. The committee will then resume its consideration of the bill once the Assembly has responded by message to the Council.

I propose to deal with Ms Hartland's suggested amendments first — the ones that have financial implications — two of which relate to clause 4. Ms Hartland's amendment 1 is a fairly minor amendment in itself but I consider it as a test for suggested amendments 2 and 3. Amendment 3 is the substantive matter but, as I indicate to the committee, that will be tested in my view by amendment 1.

I ask Ms Hartland to formally move suggested amendment 1 standing in her name and make any remarks in support of that amendment.

Ms HARTLAND (Western Metropolitan) — I move:

> That it be a suggestion to the Assembly that they make the following amendment:
>
> 1. Clause 4, page 4, line 25, omit "order." and insert "order;".

As the Deputy President has said, the first two amendments are fairly straightforward. The substantive one is amendment 3 which provides that the court may order legal aid to represent a person presenting to the magistrate.

This bill is aimed at people who are incapable of making decisions about their personal health, welfare and safety. People in this situation will find it difficult to organise their own legal representation, yet they face proceedings in courts where the usual rules of evidence do not apply and which may result in involuntary detention. I have discussed this issue at length with the government but it has so far not been able to concede that some form of representation is necessary. In the departmental briefing it was the department's view that if a person lacks capacity to make decisions in relation to their substance use, then they lack capacity in a legal sense and cannot give instructions to be represented. We do not believe this is accurate.

Firstly, not everybody brought before the court is incapable of making decisions about their substance use and the court has not yet made that order. Secondly, we believe that the legal capacity relates to a person's ability to understand and give instructions in a legal sense. It is a very different and more nuanced test than medical capacity. For example, minors may be found to have legal capacity and severe alcoholics will be found to have had legal capacity in many cases, but they will be extremely vulnerable, frightened and confused without representation. At best they will have a duty lawyer on the day, but this still also may be subject to the conflict check.

Unless this Parliament accepts the Greens amendments, people who have not committed any crime will face a hearing into their own involuntary detention without any representation whatsoever. The government has said that the bill is aimed at a very tiny number of people. I have to say I am not convinced that is so. The government is saying there will be perhaps six or eight people a year. If that is the case, I would have thought it would not be stretching the existing resources of legal aid to represent these people.

Mr JENNINGS (Minister for Environment and Climate Change) — Thank you, Chair, for the opportunity to respond to Ms Hartland's suggested amendment and the arguments she has put in support of it. The government considers that the bill, the legal framework and the mechanisms that should be attached to this piece of legislation are balanced, well designed and consistent with legal proceedings respecting the rights that should be afforded somebody who may be subject to the courts' consideration of an order. In fact the motivation behind this piece of legislation and the framework and programs that would be attached to it is to protect the health and wellbeing of the person in question.

The government does not start from a philosophical position that we are not well disposed to protecting the interests and wellbeing of the person who may be subject to an order. Indeed, as Ms Hartland in her argument has suggested, there is opportunity for legal representation in the Magistrates Court by a duty officer in the first instance. More importantly, beyond that, there is the important role and responsibility of the public advocate in terms of the provisions regarding how these orders would work. There are the rights of the client to receive advice and to seek remedy if in fact they are firmly of the view that an inappropriate order has been made. In fact there are many legal protections, both in practice or procedure and in law, embedded in the bill before the Parliament.

We recognise the need to protect the interests of the person who comes before the court where an order may be made. We respect their rights, and we have put in place provisions to provide for their representation.

Interestingly enough, the mechanism which Ms Hartland is seeking by amending this bill would create a very unusual precedent in relation to a determination made by a court to direct that there be intervention by Victoria Legal Aid. People in the community might think this suggestion has come from legal aid itself and that legal aid was wanting to be legislatively roped into this provision, but that is not the case. Victoria Legal Aid itself has expressed concerns about the appropriateness of this proposed provision and considers it potentially restrictive of its operations and not totally consistent with the rights that are intended to be afforded by the amending bill.

On 1 April Victoria Legal Aid wrote to Ms Neville, the Minister for Mental Health, who is also the Minister for Community Services, about this proposal, indicating it had significant concerns about the proposal. It reminded the minister of Legal Aid Victoria's usual representation that is made available to people at the Magistrates Court in due course. For that primary reason, we do not think this proposed provision is appropriate. We think it is cumbersome and does not necessarily acquit what the bill was originally designed to do and it ignores the provisions in the bill for the public advocate's role of supporting the person who may have an order made in their name.

The government opposes the proposed provision principally for legal and program-related reasons. Beyond that, the government is of the view that, given the way this amendment was introduced — that is, in the Legislative Council — it has some constitutional difficulties, as it draws on resources, and it is not the type of amendment that as a matter of practice and

principle we would support. However, the amendment's coming from the Legislative Council is not the primary reason why the government opposes the amendment.

Ms HARTLAND (Western Metropolitan) — Could I ask a question about what the minister sees as the role of the public advocate in this? In the briefings we had with the department, the question of the public advocate was one we pursued, because we believed that that was the appropriate person to be in the court. However, we were told that the advocate would not be in the court and that they would subsequently visit once the detention order had been made and the person was at the facility concerned. If there had been a capacity for the public advocate to be at the court, we would not have moved this amendment.

Mr JENNINGS (Minister for Environment and Climate Change) — The process I have described — perhaps I did not describe it well — and the process, in terms of sequence, that Ms Hartland has just referred to is the sequence that is provided for in the bill. So in fact it would be subsequent to an order being made and would be when the care plan was being put into effect. In those circumstances the review of the appropriateness of the order — in the context of establishing a relationship with the client and forming a view about what action the client may wish to pursue in relation to the ongoing nature of their treatment or some other remedy — is available to them.

I will just take some advice on this last point. The advice that has been offered to me from the advisers box is consistent with what I have just described. It is about six to eight weeks since I was briefed on this bill, and I have not actually visited it on many occasions since. Nonetheless, that is the sequence.

In relation to the court proceedings themselves, there is a capacity for proceedings to be adjourned if, in the view of the court, there is not appropriate representation of the interests of a client, or they cannot actually represent themselves, or it is a disputed situation. The court can provide that opportunity. I am encouraged to indicate that it is certainly an option for the public advocate to be contacted in the lead-up to a hearing or during the course of a hearing itself, to be one of the options available in representing the interests of the client.

Ms HARTLAND (Western Metropolitan) — I understood that one of the things that was necessary with this legislation was speed, because people were dangerously ill. One of the things that we were told in the briefings was that the public advocate may not be available. We were never told that it would be possible for them to represent. Our concern is that someone who is supposedly dangerously ill, is substance affected and cannot manage their own affairs is fronting court without any kind of representation. If the hearing is to be adjourned, what about the issue of the speed that is required, and will that person actually then be capable of organising representation?

Mr JENNINGS (Minister for Environment and Climate Change) — The series of concerns you have are not grounded in the thinking that underpins the government's thinking. Yes, the whole system has been designed to deal with urgent situations of acuity in terms of a person's wellbeing. The speed and sequence in which these matters would be considered — which I offered a few minutes ago and continue to say the law will provide for in most instances — is that the scrutiny and support provided by the public advocate, subsequent to an order being made, would be in a way that does not prevent urgent treatment from being afforded through the prism of an order, and then a safety net of support, advice and representation, if required, would be provided to the client in question.

Mr D. DAVIS (Southern Metropolitan) — The opposition will support this cluster of suggested amendments. I am cognisant of what the minister has had to say, and I am aware of the letter from legal aid indicating that it does not support this. However, as I understand it, a very small number of people are involved and a very modest number of cases would fall into this category each year. They are of course people who are particularly vulnerable, and for that reason I think the legitimate position to be adopted here is that the benefit of the doubt should go to these people. Legal aid, in these cases of particularly vulnerable people, may make a significant difference.

I note the minister's point about this in some way being outside the powers of the Legislative Council. Suggested amendments to bills that may have funding implications have been made from time immemorial, but I put it to him that the funding implications here are so modest that the government could perhaps find it within its heart to stretch to those limits. We may be talking about fewer than 10, perhaps even half a dozen, cases a year. Only a percentage of those may not be represented and may be caught by this particular clause. We are prepared to support the suggested amendment here. We think it is within the powers of the Council to recommend a suggested amendment to the Assembly. We think that the benefit of the doubt should be extended.

The DEPUTY PRESIDENT — Order! If there is no further discussion, I intend to put the amendment to the test. As I have indicated, I regard Ms Hartland's amendment 1 as a test for her further amendments 2 and 3.

Committee divided on suggested amendment:

Ayes, 20

Atkinson, Mr	Hartland, Ms
Barber, Mr	Kavanagh, Mr
Coote, Mrs	Koch, Mr
Dalla-Riva, Mr (*Teller*)	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr
Drum, Mr (*Teller*)	Pennicuik, Ms
Finn, Mr	Petrovich, Mrs
Guy, Mr	Peulich, Mrs
Hall, Mr	Rich-Phillips, Mr

Noes, 18

Broad, Ms	Mikakos, Ms
Darveniza, Ms	Murphy, Mr
Eideh, Mr (*Teller*)	Pulford, Ms
Elasmar, Mr	Scheffer, Mr (*Teller*)
Huppert, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr

Pairs

Vogels, Mr	Pakula, Mr

Suggested amendment agreed to.

The DEPUTY PRESIDENT — Order! I invite Ms Hartland to move her suggested amendment 2.

Ms HARTLAND (Western Metropolitan) — I move:

That it be a suggestion to the Assembly that they make the following amendment to clause 4:

2. Clause 4, page 4, after line 25 insert —

"***Victoria Legal Aid*** means Victoria Legal Aid established under section 3 of the **Legal Aid Act 1978**.".

Suggested amendment agreed to; clause postponed.

Clauses 5 to 11 agreed to.

Clause 12

The DEPUTY PRESIDENT — Order! I ask Ms Hartland to formally move her amendment and make any remarks in support of that proposition.

Ms HARTLAND (Western Metropolitan) — I move:

1. Clause 12, page 11, line 3, after "person" insert "and must record in the clinical notes of the examination what steps were taken to give that explanation to the person".

Clause 12 is a very straightforward amendment. It adds that a GP or medical practitioner who is examining a person who will have to go before the Magistrates Court will need to be able to explain to the person exactly what is happening and for what purpose and that that will be recorded in the clinical notes.

Mr D. DAVIS (Southern Metropolitan) — The opposition will support this amendment.

Mr JENNINGS (Minister for Environment and Climate Change) — I am happy to say in this instance that the government accepts this amendment and will support it.

Amendment agreed to; amended clause agreed to; clauses 13 to 17 agreed to.

Clause 18

The DEPUTY PRESIDENT — Order! Now that we are on clause 18 we return to the suggested amendments. We will now deal with Ms Hartland's suggested amendment 3. As I have indicated, I regarded amendment 1 as a test for amendment 3.

Ms HARTLAND (Western Metropolitan) — I move:

That it be a suggestion to the Assembly that they make the following amendment to clause 18:

3. Clause 18, after line 25 insert —

"(4) If the court is satisfied that the person who is subject of the application is incapable or otherwise unable to obtain legal representation at the hearing, the court may order Victoria Legal Aid to provide legal representation to the person, on any conditions specified by the court, and may adjourn the hearing of the application until that legal representation has been provided.

(5) Despite anything in the **Legal Aid Act 1978**, Victoria Legal Aid must provide legal representation in accordance with an order under subsection (4).".

Suggested amendment agreed to; clause postponed.

Clauses 19 to 21 agreed to.

Clause 22

Ms HARTLAND (Western Metropolitan) — I move:

2. Clause 22, page 20, lines 1 to 4, omit subclause (4) and insert —

"(4) An application for the revocation of the order must be on the ground that —

(a) one or more of the criteria for detention and treatment no longer applies to the person; or

(b) the order for the detention and treatment order is no longer necessary having regard to all other relevant matters.".

We believe this amendment broadens the criteria for the revocation of an order by allowing a court to consider all relevant matters. When the court makes the initial order it must be satisfied that not only do each of the criteria for detention and treatment apply but that detention and treatment are necessary in regard to all of the relevant matters. The Scrutiny of Acts and Regulations Committee is of the view that the grounds to apply for revocation should match the grounds considered by the court in its initial order. The Greens amendment also provides for a right to appeal on the basis that the initial order was inappropriate or wrong. This is in accordance with the section 21(7) of the Charter of Human Rights and Responsibilities:

> Any person deprived of liberty by arrest or detention is entitled to apply to a court for a declaration or order regarding the lawfulness of his or her detention …

These usual rules of evidence do not apply in a hearing regarding involuntary detention — for example, hearsay evidence is allowed. This provides an environment for wrong decisions in our opinion. So the ability to appeal on the basis of a wrong or inappropriate decision is necessary.

Mr D. DAVIS (Southern Metropolitan) — The opposition will not support this amendment.

Mr JENNINGS (Minister for Environment and Climate Change) — The government also does not support this amendment. The government is of the view that the provisions that allow for the revocation of order, of which there are extensive provisions — there are nine classes under the revocation of order within this clause — are sufficient to cover the circumstances of a person's rights to being protected.

The DEPUTY PRESIDENT — Order! With the committee's indulgence, I will put the question to the test in a division after the dinner break.

Sitting suspended 6.27 p.m. until 8.02 p.m.

The DEPUTY PRESIDENT — Order! Just prior to the dinner break, I put Ms Hartland's amendment 2 to clause 22 and I declared that it was lost. Ms Hartland sought a division, so I ask the Clerk to ring the bells. We will conduct a division.

Committee divided on amendment:

Ayes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms (*Teller*)
Hartland, Ms	

Noes, 36

Atkinson, Mr	Leane, Mr
Broad, Ms	Lenders, Mr (*Teller*)
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	Madden, Mr
Darveniza, Ms	Mikakos, Ms
Davis, Mr D.	Murphy, Mr
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Pakula, Mr
Eideh, Mr	Petrovich, Mrs
Elasmar, Mr	Peulich, Mrs
Finn, Mr	Pulford, Ms
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Scheffer, Mr
Huppert, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr
Kavanagh, Mr	Tee, Mr
Koch, Mr (*Teller*)	Tierney, Ms
Kronberg, Mrs	Viney, Mr

Amendment negatived.

The DEPUTY PRESIDENT — Order! I ask Ms Hartland to formally move amendment 3 to clause 22.

Ms HARTLAND (Western Metropolitan) — I move:

3. Clause 22, page 20, lines 30 to 35, omit subclause (8).

This amendment removes the reverse onus provisions so that the normal onus on the Crown will apply. Without this amendment a person who is wrongly detained will face an impossible hurdle. They will need to somehow come up with evidence to prove beyond reasonable doubt that their detention is wrong while they are disadvantaged by being detained and are being given medication against their will, including sedation.

In my mind the government has not given any real reason to reverse the usual onus of proof. Recently a Court of Appeal issued a declaration to the Parliament that reverse onus provisions in the drug laws are incompatible with the presumption of innocence protected by section 25(1) of the Charter of Human Rights and Responsibilities. We believe the government is ignoring this declaration. When asked about this I have been provided with a four-line

statement that the right to be presumed innocent in the charter only relates to criminal trials. I think this is quite a dismissive attitude and I think this is a very serious issue in these circumstances where the Parliament has not debated or reviewed that actual appeal declaration.

Mr D. DAVIS (Southern Metropolitan) — The opposition will not support this amendment.

Mr JENNINGS (Minister for Environment and Climate Change) — One of the difficulties the government has with this argument is that if this were a case where someone's criminality, innocence or guilt, was being assessed, then the argument may be valid, but this is a case where we are not talking about innocence or guilt. We are talking about whether an appropriate action is required in the name of providing care treatment for an individual who has been brought before the courts. In fact the evidence would need to be compiled about the acuity of that instance and the appropriateness of the care treatment for the order to be made in the first instance. Once it has been made, then the arguments will be brought to bear in terms of revoking the treatment order and the court would then need to be satisfied that in fact the circumstances that warranted the audit being made in the first instance were no longer relevant to the care of a person rather than their innocence or guilt being considered in any sense at any stage of the proceedings.

Committee divided on amendment:

Ayes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms (*Teller*)
Hartland, Ms	

Noes, 36

Atkinson, Mr	Leane, Mr (*Teller*)
Broad, Ms	Lenders, Mr
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	Madden, Mr
Darveniza, Ms	Mikakos, Ms
Davis, Mr D.	Murphy, Mr
Davis, Mr P.	O'Donohue, Mr
Drum, Mr (*Teller*)	Pakula, Mr
Eideh, Mr	Petrovich, Mrs
Elasmar, Mr	Peulich, Mrs
Finn, Mr	Pulford, Ms
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Scheffer, Mr
Huppert, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr
Kavanagh, Mr	Tee, Mr
Koch, Mr	Tierney, Ms
Kronberg, Mrs	Viney, Mr

Amendment negatived.

Clause agreed to; clauses 23 to 49 agreed to.

New clause

Ms HARTLAND (Western Metropolitan) — I move:

4. Insert the following New Clause to follow clause 40 —

"**41 Review**

(1) The Minister must ensure that a review of this Act is completed by 1 March 2015.

(2) The purpose of the review is to determine —

(a) whether the objectives of this Act are being achieved and are still appropriate; and

(b) whether the Act is effective or needs to be amended.

(3) The Minister must make a report of the review, including the response of the Government to the review, available to the public within 3 months after the expiry of the period specified in subsection (1).".

I will make just some very brief remarks about this because I think this has been an incredibly difficult piece of legislation and it has a lot of complications around human rights. It encapsulates everything that is difficult around the treatment of people with substance abuse. One of the things that I wanted to see out of this process was that it be reviewed so that we could see how well this kind of program was working. The other important thing to me was whether the numbers were actually those that the government would be talking about.

As I said earlier, because of my previous work with this client group, I do not believe there will be six or eight people a year; I think there could be hundreds of people, so we need to know exactly how the program has worked, how the review has operated and that its report will be a public document.

Mr D. DAVIS (Southern Metropolitan) — The opposition will support amendment 4.

Mr JENNINGS (Minister for Environment and Climate Change) — The government will also support the review, even though our assumption of the application of the bill is very different from the one just expressed by Ms Hartland. We are very happy and prepared to establish a review mechanism in this piece of legislation to demonstrate not only the effectiveness of the provisions of the bill but the scope and the program that may be appropriate to be associated with it.

New clause agreed to.

Progress reported.

Suggested amendments and amendments reported to house.

Report adopted.

Ordered to be returned to Assembly with message intimating decision of house.

LEGISLATION REFORM (REPEALS No. 6) BILL

Second reading

Debate resumed from 25 March; motion of Hon. M. P. PAKULA (Minister for Public Transport).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise to speak on behalf of the coalition on the Legislation Reform (Repeals No. 6) Bill and state at the outset that the opposition will not oppose this bill. As its title indicates, this is the sixth such bill that has been before this Parliament. It has had a long gestation before coming before the Council this evening. The bill was first introduced into the Legislative Assembly on 8 December and has been on our notice paper for several weeks.

The bill repeals 23 principal acts and more than 40 amending pieces of legislation, be they transitional or substantive provisions. As I said, it is the sixth in a series, and whilst I acknowledge that this bill gets the government to its stated target of reducing the number of principal acts by 20 per cent, I make the point that notwithstanding that a number of bills have been repealed throughout the course of this Parliament, the statute book has nevertheless grown by more than 6000 pages, arguably increasing the complexity for business, communities and individuals trying to comprehend and navigate the Victorian statute book.

The bill has gone through a process of review through the Scrutiny of Acts and Regulations Committee, having been referred to SARC on 10 December 2010. As is customary for bills of this nature, SARC produced a report. It is dated February 2010 and the contents can be summarised by a letter from Ms Gemma Varley, chief parliamentary counsel, who in her correspondence which appears on page 11 of the report states:

> As you are aware, this bill was introduced into the Legislative Assembly on 8 December 2009 and referred to the Scrutiny of Acts and Regulations Committee on 10 December 2009.
>
> In accordance with the usual practice for this kind of bill, I certify that the schedule to this bill contains only repeals appropriate for a redundant legislation repeals bill. The relevant departments have confirmed that the acts proposed to be repealed by the bill are now obsolete or redundant or spent and can be safely repealed. Any transitional, savings or validation provisions in the acts to be repealed will be saved by section 14 of the Interpretation of Legislation Act 1984.

On the strength of the report by the Scrutiny of Acts and Regulations Committee, the Parliament can have some comfort that the acts that are being repealed are indeed redundant and no longer required on the Victorian statute book.

It is interesting to look at the acts that are being repealed and note the issues that parliaments before ours have contemplated and legislated for. Many acts being repealed are land acts. There are several acts relating to orphanages and children's homes, which do not exist in the way they used to, a number of taxation acts and an act which affects the Southern Peninsula Hospital located in Rosebud in Eastern Victoria Region. It is an outstanding institution that services the greater southern peninsula region. The act being repealed is the Rosebud Institutions Act 1973, which was enacted to rectify circumstances that had arisen concerning Southern Peninsula Hospital and the Lotus Lodge Hostel for the Aged at Rosebud. That act is no longer required and hence is being repealed.

Another act that was referred to during debate in the other place is the BLF (De-recognition) Act 1985. It was a colourful time in Victoria's industrial relations history when the Builders Labourers Federation was outlawed as a result of its behaviour and its impact on the Victorian construction industry.

The opposition will not oppose this bill. We welcome any efforts to simplify the Victorian statute book and look forward to the bill's passage through the house.

Ms TIERNEY (Western Victoria) — I rise to make a contribution in the debate on the bill before us, the Legislative Reform (Repeals No. 6) Bill 2009. The purpose of this bill is to repeal 63 redundant acts of Parliament. The first five acts in the series repealed approximately 200 principal and amending acts, and once it is passed the Legislation Reform (Repeals No. 6) Bill 2009 will take this process further.

For each of the acts that will be repealed the Department of Premier and Cabinet along with parliamentary counsel have consulted with the departments of each minister responsible for the acts that are to be repealed and are listed in the schedule. They essentially fall into three categories: firstly, spent principal acts; secondly, spent amending acts with

transitional or substantive provisions; and thirdly, spent acts wholly in operation.

Whilst I do not think it is necessary to go into an enormous amount of detail, because this is a fairly straightforward bill essentially repealing redundant acts of Parliament, it is worthwhile touching on a few so that people have an understanding of the nature and breadth of the acts in the schedule. One of the first listed is the Australian Mutual Provident Society's Act 1864, a very old act that will be eliminated from the statute book. That act provides for the Australian Mutual Provident Society, which was established in New South Wales, to extend its operation of business to Victoria. The society could sue and be sued in its corporate name and was granted certain powers including the power to purchase and sell real estate, to invest the society's funds and property and to hold real or personal estate as security for funds invested.

The society became a registered, publicly listed company in 1998 and is subject to the commonwealth Corporations Act 2001 and the jurisdiction of the Australian Securities and Investment Commission. The society was effectively demutualised and members obtained shares in the company. AMP Ltd has been consulted and has confirmed that it has no objection to the repeal of the 1864 act.

The Dental Hospital (Finance) Act 1957 is also listed. I raise this because it demonstrates the breadth of matters that have been dealt with by this Parliament over the years. That act provided the University of Melbourne with the power to borrow up to £1.5 million to provide a dental hospital and dental school secured on the revenues of the university. The 1957 act also provided for the Treasurer to be able to guarantee repayment of any money borrowed and to enter into agreements with the university to pay money to the university. These powers are no longer required. Section 6 provides that the land on which the buildings were to be constructed was to become unalienated Crown land on completion of the new buildings. This section has taken effect as the land is now Crown land.

The Revocation and Excision of Crown Reservations Act 1980 would be of particular interest to those who live in Geelong and surrounding areas and anyone who barracks for the Geelong Football Club, because section 2(1) of the act partly revoked orders in council relating to reserved land. Section 2(2) repealed section 2 of the Geelong (Kardinia Park) Land Act 1950 and any other act insofar as they applied to certain land. Section 2(3) repealed section 86(1) of the Cemeteries Act, which has now been repealed, and any act insofar as they applied to certain land. The land previously reserved was deemed to be unalienated Crown land, and these provisions came into effect and are spent.

Under section 4 the then Country Roads Board was to pay $22 000 to the then City of Geelong as compensation for making land available for construction of a road. This provision is now redundant as the money has been paid. The Crown's right under section 5 not to have to pay compensation in respect of matters arising from the 1980 act, except as provided by that act, will be saved under section 14 of the Interpretation of Legislation Act 1984.

There are also matters that deal with the Melbourne Sailors' Home (Repeal) Act 2006, and I invite members interested in such matters to have a look at the history pertaining to that act, because it really gives a sense of Melbourne as a maritime capital over the years.

There is also the Melbourne Wholesale Fruit and Vegetable Market Trust (Amendment) Act 1993 that is now seen to be redundant because it has had a name change to become the Melbourne Market Authority Act 1997.

The bill before us tonight is part of the government's continued commitment to reduce regulatory burden. This initiative was taken to the 2006 election. Essentially it means that our statute books are being streamlined on an ongoing basis. It is an exercise that eliminates defunct legislation. It means that our statute books are more accessible to a whole range of Victorians regardless of their abilities and educational background, and therefore I support this bill and request that members vote in favour of it.

Ms HARTLAND (Western Metropolitan) — The Greens will be supporting this bill. Like the previous two speakers, I always find these bills quite interesting if only for the period in which the acts were passed and the kinds of things that are covered by them. Like Mr O'Donohue, the act that caught my eye, but for very different reasons, was the deregistration of the Builders Labourers Federation. It was a colourful time, and I was in the middle of it as I had a number of friends who were organisers in the BLF and were members of it.

I, with my husband, Victor, spent a lot of time cooking breakfast at picket lines, being involved in what we saw as draconian measures by the then Cain government to deregister a union for what we believed was that union standing up for the rights of its members. I would like to mention many people from that time who made a remarkable stand in a very difficult period: John Cummings, who is no longer with us, and his wife Di;

John Seka, who was an organiser with the BLF at that time and has become an organiser with the Construction, Forestry, Mining and Energy Union; Jonny Loh, who is also deceased; Dave Kerin and his partner, Barbara Webb; Killer and Margaret Kane; George Despart, who was the BLF's poet and in particular had a very difficult time when he lost all his superannuation and benefits because he refused to leave his union; Mick Lewis; and Mick Young.

There were many more people who stood up for their union rights during this period, and I learnt a lot of lessons from the people on those picket lines. Yes, it was colourful, but it was an amazing time. I quite often see members from that period, many of them are now becoming quite elderly. Fortunately I continue to see them, mainly at the annual John Cummings memorial dinner.

I am proud to say that I supported the BLF during that time, and I am proud to say that we supported their families. I think the deregistration of the BLF was one of the great blights on the Labor Party during that period. With those few words, the Greens will be supporting this bill.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

RADIATION AMENDMENT BILL

Second reading

Debate resumed from 25 March; motion of Hon. M. P. PAKULA (Minister for Public Transport).

Ms HARTLAND (Western Metropolitan) — The Greens support this very straightforward bill, and like many bills that come into this house, it should be supported because the government is attempting to make sure that regulation is straightforward and can be used well.

Mr SCHEFFER (Eastern Victoria) — I rise in support of the Radiation Amendment Bill. Radiation technologies play an important role in modern health care. Mostly they are used to assist in diagnosis and therapy. Radiation technologies are also used in medical and industrial research and have enabled many advances to be made that have been of great community benefit.

The minister's second-reading speech says that the bill makes minor amendments to the Radiation Act to ensure that people and the environment are better protected from the harmful effects of both ionising and non-ionising radiation. Radiation refers, as members would know, to invisible energy waves or particles that are emitted from unstable atoms that are in the process of becoming stable. Non-ionising radiation is found at the low end of the electromagnetic spectrum and can have sufficient energy to cause atoms to vibrate faster, as in the case of microwaves that are used in microwave ovens, for example. With the exception of commercial tanning units in solariums, the use and possession of non-ionising radiation sources is not regulated.

Ionising radiation on the other hand has enough energy to cause chemical changes by breaking the chemical bonds, and I understand this can cause damage to living tissues. Examples of this are X-rays and gamma ray radiation, which are at the upper end of the electromagnetic spectrum, and these waves have very high frequencies. Ionising radiation is used in diagnostic medical X-rays and radiation cancer therapies. While there are clear benefits from ionising radiation, there are also dangers if the technology is not used safely, and the Radiation Act is concerned with safety issues arising out of the development and use of this type of radiation.

The purpose of this bill is to make some minor changes to the Radiation Act to make sure Victoria has radiation safety legislation that is consistent with national agreements to protect people and the environment from the harmful effects of ionising and non-ionising radiation. The Radiation Act was the first complete radiation safety legislation to be passed in Australia since a uniform national framework for radiation protection was agreed on. This uniform framework, which is contained in the *National Directory for Radiation Protection*, was signed off by Australian health ministers in 2004 and was the basis for the development of the Victorian Radiation Act that came into effect three years ago, in 2007.

The Radiation Act is basically a licensing framework with a number of offence provisions. There are approximately 2500 management licences issued currently, predominantly to companies, and they authorise a wide range of practices in the medical, dental, veterinary, industrial, educational and research sectors. The changes contained in this bill will ensure

that appropriate controls can be placed on these licences to protect people's health and the environment from the harmful effects of radiation.

Clause 4 allows the Secretary of the Department of Health to impose further conditions on management licences relating to the management or control of the use of a radiation source. The provisions in the current act allow the secretary to apply conditions to these management licences provided they relate to the activity the licence is issued to undertake. The problem is the act states that using a radiation source is not a radiation practice, and this means that the secretary is unable to place a condition on a management licence that specifically controls the way a radiation source is used.

The bill expands the ability of the secretary to apply conditions to these management licences to regulate the management or control of the use of a radiation source. In practical terms this means the secretary can act to control the ways an X-ray unit, for example, can be used safely so that workers or the general public are protected. The expansion of the powers of the secretary provides increased flexibility to ensure that new developments in technology and new approaches to the use of radiation, as well as new safety standards, can be taken into active account.

The Radiation Act contains a number of offences that relate to radiation safety, and these include some very hefty penalties for conducting any radiation practice without a licence, using a radiation source without a licence or breaching the conditions of a licence. For these three offences the maximum penalties are fines of just over $1 million, $130 000 and $700 000 respectively, and they are indictable offences.

Clause 5 of the bill amends section 15(1) of the Radiation Act by substituting the present requirement for a management licence holder to comply with any condition of the licence with a requirement that a licence-holder must not knowingly, recklessly or negligently fail to comply with every condition of their licence. I am advised that in practical terms this amendment means that a breach would need to be more specifically proved when prosecuting an offence. This does not have the effect of making it harder to prosecute a breach of a management licence condition, but it does require that the specific fault be pinned on the licence-holder who failed to comply with their licence. Often, as I understand it, more than one management licence holder is involved in the management of radiation sources, and the amendment strengthens the law in enabling an action to be brought against the management licence holder who has committed the offence.

The last point I want to refer to is clause 8 of the bill, which proposes the creation of a limited public register of radiation use licence-holders. The publication of a limited public register which includes the names of licence-holders and the details of the type of licence that has been issued to them will ensure that businesses can quickly verify that staff and contractors hold the appropriate licences needed to be part of this activity.

The bill also permits the secretary to publish details of any cancelled or suspended licences, but it does not give the secretary the power to publish on the internet any information about where a current or former licence-holder lives or works.

In summary, this is practical and sound legislation that will strengthen best practice in radiation safety in Victoria, and I commend the bill to the house.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise to make a contribution to the Radiation Amendment Bill 2010. In doing so I indicate that the opposition does not oppose this bill. This is a tidy-up bill that amends the Radiation Act 2005 to allow the secretary to impose further conditions on licences relating to the management or control of the use of radiation sources. It clarifies certain types of offences under the act, and it enables the secretary to publish on the internet parts of the register maintained, so a limited register.

The bill amends the definition of 'radiation practice'; amends conditions of holding a licence by substituting 'must comply with every condition' for 'must not knowingly, recklessly or negligently fail to comply with any condition of their licence'; inserts a provision to state that an exemption under the licence may be subject to a condition requiring a person or class of persons to comply with a document, code, standard, rule or guideline; amends conditions of being a tester by requiring them to comply with every condition of their tester's approval; and inserts a provision allowing the secretary to publish or maintain on the internet a register containing one or more of the following details: name of the licence-holder, numbers assigned to the licence-holder, date of expiry, description of use under a licence, suspension of a licence or cancellation of a licence.

The bill inserts a provision allowing the date of cancellation of a use licence to be published, but this may only remain for a 12-month period. It inserts a provision stating that where the date of expiry of a use

licence is published, this may only remain for a period of three months after the date of expiry, and it makes amendments to other acts to bring them in line with these changes.

In consulting widely on this bill the opposition found there was no opposition to it and general support for it. Certainly there are no great concerns that the opposition has about this particular bill.

I want to make a number of broader points, and I suspect many of these have been eloquently covered by my colleague Dr Napthine, the member for South-West Coast in the lower house. He has made a useful contribution to these matters. I make the point that the management of radiation safety is important in this community. It is important for public safety not only on an industrial source level but also on the medical radiation issues. That means the appropriate use of medical radiation sources; it means targeted use; it means use that is not excessive. It also means that the appropriate imaging sources and techniques are used on the appropriate occasion.

One area that has received too little notice over recent times is the dual regulation arrangement in this area brought about by our federal structure. The Radiation Act is a state act, and these registers are state registers, but much of the regulation of diagnostic imaging in the broad sense occurs at a federal level. Magnetic resonance imaging (MRI) and computerised tomography (CT) scanners require licences from the commonwealth, and they require arrangements in terms of Medicare rebates. Decisions to control the ownership and arrangements by which people install those devices have a significant effect on the radiation to which the community, and particularly those who are having imaging done, are exposed. The choice of diagnostic imaging by health professionals is in part determined by access. Access is a geographic matter, and it is also a cost matter.

The federal government — and in the first instance this is a non-party-political comment — has been too resistant to allowing more than magnetic resonance imaging in this country. If you look at the ratios of magnetic resonance imaging machines to population, you see the Organisation for Economic Cooperation and Development figures suggest Australia has one of the lowest levels of patient access to MRI among developed countries — 5.6 units per million population compared with the OECD average of 11 per million in 2007. That has hardly changed since that time.

I note the submissions to the federal government that have been made by a number of medical societies. The Royal Australian and New Zealand College of Radiologists said:

> … successive governments have contributed to increasing exposure of the community to ionising radiation from unnecessary CT.

CT scanning is a very valuable technique. However, access to MRI provides different diagnostic material but also lower radiation input to the patient and therefore a lower risk of cancer both on an individual level and, importantly, on a population level as well.

My point here is that in effect federal government regulation has restricted access of health professionals, medical professionals and radiologists in particular to the full suite of diagnostic imaging devices. In doing so it has almost certainly increased the level of ionising radiation to which the Australian population has been exposed. It has likely added to cost in a fairly unsophisticated way.

I am very familiar with the theory as to why the federal government, through Medicare and other arrangements, may restrict access to certain types of diagnostic imaging, particularly MRI, because the costs of providing rebates is significant. I understand that. However, better diagnostics by health professionals, and medical professionals in particular, lead to better treatment in general. The restriction of access to MRI is inequitable, and I am afraid it is not in the health interests of Australians. There needs to be some sensible rejigging of these policies.

I am aware that the federal government has a review under way, but that review has effectively stalled. I do not think the federal government is seriously promulgating a set of decisions in this area prior to the federal election. Frankly, that is a concern to me. This has been going on for too long. These restrictions are antiquated and not in the health interests of the Australian population, and particularly in this case the Victorian population. I would very much urge governments of all levels to take action. Certainly I add my weight today to the need for movement at the federal level on these matters. The federal health minister needs to, frankly, grapple with this and make a decision rather than delay these matters.

There are some specific areas of the state where there is clearly a need for additional diagnostic imaging. I was recently in Warrnambool with my colleague Denis Napthine and others. The case was made very powerfully to me about the need for an MRI unit in Warrnambool. I believe that is a significant need. We cannot expect to retain sufficient levels of medical and health professionals in regional centres where they are

denied access to modern diagnostic equipment. This is not to argue for some sort of open slather, but it is to say that there needs to be some sensible rebalancing and loosening of these arrangements.

There are other areas of the state — that is, in country Victoria and in metropolitan Melbourne — where there is logical necessity for greater access to MRI. There is also a need for greater private sector access to MRI technology as well. There is no question that diagnostic capacity will improve with greater access to these important diagnostic imaging techniques.

Why the resistance at this point from the federal government? I understand the national debates on health reform, the place of the state and the commonwealth and the decision of Prime Minister Kevin Rudd to push for a greater commonwealth involvement. But in many of these areas it is a matter where the commonwealth ought look at its own house before it wanders around the countryside lecturing to everyone else. It ought to sensibly focus on better access for the community to the services — in this case diagnostic imaging — for which it has accepted funding and regulatory access responsibilities.

With those comments I add my weight to the point that we need to work through this sensibly. This is in the context of an ongoing and steady ageing of the population, with greater necessity for these medical imaging technologies for the best access and the best diagnostic decisions. Certainly there is a need to revisit these points. With those comments I indicate again that the opposition will not oppose the bill.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise and make a short contribution in support of the bill. This bill very much builds on the Brumby government's record of action to ensure that Victorians have best practice radiation safety legislation.

The purpose of the bill is to make a series of minor amendments to the Radiation Act 2005 to ensure that Victoria has radiation safety legislation that is consistent with national agreements to protect people and the environment from the harmful effects of ionising and non-ionising radiation. The amendments proposed in the bill will expand the ability of the department to impose conditions on management licences which authorise radiation practices. They will also establish a power to publish a limited public use licence register on the web, make a minor change to the power to make licensing exemptions and introduce a fault element into several existing offence provisions relating to compliance with licence conditions.

Historically, and right up to the present day, Victorians have benefited from the use of radiation. Diagnostic and therapeutic uses of radiation are integral to the present quality of health care. In fact with an ageing population we find ourselves having to utilise radiation more and more to get accurate diagnoses so we can have the best possible treatment for our ailments. In addition, advances in biochemical, medical and other research have been greatly aided by the use of radiation, and industrial and other uses of radiation have contributed to the safety and quality of life for all Victorians. However, the use of radiation does involve hazards, particularly if it is used inappropriately or unnecessarily.

Since the Radiation Act 2005 was passed by Parliament a number of changes to the national standards around radiation safety have made it necessary to apply conditions in order to apply the most appropriate controls, both on licensed users of radiation and on radiation practices. In particular, a number of significant new national codes of practice have been published. These codes were developed by the Australian Radiation Protection and Nuclear Safety Agency, and the national directory requires that all jurisdictions give effect to implementing these as enforceable requirements for those conducting radiation practices or using radiation sources. The codes contain highly detailed requirements for medical practices, for veterinary practices, for chiropractors and for the security of radioactive material.

This bill builds on the Brumby government's record of action to ensure that Victorians have the best possible radiation safety legislation. It is a very good bill, and I commend it to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to support the amendments to the Radiation Act 2005. The bill is composed of minor amendments that seek to ensure, firstly, the safety and protection of people who work in the field of medical, dental, veterinary, industrial, education and research sectors, and importantly, the long-term protection of the environment from the harmful effects of ionising and non-ionising radiation.

In order to ensure that the Radiation Act is compliant with national directions to protect people and the environment and to ensure that Victoria has radiation safety legislation that is consistent with proper radiation practice and standards, the amendments have been carefully crafted to regulate the use of radiation and maintain a professional standard of safety applicable to all users of ionisation equipment.

In particular, clause 4 of the bill will allow the Secretary of the Department of Health to impose further conditions on management licences relating to the management or control of the use of a radiation source. The Victorian government encourages management licence holders to take reasonable steps to verify that their employees and contractors are appropriately licensed under the act. There are approximately 2500 management licences issued, predominantly to companies.

The proposed changes will ensure that appropriate restrictions can be placed on these licences to protect health and the environment from the harmful effects of radiation. Most people, when they see or hear the word 'radiation', think immediately of cancer treatments or dental X-rays, but there are a multitude of situations where radiation is utilised in the industrial arena as well as the medical field. All this bill seeks to do is ensure that everyone who comes into contact with or has to use ionisation in their normal daily place of work is fully protected and properly licensed.

It is anticipated that this bill will come into effect or be proclaimed on or before 1 February 2011. In supporting the amendments to the Radiation Act, I am satisfied with the purpose of these amendments and that they are framed with the overwhelming view that we need to continue to legislate for safety to ensure that the maximum protection is afforded to users of radiation and that our own environment is shielded as far as is possible against the harmful effects of the use of radiation. I commend the bill.

Mr SOMYUREK (South Eastern Metropolitan) — I rise to make a brief contribution on the Radiation Amendment Bill 2010. The bill amends the Radiation Act 2005. The principal act does not cover mills, nuclear power or nuclear reactors. They are the subject of the Nuclear Activities (Prohibitions) Act 1983, and that act bans those activities.

Much of the use of radiation is by health practitioners in hospitals and health settings. Some 2600 medical radiation practitioners hold licences. This is a highly legitimate and life-saving use of radiation. However, the nature of radiation is such that safety considerations must be paramount. Radiation practice requires a strong legislative and licensing framework. One only need look at the misuse by solariums to see the harm that can be caused.

This amending bill has a couple of main features. It expands the power to impose conditions on management licence holders. These licences authorise the conduct of radiation practices — for example, possessing or selling a radiation source. The expansion will allow conditions to be imposed which restrict the use of a radiation source. This overcomes concerns as to whether the Secretary of the Department of Health has the necessary powers to issue conditions.

The bill also establishes a public register of those who are permitted to use radiation sources. It will be available online. It will be an important measure for checking that those working with radiation are licensed. However, in line with privacy principles the register will not include where individual people live, reside or work. This bill increases the safety regime regarding the use of radiation and provides greater transparency and public information. I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL

Second reading

Debate resumed from 15 April; motion of Mr LENDERS (Treasurer).

Mr D. DAVIS (Southern Metropolitan) — I am pleased to make a contribution to the Environment Protection Amendment (Landfills Levies) Bill 2010. The opposition will not oppose this bill. We expressed some concerns about aspects of the bill, but we will not oppose it. The opposition made the point that the bill amends the Environment Protection Act 1970 to increase municipal and industrial waste landfill levies. It commences on 1 July. The intent of the levy is to reduce the amount of waste delivered to landfill. It is true that the size of levies on waste has an impact on the amount of waste going to landfill.

The main provisions of the bill in terms of municipal waste are that in metropolitan areas levies will increase from $9 per tonne to $40 per tonne by 2011–12 and in rural areas levies will increase from $7 per tonne to $20 per tonne by 2011–12; and in terms of industrial waste in metropolitan areas the levies will increase from $15 per tonne to $40 per tonne by 2011–12 and in

rural areas it will increase from $13 per tonne to $35 per tonne by 2011–12. The levies will then increase by 10 per cent each year to 2014.

The background of this legislation relates to a waste minimisation strategy. This government has not been greatly successful in dealing with many of these waste issues. I am sure Ms Hartland will have something to say about toxic waste dumps and issues around those dumps, their management and the containment of waste. I am sure that Mrs Peulich will also have something to say about a different set of facilities in her region. But these are significant issues for the community. They relate to striking a balance between reducing waste, containing it and guaranteeing environmental security, safety and sustainability in that sense. The issues are also about striking a balance that does not do too much damage to the competitiveness of Victorian industry. Those are important balances to strike.

In recent times this chamber has debated these matters in relation to CDL (container deposit legislation). Ms Hartland brought a bill about CDL to this chamber which the opposition was pleased to support as one step in an integrated suite of steps which should preferably be managed in part at a national level, in our view, in terms of dealing with different streams of waste — that is, the fragments or fractions of waste that need particular focus when dealing with them.

There are some areas of concern with the bill, and I will come back to the Environment Protection Authority (EPA) later. The Municipal Association of Victoria (MAV) and a number of councils have expressed dissatisfaction with the approach of the state government and the levies that are being imposed on local government. I have significant sympathy with the issues that local governments face. They will have to forbear some of the brunt of the increases. The government will seek through this device to avoid facing in a sense its responsibilities for these levy increases and the impact they will have on communities. Using local government to collect these levies may be justified in one sense, but it is not being as transparent and honest with the community as it could be.

There is significant community backlash. Many groups have raised this matter with me. Stonnington City Council, Glen Eira City Council and a number of rural municipalities are concerned. The MAV has made statements expressing its dissatisfaction with the government's approach to these matters.

The impact on the recycling sector is significant. The need to ensure that recyclers are viable, as I understand it, is one significant driver of this bill. In my former role as shadow environment minister I visited many recyclers, and I am only too aware of the need to ensure that they are viable. If you do not have a viable recycling sector, you cannot deal with the fractions of waste our community as a society generates. You need to ensure that they are viable.

Some of these matters could be dealt with at least in part on a national level. There is more scope to do that. The Australian environment ministers council has been slow to deal with many of these issues. Using a glacial speed to deal with waste issues and viable national arrangements is unfortunately too often the case at a national level. We cannot always wait, frankly, for those at the national level to move on many of these things. If you look at the major streams of waste, there is not really a viable national approach to dealing with prescribed industrial waste. There are the beginnings of a national approach with things like electronic and television waste — computer screens and so forth. There is a recognition that there needs to be a national arrangement, and certainly the levy that is proposed to be put on televisions coming into the country puts forward in a model, I guess, the principle of extended producer responsibility.

There is a legitimate argument that, through the production phase, producers should have an extended responsibility through the life cycle of a particular device or ultimately the waste that is generated through their industrial processes and usage. This in one sense is good economics. It is closing the loop. It is, I guess in the jargon of an economist, an externality just to be able to dump something, and if there is a waste impact from what is dumped and that is not costed into the whole cost cycle, there is a legitimate argument that the loop should be closed in some way. I think there is greater scope at a state level than certainly at a national level to look at arrangements for greater involvement of extended producer responsibility schemes for different segments of the waste process.

The Liberal Party went to the last election with a policy looking at CDL but also indicating a preparedness to look closely at extended producer responsibility and to produce a white paper in that area. The government has still a long way to go there, and there are legitimate questions about why that has taken so long.

The use of funds raised is also a significant issue in this area. The levies will be collected from the many landfill sites and transfer stations across Victoria, and it is difficult to track this. When we had this discussion in

the chamber the last time the levies were increased through a bill in this chamber, I asked the minister for environment at the time to provide a reconciliation for me and for the chamber, in his own good time, for the receipts and to track, through the EPA and its various trusts that sit behind it, a logical sequence as to where many of the levies went.

Mrs Peulich interjected.

Mr D. DAVIS — Mrs Peulich, it is very difficult to track. I will come back and say something about that. Ms Hartland knows my views on the EPA. I think it is one of the most opaque bodies in the land. Much more needs to be done to make that body transparent and accountable and to make it implement its responsibilities even-handedly with, frankly, a focus that is not driven by politics, but a focus driven by community outcomes and by best environmental practice. I do not believe that is the nature of the body that we have at the moment. This is not a new set of comments from me on this.

Mrs Peulich interjected.

Mr D. DAVIS — I am going to leave it to you, Mrs Peulich, to make some comments about the Stevensons Road issues which are still not resolved. Still there is a massive financial and responsibility issue there. But this issue of the EPA is a broader one. I am familiar with many cases where the EPA has not treated businesses fairly, but it does give a very easy break to government polluters. There is a need to ensure that government polluters, government agencies and so forth, are treated with as much vigour in implementing the law as are private sector organisations. The pollution that is generated is the issue, and the regulation of these matters ought to be entirely even handed, whether it is a government organisation or a private sector body.

The range of environment groups that the opposition has consulted on this matter is significant, and the support is certainly there for the direction of this set of changes. There is an acceptance — I think that is the best description — from some industry groups of the fact that these changes will be made. There is, I indicate to the chamber, significant concern from local government. Again this is a question not only of the levy but how it is collected and how it impacts, and there are genuine concerns about using local government as a tax collector in the mechanisms that are outlined here.

These are genuine concerns and the community knows that these costs are there and will be passed through, and local government will appear to some extent as the bad guy collecting the taxes.

Victoria does not have the highest landfill levy rates in the country. It does have significant landfill levy rates, but there are higher levies in some other states, and I think it is worth being clear about that at this point in the cycle.

Coming back to a theme that I talked about just a moment ago, it is incredibly important to build community confidence in the way these levies are used — that the reporting of these levies is entirely transparent. The processes by which the levies are allocated to the various projects and recycling groups, the time cycle in which they are spent and the outcomes of those expenditures are incredibly important, and that reporting has not been up to scratch to date.

With those comments, I again indicate that the opposition will not oppose the bill. We have some reservations about aspects of it, but we also understand the need to maintain significant recycling.

Ms HARTLAND (Western Metropolitan) — This is a subject dear my heart, so this increase in the landfill levy has been supported by the Greens and encouraged by the Boomerang Alliance environment group, whose members are groups such as Environment Victoria and Friends of the Earth. They see it as a key measure to reduce landfill and waste and to increase recycling and employment in the recycling industry.

A lot of incredibly good community campaigners have worked very hard over a very long time to bring about these changes. We are very heartened to hear that additional money will not go into consolidated revenue but into the Environment Protection Fund, but like Mr David Davis, I would like to see that fund in a much more transparent way so we could see exactly where it was going and what it is doing. I have to say I am sure the Treasurer would have loved to have got his hands on it, so I think Mr Jennings has done well to secure the levy money for the fund. In New South Wales and Western Australia, the landfill levies go into the general revenue, which we think is a mistake. The landfill levy increase is not without its problems and controversy. I will soon talk about the problems for shires and councils and ask the minister some questions.

I would also like to talk about the problem with hypothecating the revenue generally. Members would know, of course, that I am going to talk about drink container deposits, and everybody would be really surprised and upset if I did not, I am sure.

I want to start by expressing support rather than a backhanded compliment. I would like to think this legislation represents a recognition by the government that the recycling industry is a very important one in Victoria. One day I hope the government will realise this industry is more important than the packaging and bottling lobby groups and find the courage to support a 10-cent deposit scheme for bottles, cans and cartons. However, until that day, increasing the landfill levy will have the impact of creating jobs in recycling, including in regional areas.

Most of the correspondence the other Greens MPs and I have received about this matter has come from local councils and shires. Correspondents from these shires say they found out about the levy increase when it was introduced into Parliament. Mr David Davis has addressed this issue, so I will be brief. Councils knew the increase was in the pipeline, but they did not know exactly when it would be introduced. One of the problems for them is that the increase has come outside of their budget cycle. They have gone into their budget process without guidance from the government on the size or timing of the increase. At this stage they cannot see an alternative except to pass on the extra costs directly to the ratepayers. As a former councillor in the City of Maribyrnong, I know there were several occasions when the council was caught out on a number of different issues, such as the fire levy, that were presented outside of the budget cycle.

Councils with open and accountable budget processes are upset that consultation with the community was completed before they heard about the increase. Some shires and councils have asked for the levy increase to be delayed. The idea is that, with the hard facts about the levy increase before them, councils will put in place more expensive measures to reduce waste knowing that in time these measures will pay for themselves. I understand their concerns. I do not think it is necessary to delay the levy increase, but I do think the government should have given the shires and councils the facts, figures and a time line when it started drafting the legislation.

The office of the Minister for Environment and Climate Change advised me that dialogue with local councils has progressed since the legislation was introduced. In reply I asked the minister to address what dialogue had taken place and whether that dialogue had produced anything useful.

I now want to talk about the Environment Protection Fund and hypothecated revenue generally. The Greens are happy that the money raised from the levies will be going into the Environment Protection Fund, but we would be a lot happier if the money from that fund was only being spent on measures to reduce landfill and to offset the cost to local councils. General environmental programs should come out of general revenue. The Sustainability Fund reporting shows that landfill levy money is being spent on all sorts of interesting projects. We have a geothermal foundation system to heat and cool some buildings at Monash University. We have electric vehicles for city councils. We are putting compact fluorescent lights everywhere from retirement villages to children's centres, but there is nothing to stop those compact fluorescent lights going to landfill when they come to the end of their lives.

In fact the section on reducing waste is the smallest section of the report. The fund has paid $375 000 for the Heide Museum of Modern Art to 'break new ground in providing a model for incorporating sustainability in museums'. I am sure that is a really brilliant idea, and anybody who has been out to Heide knows what a fantastic place it is, but we should not be reliant on continuing taxes from a bad thing such as landfill to pay for a good thing such as sustainability programs. For example, in the recent budget we saw that over $1 billion is coming to the government from pokies revenue. People are losing their families and homes, they are stealing from charities and they are committing suicide. Every year the government has to make a choice between whether it wants to drastically reduce pokies for the benefit of our community or whether it wants $1 billion to spend. Every year on budget day we get the answer: it wants the $1 billion to spend.

The Environment Protection Fund is not such a bad example. Some of the money spent out of the fund will reduce landfill, but equally we are reliant on waste being dumped into landfill in Victoria to fund our general, non-waste-related sustainability programs.

I would like to go back for a moment to local councils. The ratepayers will see an extra fee on their rates bill, but they will not see any direct incentive to actually reduce waste and litter. The levy increase is aimed at those who turn up at the landfill gates with trucks full of potentially recyclable components. If they dump the waste into landfill, they will be throwing money away. It is a powerful incentive. The quickest way to a businessperson's heart is through their profit margin. I like the idea of a large corporation turning to its board and saying, 'We have a duty to our shareholders to reduce waste that goes to landfill'.

This is exactly the concept I tried to make the government understand a year ago when I introduced the drink container deposit legislation. If a person has

finished their drink away from home, suddenly they have 10 cents in their hand. The minister's response last year was that all a 10-cent deposit scheme did was gather all the recyclable materials in one place, pre-sorted and clean at a recycling centre. I would say to Mr Jennings that that would be the point, but unfortunately he is not here at the moment. The materials end up at a recycler instead of a tip or a creek. Some environment groups that have lobbied the government for the increase in the landfill levy are also tirelessly lobbying for drink container deposits.

I will finish with a few words about accountability. The Greens wanted to table some amendments to this bill to create better reporting for the Environment Protection Fund. The only reason we have not gone ahead with these amendments is that they would be outside the scope of this legislation. Instead I ask the minister to consider more transparent reporting. There is good reporting on grants funding, but that is only a portion of the expenditure; it was $6 million out of $30 million spent last year. Most of that money goes on wages, supplies and services. There is very little reporting on the projects supported by those wages, supplies and services. Considering the very special nature of levy money, we could do with a lot more transparent reporting.

The Greens support this bill. We see it as the first step in a number of things that the government could be doing to reduce waste going to landfill, but it really needs to now be clearly thinking about container deposit legislation and also extended warranties on a number of major electronic goods.

Mr MURPHY (Northern Metropolitan) — The Environment Protection Amendment (Landfill Levies) Bill 2010 delivers on commitments made by the Victorian government to work in partnership with Victorian industry and the community to achieve greater efficiency in our resource use and to reduce waste. The bill sets out a staged approach to achieving the government's vision for a resource efficient society — a society that understands that unnecessary waste that ends up in our landfills not only presents potential risks to our environment and health, but also wasted energy, wasted water and wasted minerals.

We must be a society that values the innovation, ingenuity and creativity required to turn waste into a resource, because we produce a lot of waste as a society. Each year every Australian generates about 1 tonne of waste that is sent to landfill. Australia is the third largest producer of landfill in the developed world on a per capita basis, according to the Organisation for Economic Cooperation and Development. A study conducted in 2004 that examined the extent of wasteful consumption in Australia revealed that virtually all households admit to wasting money by buying things that they never use — food, clothes, shoes, exercise equipment, cosmetics et cetera. They admit to spending a total of $10.5 billion every year on goods they do not use — an average of $1200 for each household, which is more than total government spending on universities or roads. Yet these numbers do not account for spending on houses that are too big, holiday homes that are not used and automobiles that rarely leave the garage. If they did, it is estimated that these figures would double.

Wasteful consumption is a problem that is only going to escalate as we are increasingly becoming an economy of consumers. In every form of consumption we are increasing our waste. A study in the United States found that since 1970 the size of new houses grew by 55 per cent, whilst the number of people in them actually fell by 13 per cent. This phenomenon is also occurring in Australia. In the mid-1950s the average size of a new house was around 115 square metres — half the size of today's new houses. The average size of a new house has expanded from 40 square meters per person in 1970 to 85 square metres per person in 2002.

Bigger houses must be carpeted, curtained, heated, cooled and filled with furniture. The demand and supply of larger houses has stimulated the demand for more goods — goods that may never be used and that are thrown out when redecoration is required or, as is becoming more common, locked up in self-storage as consumers attempt to de-clutter their homes. Over the last two decades the fastest growing segment of United States commercial real estate has been the self-storage industry. Figures demonstrate that the number of self-storage facilities around the US grew by 81 per cent in the six years to 2006. In Australia the number of self-storage facilities grew by 10 per cent, and in Britain it grew by 35 per cent. At some stage these goods will have to come out of self-storage and will most likely end up in landfill if they cannot be recycled.

As I mentioned earlier, it is likely that wasteful consumption will continue to increase. Economies around the world are becoming more reliant upon consumption to maintain economic growth. Increasingly investment is occurring in efforts to drive consumerism in our economy — for instance, figures from the US demonstrate the ramping up of marketing campaigns that target children as tomorrow's consumers. In 1983 it was found that companies spent $100 million annually advertising to children. By the end of the boom, prior to the global financial crisis,

they were spending $17 billion. Each year children in the US aged 2 to 11 see more than 25 000 television advertisements — a trend that will inevitably flow through to our economy.

The ability to target children as consumers continues to increase as technologies increase. Whether it is via product placement, the internet, iPods, mobile phones or video games, tomorrow's consumers have been targeted for consumption like no-one before them. A British study recently found that the first word of one in four children is that of a brand name. Kids no longer ask Santa for a bike on Christmas day. They want the latest games consoles, MP3 players, PCs or laptops, or the latest mobile phone — upgrading last year's version and confining it to the dustbin.

We should consider the ever-decreasing lifespan of these goods. Resources are extracted from the earth and transformed in a factory to look good. After being transported to retail outlets the goods are purchased, consumed and finally transported to landfill sites. We should also consider the carbon emissions that produced these goods. It is estimated that wasteful consumption causes half our carbon emissions. We are all aware, of course, of the link between increased carbon emissions, global warming and hence climate change. It is recognised that in terms of historical emissions, industrialised countries account for roughly 80 per cent of the carbon dioxide build-up in the atmosphere to date. Since 1950 the US has emitted a cumulative total of roughly 50.7 billion tonnes of carbon, while China, 4.6 times more populous, and India, 3.5 times more populous, have emitted only 15.7 and 4.2 billion tonnes respectively.

Annually, more than 60 per cent of global industrial carbon dioxide emissions originate in industrialised countries, where only 20 per cent of the world's population resides. Much of the growth in the emissions of developing countries results from the provision of basic human needs for growing populations, while emissions in industrialised countries contribute to growth and a standard of living that is already far above that of the average person worldwide.

Mrs Peulich — On a point of order, President, whilst it is a very interesting address by the member, it is very, very broad. So far he has not mentioned the purpose of the bill whatsoever and we are now well into the speech. I just wonder whether you might bring the member back to the purpose of the bill.

The PRESIDENT — Order! Whilst he is 6 minutes into his speech, there is no time limit. He may be at the very start of his speech, but everything that I have heard so far seems to me to be consistent with the actual broad parameters of the bill. Whilst the member is required to be relevant to the bill, at the moment I am not convinced that he is not. But I am sure he will take note of Mrs Peulich's point of order.

Mr MURPHY — This is exemplified by the large contrasts in per capita carbon emissions between industrialised and developing countries. Per capita emissions of carbon in the US are more than 20 times higher than of those of India, 12 times higher than those of Brazil and 7 times higher than those of China. It is clear from these statistics that as a society we need to tackle wasteful consumption. However, prior to doing so we have to deal with the consequences of it, significantly the issues concerning landfills.

The new levy settings incorporated in this bill will support jobs, promote technology and business innovation, allow reinvestment in environmental actions and programs to help protect the environment and allow all Victorians to live more sustainably. Increasing the levies will increase recycling and help Victoria avoid sending unnecessary waste to landfill. This will make recycling more competitive and provide an incentive for investment in new recycling technologies and facilities.

Local councils, environment groups and industry have been calling for an increase in levies for a long time. We know levies have been too low and that we need to act together to increase recycling. The Minister for Environment and Climate Change has held long-running discussions with local government about the future of waste management and the shared commitment of state and local governments to increase recycling as well as discussions in relation to the metropolitan waste and resource recovery strategic plan and the regional waste management group review, which identified the need for new technologies and facilities to increase recycling and the need for landfills to be priced to enable new options to compete.

The Premier's statement of government intentions for 2010 indicates that the Victorian government plans to increase the landfill levies this year. The specific levy settings were then announced in March to give councils sufficient time to take the change into account in their budget preparation. Councils will release their draft budgets in late May and finalise them around August.

I have outlined the importance to our economy of reducing waste and also the impact it has on decreasing our landfill and encouraging recycling. I therefore commend the bill to the house and note that I

mentioned landfill levies or such words significantly throughout my speech.

Mrs PEULICH (South Eastern Metropolitan) — I commend the member for mentioning the word 'landfill' in the last 1 minute and 45 seconds of his speech and commend him on very broad research — —

Mr Murphy — On a point of order, President, the member's statement has no relevance to the bill before the house.

The PRESIDENT — Order! I remind Mr Murphy of the requirement when taking a point of order to ensure not only that it is relevant but that it is not frivolous. Just in case he does not know my history, I have been removed from this chamber for taking a frivolous point of order. The member would be well advised to take that into account next time he wants to get to his feet.

Mrs PEULICH — I have a bit of soap ready if he wants to take an early shower. I commend the member for coming back to the narrow purposes of the bill and giving us a very comprehensive and wide-ranging speech on the consumer society and how waste is generated. I note also that he did not mention on a single occasion anything to do with his own electorate. My purpose in speaking here is precisely to speak on issues that are of immense concern to people in my electorate.

Notwithstanding the broad objectives of the government — and that crosses party lines — in wanting to increase recycling and resource recovery, moving towards zero waste and all those wonderful objectives, and we have been involved in many of these debates here in the chamber, let me say I for one am less than impressed with this government's management of waste and in particular the impact of its mismanagement on various communities that I represent. The three specific ones that I will mention during my short address include the irony of imposing a landfill levy on a community such as Casey which has been left high and dry on the critical issue of the Stevensons Road landfill.

The government, despite the findings of the Ombudsman's report and in particular the Environment Protection Authority's and multi-agency failures that have led to this debacle, has left this council high and dry without a brass razoo coming into the council budget, yet it has the audacity and gall to impose another landfill levy. That is probably the height of irony in terms of the effect of this bill. The City of Casey is looking at an 11.6 per cent increase in rates this year and probably every year well into the future until this government comes to the party, which it should if it has any moral decency whatsoever, given that the City of Casey's objections to the building of residences on the buffer adjacent to Stevensons Road was overturned at the Victorian Civil and Administrative Tribunal on the grounds of state government policy.

It is absolutely deplorable and shameful that this is taking place at the very time when the government has failed to secure any funds for communities in the city of Casey, which will suffer as a result of higher rates. The council has to empty reserves which were intended for use by the second-fastest growing municipality in Australia, for the growth of children's services, maternal and child health services and a whole range of services as well as much-needed infrastructure for that community. It is deplorable and absolutely the height of hypocrisy by this government.

In addition to that, there are increasing concerns — certainly in the business community, in the community generally and in the municipalities — about increasing the cost of landfill to the extent where it becomes cost prohibitive and we see illegal dumping. I have seen that proliferate across the south-east. I have observed it myself, marring the landscape of our communities, and the councils are telling me they are incurring significant costs in having to deal with that illegal dumping. I note that the minister has identified that this is something he needs to address. It is something I have raised in this chamber. It is good to see that on the one hand the government has put aside funds to set up a task force to deal with illegal dumping. On the other hand, the increased landfill costs will make that even more likely.

The pressure to increase resource recovery is a commendable one. The location of many of these facilities is the issue. They need to be in areas where they do not affect the amenity of nearby residences. Some of them, such as the Clarinda concrete crusher, are very well managed. But the minister ignored the strong concerns of the local community and granted it a permit to locate within 400 metres of nearby residences and in close proximity to half a dozen schools and kindergartens. It is managed very well, but you cannot stop the concrete dust, which many would allege is carcinogenic, from rising into the air when those trucks are being tipped out.

The location of some resource recovery stations is an issue that any modern society, especially one with a growing population, needs to consider very seriously. If you have them too far on the outskirts, obviously there are increasing costs of transportation, but you cannot

impose them on a community and risk the health of the community as Minister Madden, ignoring the concerns of that community, has done with the Clarinda concrete crusher.

Significant concerns have been reported recently in relation to the Lyndhurst tip and to toxic waste being dumped around the industrial sector in Dandenong South. During the last debate on landfill levies I called on the Minister for Environment and Climate Change, Gavin Jennings, to have some health studies undertaken to make sure that there were no clusters of concern and that there was a response to the community's concerns about some abnormalities that had been reported. A recent article in the *Herald Sun* reported Sally Spalding speaking about suburban toxic waste causing child cancers and deformities. A call has been made by the City of Greater Dandenong, one of the municipalities in my electorate, for an official probe into that. I certainly endorse that. If it comes to nothing, then that is good.

The Greater Dandenong City Council has called on Premier John Brumby to speed up the health assessment into the risks to the community from hazardous waste in Dandenong South, and that was reported in the *Dandenong Leader*. Jim Memeti, the current mayor and a former student of mine — he is a member of the Labor Party; I do not know where I went wrong — has personally spoken to a number of people from the Albanian community. One woman in particular gave birth to a beautiful but fairly dramatically deformed young boy. She is convinced the problem was caused by the toxic hazardous waste dump near her former home and hazardous waste around the Dandenong South area.

The chief executive officer, John Bennie, who is one of the most respected chief executive officers in local government, if not the most respected, and is head of his own professional association, has also echoed the need for the government to act on a health assessment, as was requested last November.

The management of waste disposal in a burgeoning community that probably does not want the waste within its midst because of health concerns reflects poorly on the government. It has not managed these issues very well at all and has failed to respond to the needs of those communities. I cannot see how just increasing levies is going to do the trick.

I endorse the comments of David Davis and Colleen Hartland that there needs to be greater transparency around the use to which the landfill levies are being put. They have been collected over time, but I have not seen the benefits come to the communities that I represent. In addressing some of those issues, I would like to see much greater transparency around the use to which these increased landfill levies will be put.

Obviously the increased landfill levies will lead to much higher council rates for residents, the imposition of which is badly timed. Despite the claims made by the previous speaker, Mr Murphy, the lack of consultation with councils has made it even more difficult for them to implement what is essentially a cost-shifting exercise. It will place significant holes in their budgets and will need some reorganisation of their budget plans at very late notice. It will lead to rises in overall municipal rates and charges. The new levies will come into force from 1 July, and a very significant increase to landfill will see it rise from $9 a tonne to $30 a tonne, and then rise to $48.40 by 2014–15.

For far too long the cost of dumping waste in Victoria has not reflected the cost to the environment and the community. My concern is that the money and the management of waste in Victoria has not been used to protect the communities in my electorate in the way they deserve to be protected, along with other communities. Mothers should not be concerned about giving birth to deformed babies because of the impact of toxic waste.

All communities will feel the impact of a substantial increase in rates — for example, the Casey community, which covers in part the marginal Assembly seats of Gembrook; Narre Warren North, which is held by the Parliamentary Secretary to the Premier; Narre Warren South, which is held by Judith Graley; and Cranbourne, which is held by Jude Perera; as well as a range of other seats. Then there is also the city of Frankston. They will feel the impact of a substantial increase in rates to cover the big black hole of nearly $100 million for the rectification and future monitoring costs of the Stevensons Road landfill, the management and the establishment of which was completely within the control of the government, and yet ironically it will also be paying this landfill levy hike.

I will leave it at that, suffice to say we all want to reduce the rubbish that is generated. However, in the context of an increasing population and increasing concerns about the impact of certain types of waste on the health and amenity of the community, merely increasing levies is not enough. We need to know to what use these levies are being put. We need some firm undertakings that the legitimate concerns of the various communities that have to put up with landfill and the off-site impacts of landfill will be addressed as part of the deal. There ought be a public form of reporting on the use of those funds in order to achieve that purpose.

With those few words, I conclude. I hope communities will get a better deal than they have in the past.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Our Place: funding

Ms LOVELL (Northern Victoria) — The matter I raise is for the attention of the Minister for Community Services and concerns the future of an Eaglehawk-based community assistance centre called Our Place which has provided much-needed support to the Black Saturday survivors and provides ongoing support for families suffering disadvantage in the city of Greater Bendigo. My request is for the minister to explore all avenues for government assistance that may be available to enable Our Place and its subsidiary Our Shed to continue its work into the future.

Our Place was established by the community chaplain for the Anglican diocese, Rev. Tracey Wolsley, within days of the horrific Black Saturday bushfires to give people from Bendigo and the Redesdale area a place to support each other, enjoy a cup of tea or coffee, share their stories and receive information. Black Saturday was one of Bendigo's most tragic events. The bushfire killed one local resident and destroyed 61 homes in the Bendigo area. Our Place quickly became a relief and recovery centre for local people impacted by those horrific fires. Incredibly Our Place has provided this service without one cent of government funding.

The Our Place community assistance centre has focused on rebuilding relationships in the wake of this traumatic event and improving the capacity of the community. Our Place has gone on to launch a free community breakfast initiative which serves up hot food to anyone who turns up, with the aim of connecting local people to their community. The centre has funded a number of books for the community including a recipe book for those who lost their homes in the fires and *Raining Embers — Bendigo's Black Saturday Bushfires Experience*, which is dedicated to the memory of Mick Kane, who tragically lost his life on that terrible day. Proceeds from the sale of *Raining Embers* are being used to help the community with long-term social recovery.

What has become evident over the past 16 months is that there is an ongoing need for the services provided by Our Place to support families in the Eaglehawk and Long Gully areas, which are home to some of Bendigo's most disadvantaged community members. Tracey Wolsley and her team have gone on to open another venture called Our Shed, a community resource centre in Sailors Gully Road, Eaglehawk. Our Shed has a particular focus on assisting the unemployed. It is a meeting place and runs a workshop that people can use to learn new skills. It aims to strengthen the community by providing opportunities for people to learn new skills and grow and develop, and by creating employment opportunities through community enterprises.

In addition to bushfire assistance, Our Place has provided an incredible 4699 episodes of support to those in need, including personal, practical and immediate support such as financial counselling, bedding and clothing; referrals to drug and alcohol services; assistance to seven homeless families and eight homeless individuals; and 2415 meals. This brings the total number of families and individuals approaching Our Place for support to 12 609.

The people behind Our Place and Our Shed are doing fantastic work to strengthen the Bendigo community, and they deserve support to enable them to continue their programs. My request of the minister is that she explore all avenues for government assistance that may be available to enable Our Place and its subsidiary, Our Shed, to continue their good work into the future.

City of Traralgon Pistol Club: site

Mr HALL (Eastern Victoria) — Tonight I want to raise a matter for the attention of the Minister for Roads and Ports. It concerns land occupied by the City of Traralgon Pistol Club. That land is located at 60 Retreat Road in Traralgon. The Traralgon pistol club is located on a parcel of land which has a total area of 13 hectares, of which 2 hectares is occupied by the premises and facilities that the pistol club operates from. The land is currently owned by VicRoads; hence I am raising this matter for the attention of the Minister for Roads and Ports.

The history of this location of the pistol club dates back to 1984 when the club located on the land. The land was then owned by the Traralgon Water Board and later Gippsland Water, and there was a lease arrangement between Gippsland Water and the Traralgon pistol club for the use of that land. However, in 1996 the land was compulsorily acquired by VicRoads for the purposes of a bypass road around Traralgon. With the ownership having been taken over

by VicRoads, there was a lease arrangement between VicRoads and the pistol club.

There has now been an alteration to the proposed route of the bypass of Traralgon and this 13 hectares has been declared surplus to requirements. Hence VicRoads is looking to sell the land, which of course poses a problem for the pistol club. The club really does not want the 13 hectares; it simply wants the 2 hectares on which it is located. I think it is a bit rough that the club was settled on land which was originally owned by Gippsland Water, the then water board and which has since been compulsorily acquired which is now being sold out from underneath the club.

I think the honourable thing to do would be for VicRoads, if it wants to dispose of the 13 hectares, to excise the 2 hectares currently occupied by the pistol club with a view to either continuing a lease for the pistol club or offering just the 2-hectare site for sale to the pistol club and then arranging for the remainder of the land to be disposed of in an appropriate manner.

My request to the Minister for Roads and Ports is that he investigate this matter fully, explore ways of achieving an honourable and decent outcome for the pistol club in Traralgon and provide the club with some certainty of tenure for its site. I might add that half of its site is already in the coal buffer zone and half of it is on a possible residential development site. There are some complicated issues there, but it would seem an appropriate place to locate a pistol club, close to a township. I think there are some solutions if the government has the will to work through those, and I ask the minister to do so.

Water: sportsgrounds

Mr KOCH (Western Victoria) — My matter is for the Minister for Water and relates to increases in the price of water made available to enable sports clubs to properly maintain recreational grounds. Local sports clubs are the lifeblood of communities in western Victoria and the Wimmera. Not only do they provide participants with a means of maintaining fitness but they also engage a wide range of volunteers associated with much-valued and needed social interaction.

The establishment of the Wimmera–Mallee pipeline was a great Howard federal government initiative. Its construction and completion is a tremendous achievement, guaranteeing water for these rural communities for decades to come. It is disappointing that after these communities have paid for this vital infrastructure it now threatens the existence of sporting clubs that were to benefit from it. Under a Grampians Wimmera Mallee Water (GWMW) proposal to pay for the Wimmera–Mallee pipeline the price of water used to maintain sportsgrounds is proposed to increase an unviable 1800 per cent from $42 to $810 a megalitre. This could result in water costs associated with maintaining grounds rising to $15 000 per annum. This is an unrealistic and untenable burden to place on small rural sports clubs.

Using less water is not an option, for occupational health and safety reasons. Sports clubs cannot maintain their grounds as playable surfaces with these price increases. GWMW appears not to have any duty of care for its sporting communities, even after the greater availability of water made possible following the completion of the piping of the channel system. There is no doubt clubs will be forced to raise the price of memberships. This will have a massive impact on communities in the Wimmera and participation in regional sports will drop should this stupid approach be implemented. This will threaten recreational pastimes such as cricket and football.

This confrontation was never anticipated by these regional communities, which were led to believe that the security of water supply in the Wimmera would have a positive impact on recreational activities. So severe is the likely fallout from this proposal on the outlying community that the Rural City of Horsham has written to the Essential Services Commission about the validity of this price hike. I commend the council for this initiative and its attempt to maintain recreational affordability within its municipality. The Wimmera has a proud sporting history, having supplied many players at state and national levels.

My request of the minister is that he intervene and review the recreational water pricing policies for sporting and recreational bodies within GWMW's boundaries, gaining an outcome that leaves these organisations financially viable into the future.

Monash Freeway: noise barriers

Mrs COOTE (Southern Metropolitan) — My adjournment issue this evening is for the Minister for Roads and Ports, and it is in relation to a letter I have received from a constituent. It is a very poignant letter representing the human face of what freeway noise does to people's lifestyles and the quality of people's lives. The gentleman who wrote this letter lives in Glen Iris, and he has written a very thoughtful paper which he sent to the Premier some time ago. Indeed he also wrote to the Minister for Roads and Ports in February 2009 and still has not had any reply. You can

understand his distress at some of the issues that he is facing.

In his letter to the Premier, which he copied to me, he included photographs showing how close the tops of the trucks on the freeway are, he talked about the noise and the block of flats that he is in and the effects the freeway is having on most of the inhabitants of those flats. It is a very thoughtful, well-presented paper with some really big issues that need to be addressed.

Parts of my constituent's letter are succinct. He says:

> I understand that the government has provided funds for the upgrading of noise walls on the Monash Freeway in the Assembly district of Mount Waverley.

We all know that is what came out of the budget process. Far be it from me to say that this is pump priming and looking after a marginal Labor seat, but in fact it does seem fairly suspicious that a short way down the freeway there cannot be any additional noise attenuation systems.

My concern is for this gentleman, Mr Mahony, who lives in Glen Iris. I particularly wish the minister to search through his files, look at what issues have been raised and show Mr Mahony the decency of answering his letter. The minister has an entire department, so surely to goodness it can answer a well-thought-through letter. I do not think it is too much to ask.

The adjournment issue I have tonight is to ensure that the minister implements and designs new noise walls to attenuate the noise levels on the Glen Iris section of the Monash Freeway to less than 55 dB(A) Leq, which is a measurement of noise. It is the interim modern European health and evidence-based standard and the standard being adopted by other states in Australia.

It is important that we recognise the importance of lifestyle. We all want the Monash Freeway to work properly and more effectively and not just remain the car park that it is currently. We know it has been widened, but people's lifestyles need to be taken into consideration along with the vehicular speed.

Ambulance services: Castlemaine

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Health, Mr Andrews, and it concerns the inadequate ambulance service that has been inflicted on the people living in and around the area of Castlemaine.

On 16 May, in the weekend before last, it took 1½ hours to get an ambulance to an elderly woman in Fryerstown after her family feared she had suffered a heart attack. One year earlier it had taken an ambulance 55 minutes to get to the same patient. Fryerstown is only 12.7 kilometres from Castlemaine, less than 20 minutes away. The Castlemaine ambulance was not available as it was in Bendigo, as it often is, and an ambulance had to be dispatched from Daylesford. This eventually led to two ambulances turning up at the house within 5 minutes of each other, but unfortunately it was 1½ hours after they were called.

This is the sixth time I have brought the house's attention to the fact that Castlemaine still does not have a proper 24-hour, seven-day-a-week ambulance service. It is a community with a population of well over 10 000. The ambulance services in the vicinity of 16 000 to 17 000 people. Its service covers an area which cuts a major swathe right through central Victoria, including a long section of the busy Calder Freeway.

In recent times there have been many cases where it was believed the lack of a properly equipped, staffed and resourced ambulance station has cost lives. Fortunately this was not the case in this latest Fryerstown situation. However, as I have done in July 2006, March 2007, September 2007, February 2008 and November 2008, I ask the minister to look at the situation surrounding the Castlemaine ambulance station and afford that community the finances and the resources it needs so that its ambulance station can go full on, 24 hours, seven days a week.

Bendigo hospital: beds

Mrs PETROVICH (Northern Victoria) — My matter on adjournment is for the Minister for Health, Daniel Andrews. On 12 March, Jacinta Allan, the Minister for Regional and Rural Development, announced the completion of an eight-bed ward at the Bendigo hospital. This very same ward closed on 28 April, having been open for just over one month. It has not re-opened since then — something of a record, I would think. Computers, faxes and medical equipment have been stripped from the ward, leaving eight partially made beds, no equipment, no staff and no patients.

The irony of this is that when I viewed the ward last week I was informed by an overwrought staff member that the hospital was on pre-escalation because of the high number of patients taken in overnight and who were continuing to come in through the emergency department. This left many patients waiting for treatment and a bed. The serious consequence of this for some patients was that although they were still ill and in recovery, they were being sent home early. I was

informed that in order to make space some patients were being sent home two or three days ahead of their recovery time.

If patient care is being compromised because of the lack of available beds, then why not use the eight extra beds announced by Ms Allan as part of the $50 million program? They are not being used because, quite simply, this has been a scam. To quote Ms Allan:

> These additional eight beds will provide vital additional capacity for the hospital and will be of great assistance to Bendigo Health to meet the hospital needs of the local community.
>
> …
>
> These works are part of the Brumby government's ongoing program to build up Bendigo's health services.

With Labor's announcement in the budget of a new hospital for Bendigo, how can this community have any faith that the government will honour this commitment when it cannot ensure additional services and this facility has already been closed?

The action I seek is that the Minister for Health explain why the Minister for Regional and Rural Development misled the community — one that she represents — and how the community can have faith that any announcement around the Bendigo hospital will be properly delivered for the people of Bendigo and the Northern Victoria Region. Could he also explain why this ward is not operating and perhaps when it will re-open?

Public transport: Glen Waverley

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport. It relates to the transport in the Mount Waverley area. I have had a number of representations made to me by Michael Gidley, who is the Liberal Party candidate for Mount Waverley in the 2010 election.

Mr Finn — Excellent candidate!

Mr RICH-PHILLIPS — He is an excellent candidate, Mr Finn. Mr Gidley has raised a number of matters with respect to the shortcomings of public transport in the Mount Waverley area. The matter I would like to raise with the minister relates to the connectivity between buses and train services on the Glen Waverley line.

The Public Transport Users Association has recently undertaken a study assessing the connectivity, or lack thereof, between rail services and bus services across Melbourne. Studies of the Glen Waverley line have revealed that there is only a 50 per cent level of connectivity between rail services and matching bus services. With respect to the particular bus services, route 754 has only 41 per cent of trains connecting with it, route 850 has only 37 per cent of trains connecting with it, and route 885 has only 30 per cent of trains connecting with it.

One of the ongoing issues with rail services in Mount Waverley has been the severe shortage of capacity in train station car parks. This was an issue five years ago in the lead-up to the 2006 election, and since then nothing has been done to address the shortage of capacity at railway station car parks.

One of the obvious ways the pressure on station car parks can be alleviated is by providing better connectivity between bus services and rail services. Yet the survey by the Public Transport Users Association has indicated that that is clearly not happening with respect to the Glen Waverley line.

I seek from the Minister for Public Transport an undertaking that he will address the lack of connectivity between rail and bus services. Yes, it is a complex issue to get the timetabling right, but it is a cheaper and more expedient option than building car parks. Obviously they will be required; they have not been delivered to date. I see that a short-term fix for the people on the Glen Waverley line is to get that connectivity between buses and trains working far better than it is, to provide some interim relief until the necessary car park expansions can be funded and undertaken.

Kindergartens: federal policy

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Children and Early Childhood Development. It relates to various concerns that have been raised with me about the future of three-year-old kinder as a consequence of the national partnership agreement on early childhood education which has been reached by the Council of Australian Governments. Dot point (l) on page 5 of the agreement states there will be an undertaking for the provision of:

> Universal access: whereby every child, 12 months prior to full-time schooling, has access to a preschool program delivered: by a four-year university-qualified early childhood teacher (subject to clause 17 below); in accordance with a national early years learning framework; for 15 hours a week, 40 weeks a year; across a diversity of settings; in a form that meets the needs of parents; and at a cost that does not present a barrier to participation.

It goes on to talk about the time frame for implementation.

The sum total of the concerns is that increasing the hours from the current 10 to 15 hours for four-year-old kinder will need to occur at the cost of three-year-old kinder unless significant efforts are made to meet the infrastructure deficit — quite simply, the need for more rooms, more space and obviously an increase in teacher numbers. There has been a population growth anyhow as a result of the growing population targets and birth rates in many parts of my electorate. There are going to be acute problems, and the promised universal access to preschool education for four-year-olds will come about at the expense of three-year-olds. Three-year-old kinder will be eroded unless action is taken immediately to protect it. There is also concern that the 15 hours a week will be delivered in an inflexible form, as clearly flexibility for working families will be very important.

I call on the minister to take speedy action to explain the situation and give an undertaking to the various kindergartens that three-year-old kinder will not bite the dust under these new ill-considered, made-on-the-hop policy commitments initiated by the Prime Minister, Kevin Rudd, and agreed through the national partnership agreement on early childhood education. If he is going to deliver universal kinder to four-year-olds, it must not be done at the expense of three-year-old kindergarten, which is currently enjoyed by many families.

Transport: Victorian plan

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Public Transport, Minister Pakula. I am becoming increasingly concerned about cost escalations in constructing what is relatively simple infrastructure.

To illustrate my point I refer to the *Meeting Our Transport Challenges* document issued by the government in 2006. Page 66 of the document states that three new railway stations — at Point Cook, now Williams Landing; Cardinia Road, Pakenham; and Lynbrook — would be built for a total of $60 million, or approximately $20 million each. A short two years later, under the Victorian transport plan, the government reaffirmed its plan to construct the aforementioned three stations, plus one other at Caroline Springs. But this time, rather than a total cost of $20 million apiece, the cost has escalated — in two years — to $220 million, or $55 million apiece. In two years the cost to build a railway station has gone from $20 million to $55 million. It beggars belief that, with the greenfield sites known, the costs can escalate to such a degree. This is just one example of the outrageous cost escalation we are seeing in the construction of relatively minor and small infrastructure projects. It draws into question the government's capacity to deliver on all the large projects it has detailed in the transport plan, such as the tunnel and the like.

The action I seek from the minister is with particular reference to the four stations listed in the Victorian transport plan to be constructed by the government. I note the government has recently issued press releases stating that the design of these stations has now been finalised and they are out to tender for construction, so it is a pivotal time in the history of the delivery of these long-anticipated, long-promised, long-overdue railway stations. I ask the minister to explain why the cost of delivering a railway station has gone from approximately $20 million in 2006 to the latest cost estimate now, a mere few short years later, of $55 million. It is not good enough. The Victorian taxpayers deserve better, and I look forward to the minister's explanation.

Parks Victoria: Mallacoota office

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Environment and Climate Change concerning the poor performance of Parks Victoria at Mallacoota. This is not the first time I have raised the matter, and on a previous occasion the minister provided an assurance that he would attend to the problem.

The continuing failure of the Mallacoota office of Parks Victoria to serve the local community interest adequately has led the Mallacoota and District Business and Tourism Association to put strongly to me that there may now be a need for an inquiry into the Mallacoota operation. As it has been put to me, despite a shake-up of the Mallacoota office, there is still no meaningful relationship between the Parks Victoria office and the community.

The problem I highlighted previously — that the office is rarely staffed and even more rarely accessible to the public — continues to be the case. The association and local people have approached the Parks Victoria office about the unsafe and virtually unusable condition of Parks Victoria-controlled roads to a number of the main attractions around Mallacoota, including Quarry Beach, Secret Beach, Pebbly Beach and Shipwreck Creek.

Each time the response has been negative. Parks Victoria staff indicate there is no funding for these roads and have threatened that any more complaints

will lead to them being closed. At the same time Parks Victoria provides a comprehensive service to Gabo Island with regular boat trips, and the association understands that personnel have been flown to the island from the Merimbula airport. It appears they prefer to swan around in boats and planes rather than bend their backs to urgently needed work on roads and tracks around Mallacoota.

The final straw came recently when the Parks Victoria office acted to destroy a number of historic pine trees that were planted by the first Mallacoota settlers at Lakeview, the site of the original township on the opposite side of the Mallacoota Inlet more than 170 years ago. The trees were poisoned and then cut down without any community consultation. This act of public vandalism of trees that were part of the local heritage has attracted significant publicity and outcry and a large number of letters to the community newsletter, the *Mallacoota Mouth*.

I ask that the minister act to inquire into the destruction of the historic pines and that he again look into the performance of the Mallacoota office with a view to achieving significant and, this time, lasting improvements.

BioGrid Australia: funding

Mr D. DAVIS (Southern Metropolitan) — My matter is for the attention of the Minister for Health, and it may also be of interest to the Minister for Innovation.

It concerns the operation of BioGrid Australia. The Australian cancer grid is an important initiative based in Victoria. I will quote from the annual report 2008–09:

> BioGrid Australia provides a flexible and secure method for interrogating the multiple data sources, where thousands of records of patient data are re-linked across all the databases and institutions. The data which is co-located in a virtual repository can be linked with publicly available research and genetic profiling data. Only authorised researchers can extract subsets of data, transform them where required and test research questions using their own analytical tools.
>
> > Source databases from various institutes are extracted, transformed and loaded … nightly to their respective local research repositories …
> >
> > Authorised researchers are then able to query and analyse the data —

and there are suitable protections for privacy. This is a world-competitive IT project of sorts which stands in contrast to a number of other IT projects that have been undertaken formerly by this government. This is in effect a collaboration between a number of research institutes based in Melbourne.

I pay tribute to the new structure that has been put in place. I pay tribute to the fact that this is hosted by Melbourne Health, which has played an important leadership role. The new company management and committee members have the task to achieve financial sustainability in the future. As I understand it, funding through the Department of Innovation, Industry and Regional Development — I think it should also be funded partially by the Department of Health — is guaranteed only through to December 2010.

It is important that there is a focus on what we have in terms of BioGrid and how important this is for Victorian and Australian researchers as a network that has links overseas. This use of knowledge and data that is flexible, integrated and has privacy protections and enables researchers to undertake their tasks without impeachment needs to be protected. The Brumby government needs to step up to the plate and assist BioGrid to achieve that financial sustainability. I ask the Minister for Health himself or in league with the Minister for Innovation to ensure that viability is achieved.

Responses

Hon. J. M. MADDEN (Minister for Planning) — I have written responses to adjournment debate matters. There are 15 answers in all, ranging from 29 November 2009 to 15 May 2010, for tabling.

Wendy Lovell raised the matter of Our Place and Our Shed in the Bendigo and Eaglehawk area. I will refer that matter to the Minister for Community Services.

Peter Hall raised the matter of the Traralgon pistol club and the VicRoads land it is on. I will refer that to the Minister for Roads and Ports.

David Koch raised the matter of the water price increases for sports clubs. I will refer that to the Minister for Water.

Andrea Coote raised the matter of freeway noise wall barriers. I will refer that matter to the Minister for Roads and Ports.

Damian Drum raised the matter of ambulance services in the Castlemaine region. I will refer that to the Minister for Health.

Donna Petrovich raised the matter of the Bendigo Health Care Group. I will refer that matter to the Minister for Health.

Gordon Rich-Phillips raised the matter of the connectivity of public transport in Mount Waverley. I will refer that to the Minister for Public Transport.

Inga Peulich raised the matter of kindergarten services for three-year-olds. I will refer that matter to the Minister for Children and Early Childhood Development.

Edward O'Donohue raised the matter of infrastructure costs on public transport. I will refer this to the Minister for Public Transport.

Philip Davis raised the matter of Parks Victoria's office in the Mallacoota region. I will refer that to the Minister for Environment and Climate Change.

David Davis raised a matter of the operation of BioGrid. I will refer that to the Minister for Health.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.32 p.m.