PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 27 July 2010

(Extract from book 11)

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By authority of the Victorian Government Printer

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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.

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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.

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

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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

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
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Hall, Mr Peter Ronald	Eastern Victoria	Nats	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
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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
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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, 27 JULY 2010

Tuesday, 27 July 2010

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 30 June to:

Appropriation (2010/2011) Act
Appropriation (Parliament 2010/2011) Act
Pharmacy Regulation Act
Superannuation Legislation Amendment Act.

QUESTIONS WITHOUT NOTICE

Public transport: infrastructure

Mr D. DAVIS (Southern Metropolitan) — My question is for the Treasurer. I refer to the chaos on Melbourne's train, road and commuter network this morning that saw a blackout at Southern Cross station and cars banked up for miles on the Eastern Freeway and reportedly as far back as Werribee in the west. I therefore ask: do the Treasurer and the Brumby government, after 11 long years in power, accept any responsibility for this chaos, and in particular does the Brumby government accept that its failure to plan, fund and build infrastructure at a rate in parallel with population increase is one cause of the chaos and congestion experienced by hundreds of thousands of suffering commuters?

Mr LENDERS (Treasurer) — I thank Mr David Davis for his question. I must admit I am somewhat incredulous that in the Legislative Council we have sitting just two seats to my right the Minister for Public Transport, but the Leader of the Opposition is too gutless to ask him a question on transport. I am genuinely shocked and in awe of the fear that opposition members have of my colleague Mr Pakula. They are too gutless to ask him a question.

Nevertheless, in general terms the question asked of me was about investment in infrastructure. What happened this morning was extremely unfortunate. It was something that my colleague the Minister for Public Transport, whom Mr Davis was too scared to ask the question of, answered fulsomely on radio this morning. I heard Mr Pakula's comments repeated several times during the morning. The central premise of Mr Davis's question is: has there been sufficient investment in infrastructure? Clearly over the last generation there has not. That is why this government has invested record amounts in road, rail, tram and bus infrastructure.

As Mr David Davis is reflecting on the last millennium, I will also reflect on the last millennium. If we go back to 1981, the then Thompson Liberal government commissioned the Lonie inquiry, which talked about closing down railway lines. If we walk forward to 1992–93, the then Liberal government sold off railway lines. It is no coincidence that just last weekend Mr Pakula, who Mr Davis was too afraid to ask the question of, and the Premier were in Maryborough as we opened up new rail services — which, I might add, were ones that were closed down by the government of which Mr David Davis was a member from 1996 to 1999.

There are big issues in public transport infrastructure. That is why this government is reinvesting in rail — —

Mr D. Davis — Eleven years.

Mr LENDERS — Mr Davis reminds us of what the government he was a part of 11 years ago did. It sold off the trains, closed railway lines and wound down every significant transport service, and now the man who voted for all those things comes into this house and says there has been a neglect of public transport.

We have a Victorian transport plan which is delivering further infrastructure into the system: new trains, new trams, new buses and improved road and rail services to meet the growing needs of Victoria's community. Those opposite slashed and burnt, and they have no plans for the future.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I note that the most the Treasurer could do is say it was unfortunate; I would have thought a bit more was possible. The Treasurer, in framing his budget every year, makes estimates of population growth and frames tax and infrastructure policy accordingly. I refer to the Melbourne 2030 plan — still in operation — and the flawed population estimates on which it was based. Do the Treasurer and the Brumby government accept that the flawed population estimates have contributed to the government's failure to fund and build adequate transport infrastructure since 2002?

Mr LENDERS (Treasurer) — I reiterate my earlier point. If we are talking of a generational plan to address transport growth, it is extraordinarily rich that a person who was a member of a government which closed railway lines — closed lines to Bairnsdale, Maryborough, Ararat and Warrnambool — sold off the

rolling stock and track and stopped investing in maintenance, should come in here and talk about historical neglect. This government is investing in a transport plan that is putting back into the system — —

Mr D. Davis — An unfunded plan after 11 years.

Mr LENDERS — If Mr David Davis listens, he might find that there are about 200 000 good reasons why this government is acting, and he might also find that the neglect and carelessness he refers to have financial consequences. On this side of the house we are investing heavily in public transport. We are very measured with our words both inside and outside the house — we actually deal with the facts — and we are investing in road and rail infrastructure to make up for the neglect of the past and to deal with the strong population growth in Victoria.

This rolling stock and this track make it a more reliable system and, as I said, what happened today was an issue with which my colleague, Mr Pakula, and this government is dealing with through strong investment going forward. I say to Mr David Davis that this government does not just rely on careless words; this government actually acts and it is delivering for the future of Victoria through a strong investment in public transport.

Climate change: government initiatives

Mr MURPHY (Northern Metropolitan) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister inform the house of how the Brumby Labor government is leading the nation and rising to the challenge of climate change by supporting new initiatives to cut emissions and create a climate of new economic opportunity?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Murphy for his question, and I will talk about a program in which I had the good fortune to join the Premier yesterday in committing the Brumby government to introducing legislation which will commit Victoria to achieving a 20 per cent reduction of year 2000 carbon dioxide emissions in the state of Victoria by the year 2020.

It is consistent with commitments that we took to the people as early as 2002 — undertakings that we would do our bit in terms of the contribution to the wellbeing of the climate and the global community by playing a positive role in reducing greenhouse gas emissions, and that is a commitment that we maintain to this day.

The state of Victoria has been a jurisdiction that has led the call for the establishment of a national emission trading scheme and a price on carbon to drive the transformation of our economy in Victoria and as part of the nation make a contribution to the international effort to address climate change. We continue to be committed to that objective and to see it as an opportunity to drive investment, to drive new skills and to drive new jobs right across the Victorian economy and the Victorian community.

Members will be reassured that the Brumby government is not only going to make this commitment in legislation; we will attach to it through the prism of the white paper a series of actions which will cumulatively have the effect of delivering that target. We are not divorced from the need to take action, and that action sometimes may be interpreted by parts of the community as somewhat threatening in terms of the potential for job losses or change in the way we have done business in the past and the need to make a transition to the way we do business in the future.

Some people in the Latrobe Valley today may be anxious about this matter, but our government is very committed to ensuring that we provide the appropriate industry assistance and industry adjustment as we implement a staged closure of the Hazelwood power station. That is a fundamental building block of the trajectory to reduce our emissions by 20 per cent of year 2000 emissions by 2020. It is not the only measure, but it is a very important measure, because if we can achieve this outcome, hopefully by negotiations with the operator of the power station, and then account for the transmission to make sure that we provide opportunity for the replacement investment to occur, either through gas or renewable energies in particular, we will see a transformation of our generating capacity. Then from about 2013–14 we might see our emissions profile start to actually reduce and in fact start on a negative trajectory to achieve our ambition of 80 per cent of year 2000 carbon emissions by 2020.

That is not the only initiative we announced yesterday. The Premier, other ministers and I have been associated with a commitment to drive investment in solar energy up to 5 per cent of our total generation capacity by 2020. We want to make sure that we feed in to the mandatory renewable energy target to augment what might be limits on the drive for solar investment through that scheme, which will primarily drive investment in wind. We want to make sure that there is additional incentive for investors in solar generation to make it real and for it to be an essential part of the make-up of our energy generation sector.

We also understand the importance of driving down demand and creating greater efficiencies. We have been

associated with a very successful program in Victoria, the VEET (Victorian energy efficiency target) scheme, the energy saver program which has led to a reduction of 2.7 million tonnes of CO_2 by — —

Mr D. Davis — Emissions keep going up under your government.

Mr JENNINGS — Mr Davis has finally woken up. What a sleeping giant he is! Finally, 4 minutes into my answer, he is awake. Nonetheless I think it is very important for us to understand that we have made significant inroads into keeping our emissions in check. We will drive them over the next decade to achieve the target of 80 per cent of the 2000 level.

In terms of the effectiveness of the demand management program that has been run through the VEET scheme, 500 000 Victorian households have had efficiency measures installed in their homes through that scheme. We are going to double the scale of that scheme to include small and medium size enterprises. We anticipate that something of the order of 500 000 — half a million — small and medium size enterprises in Victoria will participate in an expanded VEET scheme.

We want to ensure that government plays its role. We have committed $160 million cumulatively through this statement and the *Jobs for the Future Economy* statement to reconfigure and retrofit existing government buildings to make them more energy efficient. Significant reductions in emissions will come through our public buildings being more efficient. We will try to ensure that we are a purchaser of green power and to lead a market that encourages investment. As a government we have been and will be moving our purchasing of green power from what is 25 per cent of our total energy supply today to 50 per cent of our supply by 2020.

We understand that there needs to be a role for people to play, whether they want to contribute to this agenda at a household level, at a community level, at an industry level or at an economy-wide level, to join in in the transformation of our economy. We want to make sure that Victorians see this as an opportunity, so the Victorian government is keenly associated with this endeavour and will drive it in the name of this upcoming generation and of future generations to make sure that Victoria continues to have a sustainable economy in terms of both environmental impacts and the wellbeing of our community.

Regional rail link: Footscray impact

Ms HARTLAND (Western Metropolitan) — My question today is for Mr Pakula, the Minister for Public Transport, and it is about the regional rail link. The government has been talking a lot about investing in public transport. In principle I support the regional rail link as a good investment. The other people who have made investments are homeowners and business owners. The regional rail link will have a major impact on homes and businesses in Barkly Street, Victoria Street, Albert Street, Short Street and the surrounding parts of middle Footscray. Three categories of people are impacted: those whose houses will be acquired, those who will have part of their property acquired and those who will lose the quiet enjoyment of their property and the financial value of their property because of the visual and noise impact.

My question relates to the second and third categories. These people are in such bad situations that many of them actually want their properties to be acquired by the government, because that is the only way they will have protection under the law. We are talking about people who have put their life savings, their blood and their sweat into their homes or businesses, and basically the value of those properties is going to be smashed. After some public embarrassment the minister announced some additional home purchases in Victoria Street for people whose stories had been told in the media, but they are not the only people affected, and I ask for clarification on whether these homes will be acquired with the full protection of the law for compulsory acquisition or whether they will be purchased without the protection of that law.

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Ms Hartland for her question and for her ongoing support for public transport in Victoria. There were a couple of elements to the question that I think I should deal with prior to dealing with the substantive or final part of the question. Ms Hartland talked about properties that are to be partially acquired. I think she described that as the second category. Let us be clear about the way the compulsory acquisition provisions work.

If ultimately, when the project's scope is determined by the Minister for Planning, there are any properties of which only part is required for the project, the question of whether part of the property or all of the property is acquired by the government is a matter for the homeowner. In other words, if what is ultimately determined once the project's scope has concluded is that a part of anybody's property is required — whether that be a metre, 10 metres, the back of a shed or

anything else — that property owner is at liberty to say to the government, 'I do not want to sell you a part of my property. I want you to buy all of my property'. I think that clarifies that part of Ms Hartland's concern.

In regard to other properties, an indicative scope of the project has been provided to residents in the area. That is always the case in these circumstances. The project team indicates to property owners that, in effect, 'These are the properties we believe we will require', and then the public consultation process commences. That has commenced and it will run until 19 August. During the consultation process property owners who are in the initial project's scope are at liberty to submit that they should be outside the scope. People outside the scope are at liberty to submit that they should be inside the scope. That is why, despite the fact that numerous property owners have said they would like certainty and that they want the issue resolved now, there has to be a process whereby people have the ability to make those submissions.

At the end of the process — and I would like to give Ms Hartland a more definitive answer today — all of the information is collated and provided to the Minister for Planning and he will make a determination about the project's scope. At that point there will be properties deemed to be in the acquisition zone. Those properties will be acquired in accordance with the law.

Beyond that I have indicated to some residents who have been described colloquially as the 'marooned residents' that certainly their circumstances were different from those of other residents whose properties might be, for instance, on the other side of Buckley Street and might be a little closer to a railway line than they are now potentially. The residents I spoke to directly would have been in a stranded property situation. I have indicated to those residents that if, at the end of the project determination that the Minister for Planning has to contend with, they are found to be in the compulsory acquisition zone, they will be in that zone and will be treated like every other resident whose property is to be compulsorily acquired. If they are not, I will ask the secretary of the department to engage in a negotiation process to acquire those homes if that is what residents want. Those residents all indicated to me that they are satisfied with that situation. I met with them all individually, and the one I was not able to meet, I spoke to on the telephone.

Supplementary question

Ms HARTLAND (Western Metropolitan) — The minister is no doubt aware of the enormous stress that this — the fact that they were told by the media rather than by his government department — has caused local residents. What I need to be able to take back to those residents is when the minister actually decided that this was the route and how he decided that. Buckley Street is now the route that will be taken, as I understand it, so when did the minister know that and why were the residents not told much sooner than they were?

Hon. M. P. PAKULA (Minister for Public Transport) — The route was decided through an exhaustive process of determination by the Department of Transport, and when Ms Hartland says, 'The route has been determined', I point out that what was determined in the days prior to the announcement was that the project would be an at-grade solution rather than a diesel tunnel solution. I am sure Ms Hartland would appreciate the potential difficulties with putting diesel trains in a tunnel in a built-up area, particularly in regard to ventilation. A number of considerations had to be made. I should say this: on our best estimates, any of the other solutions — that is, diesel trains in a tunnel or indeed electric trains in a tunnel — would have led to the same number of, or indeed more, property acquisitions than are likely to be required by this solution.

The way the process works is that once that broad, if you like, decision is made about having an at-grade rather than a tunnel solution under Buckley Street, we then enter into a process whereby residents are informed that their property is of interest for acquisition but the final scope of the project — the final detailed scope of the route — has not been finalised. Ms Hartland said, 'It has been determined'. It has not; that is the purpose of this current consultation process.

To give Ms Hartland one example, there is an article in the paper this morning by Mr Steve Price in which he says the government has determined that it will acquire a Salvation Army premises and knock it down. That is not the case. The fact is that the Salvation Army, like the other residents who are impacted upon, has been told that its property is one which may be required, but as I have indicated on a number of occasions we are working very hard to minimise the number of acquisitions required and to refine the scope to avoid taking properties that we do not need to take, including the Salvation Army's.

In regard to 12 July and Ms Hartland's comment that residents were told by the media, some residents were told by the media; it is not correct to say that all were. I have already indicated on the record on numerous occasions that that was not our intention; it was not the way that we expected or wanted residents to be notified. It was our intention that the regional rail link

(RRL) team would notify all residents by doorknocking on that Monday, but in the circumstances that emerged there were representatives of some media outlets on the street that morning.

Whether Ms Hartland agrees with the judgements that the RRL team made that morning or she does not, the fact is that its members made a judgement that they did not want to be knocking on people's doors and sharing private and personal information about their properties with TV cameras over their shoulders. I have already said on numerous occasions that, if we had our time again, they would not have been out there at 11 o'clock or 12 o'clock; they would have been out there earlier in the morning. That is a matter for regret, and I have apologised for it.

Finally, in regard to Ms Hartland's desire to go back and discuss this matter with her constituents, that is obviously Ms Hartland's right. However, I indicate that I have already had a number of conversations with affected residents, and it is my intention to meet with a large number of affected residents and convey much of this information to them personally in the next few days.

Solar energy: government initiatives

Mr SCHEFFER (Eastern Victoria) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister inform the house of how the Brumby Labor government is demonstrating a solid commitment to creating a sustainable future for all Victorians by taking action to prepare Victoria to become Australia's solar state?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Scheffer for his question and the opportunity to talk about an important commitment that has been made by our government to drive investment in solar energy generation into the future. It is our ambition to be understood within the Australian context to be the solar state. That benchmark might be a little bit too easy for us to achieve given the low levels of solar power generation across Australia at this moment. Nonetheless, the Victorian government is determined to facilitate and drive investment so that we change the profile of the energy generation sector in Victoria.

At the moment about two-thirds or 66 per cent of all greenhouse gas emissions in Victoria come from electricity generation and about 93 per cent of our energy comes from coal-powered generation. As a result of the cumulative effect of the policies announced by the Brumby government in the last week and the delivery of the national mandatory renewable energy target by 2020, we envisage that we will have changed that 93 per cent and be closer to 60 per cent by 2020. That difference would be made up by a significant investment in gas, a significant investment in wind power and a significant investment in solar generation.

The solar generation commitment that we made last week was to introduce a feed-in tariff that will apply to support investors who want to establish large-scale solar generation facilities, such as the Silex facility, previously known as the Solar Systems facility, which the Premier, Jacinta Allan, who is the Minister for Regional and Rural Development, and I visited last week. It continues to trial the technology and its operation at its facility in Bridgewater with the intention of establishing a 154-megawatt facility in north-western Victoria. These are large solar facilities at 154 megawatts. They would certainly be the largest in Australia and among the largest facilities in the world. Through the policy that we announced last week, we would envisage somewhere between 5 and 10 such facilities being generated through market demand and investment opportunity facilitation through the feed-in tariff by 2020.

Many actions described in the government's announcement on taking action on climate change have been portrayed as contributing to increases in the price of electricity. This is the one item in the package that, through the feed-in tariff, is going to apply to current household and industry consumers of electricity. Our anticipated impost to those users will be of the order of $5 to $15 per year to support the level of the feed-in tariff that will be required to drive this investment by 2020. Quite an extraordinary leverage will come from providing the tariff that will generate and lead to this investment.

Cumulatively the state of Victoria has supported its householders putting solar panels on their roofs through a feed-in tariff. We have supported communities taking some small-scale initiatives in relation to solar panels through the feed-in tariff. We are supporting the establishment of small-scale community hubs for solar investment right across Victoria through the Jobs for the Future Economy statement — somewhere of the order of 10 of those hubs will be created at a community scale. And now we are talking about large-scale investment.

The Premier took the opportunity to say there might be some medium size facilities in the mid range of between 5 megawatts and 100 megawatts that may be facilitated by further initiatives. As well, the government has commissioned Tony Wood of the

Clinton Foundation to chair a group to undertake a feasibility study into the way in which we can drive that level of investment.

Cumulatively by 2020 we intend to have somewhere near the capacity of 2500 gigawatt hours of electricity generated by solar power in Victoria. Through the impact of these decisions we will see Victoria become the solar state, playing an essential role in the transformation of our economy and providing opportunities for households, industry and communities to participate in the solar revolution in Victoria.

Public transport: myki ticketing system

Mr O'DONOHUE (Eastern Victoria) — My question is for the Minister for Public Transport, Martin Pakula. I refer to the 87 621 myki seniors cards that have been in storage since February due to the bungling of the Brumby government. Can the minister explain to the house the location of these cards and who has responsibility for housing them?

Hon. M. P. PAKULA (Minister for Public Transport) — For starters, I do not know where Mr O'Donohue got his number from — I suspect it was from the *Age*. He may be asserting that that is the number, but I would not want to suggest that that is the case. The seniors cards are the responsibility of the Transport Ticketing Authority (TTA).

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — My supplementary to Minister Pakula is: can the minister guarantee that seniors who are still waiting for their cards will receive them before the state election in November?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr O'Donohue for the question, his concern for seniors and his clear desire for as many people as possible to be using myki before the state election — and I thank him for the vote of confidence he clearly gives to our new smart card ticketing system.

In regard to seniors, the government said earlier in the year that the mail-out of seniors cards would not occur prior to Metro trams and buses going live. Since the trams and buses went live on Sunday I have indicated that there are a number of priorities. Our first and overwhelming priority is to bed down myki on trams and buses. This is the system, by the way, which members opposite have asserted at various times throughout this year would not be live on trams and buses before the election and which some members have asserted cannot work and will never work. I can understand why members are now seeking to move on to the next myki-related issue. I should also point out that Mr Mulder, the member for Polwarth in the other house and the shadow Minister for Public Transport, made the assertion that myki should be expanded in quite an exponential way and then on the same day there was the suggestion from him that the opposition might scrap myki altogether.

Mr D. Davis — On a point of order, President, it was a very simple and straightforward question. It did not involve the opposition or any points around the opposition; it was a question about responsibility in the minister's portfolio area, and he should answer the question.

The PRESIDENT — Order! I do not believe there is a point of order there. I think the minister is answering the question. In fact I am surprised he is answering the question, given that the original question was not related to the minister's portfolio.

Hon. M. P. PAKULA — I advise Mr O'Donohue that seniors who registered for a free myki Sunday pass are at the moment in possession of a free Metcard Sunday pass. They are not disadvantaged in any way by any delay in receiving their myki card. Having said that, it is absolutely our intention to mail out seniors myki cards to those seniors who have registered for them as soon as we can.

But we need to be mindful of three things. Firstly, it is an extremely large logistical exercise, and we are working through the timing and the logistics of it. Secondly, we want to bed the system down before we have, in some respects, our most vulnerable commuters move over to a new system. We have already seen that a large number of commuters are going to take their time in moving across from Metcard to myki. For commuters who travel infrequently and for whom new technology is somewhat more challenging than it is for younger Victorians, we need to ensure that the system is working reliably and well before we ask them to transition across from Metcard to myki.

Thirdly, it is also probably true that the vast majority of seniors, who are more used to cash and over-the-counter sales than they are to either internet-based or machine-based transactions, should have some options to top up cards via that method. All those things are under consideration. We will send out those seniors cards as soon as possible. I will be making determinations about that alongside the Transport Ticketing Authority in the coming weeks, but in doing so I will be taking into account all the considerations I have referred to today.

Climate change: regional and rural Victoria

Ms PULFORD (Western Victoria) — My question is for the Minister for Environment and Climate Change, Gavin Jennings. Can the minister outline how the Brumby Labor government is supporting regional Victorian communities as they adapt to a changing climate?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Ms Pulford for her question and the opportunity to talk about the importance that we as a government place upon regional development and understanding the important role that regional communities play not only in our economic wellbeing but in community life and in responding to climate change. It is the intention of the government to thoroughly account for that, whether that be through the regional development plans that we want to develop in conjunction with our communities, which are embedded within the blueprint for regional development, or through the opportunities that will be embedded in the climate change bill that the government will be introducing shortly.

Beyond this we understand the importance of particularly those regions going through a transition, such as the Latrobe Valley. There has been an announcement this week of the staged closure of Hazelwood, which is an intended policy outcome of our commitments. We understand that we need to find transitional and new job opportunities. We need to be able to find new economic activity and drive investment, and we will leave no stone unturned. My ministerial colleagues, whether they be the Minister for Energy and Resources, the Minister for Regional and Rural Development or the Treasurer, who has a particular interest in the wellbeing of this community, and I, will make sure that we facilitate investment and adjustment through the combined efforts of our agencies.

What does it look like in the order of magnitude? There is significant investment coming in the solar sector, as I have already indicated. Somewhere between $1.5 billion and $2 billion worth of investment will occur in regional Victoria as a result of the impact of our policy. We will see new solar facilities being created primarily in northern Victoria, we would suggest, from the Great Dividing Range north to the border, and that will be a significant driver of economic activity.

There will be something of the order of $2 billion worth of investment driven through wind power and the rollout of wind technology right across the windswept parts of Victoria. We understand there are some issues in relation to community acceptance and confidence in the way in which we go about planning, locating and engaging communities in the delivery of that huge investment, but we anticipate that that huge investment will come.

There will also be significant investment in the programs that support the retrofitting of households and businesses through the efficiency programs we have outlined. These programs should be available to households and businesses right across Victoria in terms of leveraging jobs and investment. Through the existing efficiency programs we have seen something of the order of $100 million worth of investment occurring, and we want to amplify that. About 1200 jobs have been created through those efficiency programs. We would anticipate that doubling, as we have doubled the program.

The last issue I want to talk about is something that I talked about on *Country Hour* at lunchtime. I talked about the opportunities for carbon exchange, a program which will be funded through a carbon trust and which will support offsetting occurring by land-holders on their properties by planting trees and reviving environmental values and storing carbon in the soil. They will receive a financial benefit through the offsetting arrangements to be orchestrated through a carbon exchange in Victoria.

We see great investment opportunities and great financial returns to communities. They will be undertaking a transformation of their economy and their communities in a time of climate change. We think this is a very proactive engagement. We will be very supportive of and working with regional communities on these initiatives now and into the future.

Public transport: myki ticketing system

Mrs PEULICH (South Eastern Metropolitan) — My question is directed to the Minister for Public Transport, Mr Pakula, and I ask: will the minister inform the house of how many myki trips occurred on the Melbourne commuter network yesterday, and can the minister inform the house of what percentage of the total number of trips the myki-funded trips comprised?

Hon. M. P. PAKULA (Minister for Public Transport) — If I understand Mrs Peulich's question, she wants to know what percentage of trips yesterday were on myki. I think that was the question.

Mrs Peulich — Will I repeat the question?

Hon. M. P. PAKULA — No, it is all right; I will answer the question that Mrs Peulich slaved so diligently over.

Mrs Peulich — How many occurred and how many were myki funded?

Hon. M. P. PAKULA — Right. Until we went live on trams and buses — that is, prior to Sunday — approximately 5 to 6 per cent of the trips that were occurring on public transport were being conducted on a myki card. I do not have the number for yesterday, but it is not my intention to have a running daily tally of myki usage. We will obviously be tracking myki usage week by week to see — —

Mr Barber interjected.

Hon. M. P. PAKULA — Exactly — to see what sort of growth we have got.

Honourable members interjecting.

Hon. M. P. PAKULA — I think Mr Barber is actually supporting this. It is not surprising that until this point in time the number of people using the myki system has not been high, because the vast majority of train travellers either get to the train station on a bus or, after they get into the city, for instance, catch a tram. We have been quite open with those commuters, that if they are multimodal travellers — which most commuters are — they should continue to use their Metcard until myki goes live on trams and buses.

The first weekday that myki was live on trams and buses was yesterday. If the point Mrs Peulich is trying to make is that there has not been a massive uptake on day one, then I am happy to concede that point, because we did not expect there to be a massive uptake on day one. In fact, we have said openly to commuters that Metcard will run in tandem with myki until at least next Easter. That is because we recognise that people will want to move across from Metcard to myki in their own time and in a way that suits them. Nevertheless, despite the fact that there are something like 30 000 daily myki usages, there are 430 000 myki cards out there in the community. Over the coming weeks and months we expect that a large number of people who have their myki cards in their drawer or wallet will take them out and start using them.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — Given the minister's answer, could I now ask him to give us an assurance that he will provide this house with a detailed breakdown of myki-funded trips by route on a regular basis?

Hon. M. P. PAKULA (Minister for Public Transport) — I am reluctant to give that undertaking without ascertaining whether that kind of information is actually kept, but Mrs Peulich can rest assured there will be a very frank and open dialogue between me, the Transport Ticketing Authority (TTA), the community — —

Mrs Peulich interjected.

Hon. M. P. PAKULA — I am sure the member can ask them when she is handing out how-to-vote cards at her local station, but there will be a very clear and open dialogue between me, the TTA, this Parliament and the community about myki usage.

Mr D. Davis — What have you got to hide?

Hon. M. P. PAKULA — I have absolutely nothing to hide. As myki usage grows and as we become aware of what percentage of the travelling public is using myki and switching over from the Metcard to myki, those figures will be in the public domain.

Taxis: licences

Mr LEANE (Eastern Metropolitan) — My question is also to the Minister for Public Transport. Can the minister inform the house of the recent release of new taxi licences and what that will mean for Melbourne taxi passengers?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Leane for the question. He is right in saying that in June the government opened applications for 530 new taxi licences under the greater Melbourne taxi licence release. Importantly, of those 530 new licences, only 200 will be for conventional taxis; the other 330 will be for wheelchair-accessible taxis. The first round of those applications closed yesterday, and they are currently being assessed. Once the licences have been approved it will mean more reliable and timely services for taxi passengers.

People with special needs such as those who use wheelchairs as well as those who use taxis on weekends, at major events and in the wee small hours can sometimes find it difficult to get a taxi when they need one. This licence release will mean a significant boost to the wheelchair-accessible fleet in Melbourne. It will ensure that people who have mobility issues can access taxis more easily.

This extra licence release will more than double the number of wheelchair-accessible taxis on the streets. That will reduce the waiting times for passengers and mean a more reliable service and provide a better experience. The government has been in discussion with disability groups. Diana Heggie, the CEO of Scope Victoria, which is one of the state's largest not-for-profit organisations that assist people with disabilities, has commended the Victorian government for the wheelchair-accessible taxi licence initiative. Ms Heggie said:

> Scope Victoria welcomes the efforts by the Victorian government to improve the delivery of taxi services for people living with a disability.
>
> Taxis play an important role in the lives of people with a disability; they would not have the same opportunities for access to their communities without them.
>
> Having an extra 330 wheelchair-accessible taxis on the road will help many people with a disability catch a taxi when they need one.

These new licences offer an opportunity for many people who have previously found it difficult to get a taxi to get one more easily.

It will also be an opportunity for individuals and businesses to join our taxi industry. Operating a taxi and holding a taxi licence can be a very flexible and rewarding choice for many Victorians — people who enjoy being their own boss and developing their own business. This new round of licences is another example of our government's commitment to improving the taxi industry, but in particular improving opportunities for those who rely on wheelchair-accessible taxis to get a taxi when they need one.

Minister for Environment and Climate Change: comments

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Environment and Climate Change, Mr Jennings. I refer the minister to a health report by the Terminate Tulla Toxic Dump Action Group which reveals abnormally high cancer rates among households neighbouring the toxic waste landfill opposite Melbourne Airport. I further refer the minister to his comments to the ABC which dismissed the fears of residents living in Tullamarine, Westmeadows and Gladstone Park when he said:

> Many people have moved into this locality whilst the landfill was operating. So many people have exercised the choice to live there.
>
> All the health issues you have just identified now are a feature of daily life for unfortunately thousands of people around the world, whether they live in a landfill or not.

Will the minister now apologise for these appalling and uncaring remarks, or is this just another example of the Brumby government's arrogant and out-of-touch approach?

Hon. J. M. Madden interjected.

Mr Finn — I will just see if he answers this one.

Hon. J. M. Madden interjected.

The PRESIDENT — Order! The minister will cease interjecting.

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Finn for his question. He probably does not appreciate that I will be quite fulsome in my answer to him, because I want to take the opportunity he has afforded me of clarifying the context in which I gave an answer — —

Mr Finn — You were out of context, were you?

Mr JENNINGS — I can guarantee the member that I was out of context, because in fact what he has just attributed to me as a continual sentence was in fact two separate sentences, two separate ideas that were given in response to two different questions that were asked of me by the ABC. I think from my vantage point it probably demonstrated reasonably poor form from the ABC in editing my responses. I thank Mr Finn for the opportunity to give him, in the order in which they were asked, answers to the questions that were asked of me.

I was asked a question about the health statistics that had been compiled by the local action group. I thank its members for compiling the information, I thank them for their concern about the issues and I thank them for their continuing determination in trying to assess the real health status of their community and whether there is a risk associated with living in this locality with the existing landfill.

In fact that was the spirit in which I answered the question: to say unfortunately, regardless of circumstance or station in life or whether they live near a landfill or not, cancer affects people around the world and exists in our community. Then I went on to say that the reason we are commissioning our own survey — agreed to by the Environment Protection Authority with the Cancer Council Victoria — is to take health statistics that have been compiled by the local community and verify them through a statistical

analysis of the prevalence of the illness pattern in that community.

That is the context in which a sentence was then construed and joined with another question and answer that was part of this interview where I was asked whether I would choose to live near the landfill. My answer to that question started off by saying there are many reasons why all of us in our community choose to live or end up living in an area, and some of it has to do with our family connections, where we work, the affordability of the housing stock or the community in which we live. Then it is important to understand that many people have lived in this community for decades. Then there is the quote Mr Finn attributes to me, that it is also important to note that some people choose to move into this neighbourhood during the operation of the landfill. That was in the context of everything that I had said previously about the circumstances of people living in communities and staying in communities, including people who arrive in the community.

Then I went back to restate the importance of validating the health statistics to know what the real morbidity pattern of this community is compared to what you would expect in a community. At every turn I appreciate the fact that people from all walks of life, unfortunately, have to endure the rigours of cancer and other illnesses. Some of those people live near landfills and some live a thousand miles from landfills, but they still have these health conditions. What it is important for us to do is to see whether there is a coincidence between living close to this landfill and the health status of the community. We have commissioned that work and will follow it through. I am personally supportive of that work and will continue to be supportive of it.

That is a more complete understanding of how I responded to those questions in the media, regardless of how they were cut and spliced and put together to give a different impression to Mr Finn's community.

Supplementary question

Mr FINN (Western Metropolitan) — I take note that the minister fully blames the ABC for the situation that he finds himself in with regard to these comments, and I invite him to join me in my campaign to have that particular organisation privatised. I ask the minister by way of a supplementary: given that a good number of people in the Gladstone Park, Westmeadows and Attwood areas have taken deep offence at the comments he made, will he attend a public meeting — which I am happy to hold on his behalf — to meet with local people and give a personal assurance to their faces that he does not disregard their health needs?

Mr JENNINGS (Minister for Environment and Climate Change) — In the first instance I have some confidence that Mr Finn will distribute my answer to his question fulsomely to his community and set a foundation for a very positive engagement between me and the community. If he is of sufficient goodwill to build a bridge between the statements I have made in answering his question and his community, then I will come back to him and see about this public meeting.

Hazelwood power station: future

Mr HALL (Eastern Victoria) — My question without notice is directed to the Minister for Environment and Climate Change. In response to at least two previous questions today the minister has spoken about the government's announced staged closure of Hazelwood power station. In his response to one question he mentioned that there is some anxiety, understandably, in the Latrobe Valley about jobs. I can assure the minister that that is certainly true. On behalf of those who are experiencing that anxiety currently, I ask the minister: given that Hazelwood provides direct employment for more than 800 persons, will he give a guarantee that a staged closure will not add to the region's already high unemployment levels?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Hall. I have no doubt about the sincere nature of his question and of his concern. As he acknowledges, in previous answers to the house today I have volunteered that the government is particularly mindful of the consequences of changes to the employment prospects of people in the Latrobe Valley as a result of our commitment to try to facilitate a staged closure of Hazelwood.

Part of that commitment is to use the best endeavours of government and its agencies to facilitate new job opportunities and transitional arrangements for workers and to drive new investment in that community. I believe very shortly at least two of my ministerial colleagues — and if I can free myself from parliamentary duty, I will go myself; I will see how quickly I can get down there — will go to meet with major stakeholders in the community to discuss these matters and provide a ready access point and give a face-to-face commitment from the government to workers, their families and other interested stakeholders in the community in the Latrobe Valley about our determination to maintain economic activity and job levels.

Whilst I cannot give a guarantee of a direct, linear transference from one job to another at this point in time, I also indicate to Mr Hall and the chamber that it

is very important to understand the nature of the commitment we made yesterday was to seek a 25 per cent closure of Hazelwood by 2014 — that is, within a four-year horizon, two units of Hazelwood are to be closed — with a longer term objective of facilitating the closure of the power station.

In terms of the time frame, in what might be considered as slightly ironic, we have introduced some degree of certainty about the rate of change — which might have been particularly uncertain for workers at the power station and in this industry — by trying to create a trajectory and transition that are predictable, certain and able to be worked through. It would be our intention to work through these issues with goodwill and good planning to achieve a seamless transition for workers, if we can, and job opportunities now and into the future.

Supplementary question

Mr HALL (Eastern Victoria) — I thank the minister for his response to that question. I was surprised he did not mention another initiative which was in the white paper yesterday. That concerns the announced establishment of a $25 million fund to be called the Latrobe Valley Advantage Fund. I read in the Premier's press release that that fund would be used to drive jobs, investment, training and new technology. My supplementary question for the minister is: if we cannot guarantee that there will not be a net loss of jobs, will this $25 million fund at least be established prior to any part of Hazelwood being closed so as to create new jobs before any existing jobs at Hazelwood are lost?

Mr JENNINGS (Minister for Environment and Climate Change) — If the Treasurer was given this question to answer he might sit down with the word 'Yes', because it is our intention to commence that work imminently, and it would be our intention to use those funds wisely in terms of driving both retraining, skill opportunity and investment. The funds will be used prior to the outcome of the negotiations with the operators of Hazelwood.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 9107, 9257, 9576–8, 9580, 9669, 9706–9, 9774–7, 9779, 9780, 9897, 9928–31, 9933–37, 9939–42, 9946, 9951, 10 044, 10 154, 10 159, 10 160, 10 175, 10 177, 10 180, 10 186, 10 189, 10 190, 10 192, 10 194–205, 10 207–17, 10 249, 10 250, 10 327, 10 328, 10 336, 10 342, 10 344, 10 345, 10 350, 10 353, 10 359, 10 363, 10 365–71, 10 375–7, 10 380, 10 382–8, 10 392–6, 10 410, 10 412, 10 413, 10 421, 10 458, 10 511, 10 536, 10 537, 10 545, 10 546, 10 551, 10 558, 10 560, 10 572–4, 10 588, 10 590, 10 593, 10 611–4, 10 628, 10 629, 10 634, 10 641, 10 643, 10 655–7, 10 661, 10 662, 10 671, 10 673, 10 685–7, 10 694–7, 10 711, 10 717, 10 720, 10 723, 10 725, 10 737–9, 10 870, 10 876, 10 882, 10 884, 10 896–8, 10 909, 10 917, 10 922, 10 936–8, 10 953, 10 954, 10 959, 10 966, 10 968, 10 980–2, 10 986, 10 987, 10 996, 11 001, 11 021, 11 022, 11 037, 11 038, 11 066, 11 085, 11 087, 11 104, 11 105, 11 120, 11 125, 11 146, 11 147, 11 162, 11 167, 11 188, 11 189, 11 194, 11 195, 11 203, 11 204, 11 209, 11 216, 11 218, 11 230–2, 11 245, 11 249–51, 11 258, 11 260, 11 272–4, 11 285–7, 11 313, 11 314, 11 319, 11 320, 11 326, 11 327, 11 329, 11 334, 11 354, 11 355, 11 372, 11 395, 11 396, 11 430, 11 435, 11 440, 11 461, 11 462, 11 477, 11 482, 11 503, 11 504, 11 518, 11 534, 11 536, 11 537, 11 545–8, 11 552, 11 558, 11 559, 11 564, 11 566, 11 572, 11 576, 11 577, 11 579, 11 580, 11 583–5, 11 592, 11 594, 11 600, 11 606, 11 609, 11 610, 11 667, 11 668, 11 683, 11 685, 11 687, 11 688, 11 695, 11 697, 11 704, 11 706, 11 712–14, 11 729, 11 731, 11 738, 11 740, 11 747, 11 750, 11 768–71, 11 773, 11 774, 11 778–80, 11 785, 11 817, 11 819–35, 11 837, 11 841, 11 842, 11 845–56, 11 858–66, 11 876, 11 909, 11 911, 11 931, 11 935, 11 951, 11 960, 11 981–7, 12 044, 12 050–64, 12 078.

PETITIONS

Following petitions presented to house:

Lady Forster Kindergarten: future

To the Legislative Council of Victoria:

The petition of residents of the state of Victoria draws to the attention of the Legislative Council that the City of Port Phillip's plans to construct a hub in Liardet Street, Port Melbourne, involve the demolition, relocation and destruction of the Lady Forster Kindergarten, a community-owned kindergarten with an 83-year history on Crown land in Port Melbourne, providing 70 local children each year with a kindergarten education. Lady Forster Kindergarten is popular and its well-recognised outdoor educational program is contingent upon the preservation of large open space with mature trees, so that children can run, ride and climb. The only way to protect this Crown land for future generations of children is to have a committee of management that puts the needs of children above all else.

The petitioners therefore request that the Legislative Council of Victoria reinstate the Lady Forster Kindergarten committee of management as manager of Crown allotments 1 and 2b, section 13a in the parish of Melbourne South, city of Port

Melbourne, by reversing the transfer of this land to the City of Port Phillip which took effect in 2009.

By Mrs COOTE (Southern Metropolitan) (1077 signatures).

Laid on table.

Geelong Ring Road: section 4C route

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that as electors entitled to vote for the members of the Parliament, we judge the close proximity to our community of the proposed six-lane Surf Coast Highway connection (Geelong Ring Road, section 4C) to be extremely bad for our community, diminishing our quality of life and devaluing our houses. This proposed highway has not been subjected to community consultation during its planning process which has not been conducted in an honest, open or transparent manner, contrary to the core values of the Geelong City Council and VicRoads.

The petitioners therefore request that the Legislative Council of Victoria note that our will is that if the highway is built, we require it to be built south along the Boundary Road alignment which is south of its present planned route, where it would go through as much vacant land as possible, adversely affecting as few residents as possible. If it is build in the currently planned position, the petitioners will hold the state government and VicRoads responsible for any loss of value of our properties and reduction in our quality of life, through increased noise levels and air pollution that will result from the close proximity of the construction of this proposed highway to our homes.

By Mr KAVANAGH (Western Victoria) (894 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Mr EIDEH (Western Metropolitan) presented *Alert Digest* No. 10 of 2010, including appendices.

Laid on table.

Ordered to be printed.

DISPUTE RESOLUTION COMMITTEE

Transport Legislation Amendment (Ports Integration) Bill 2010

The Clerk, pursuant to section 65C(2) of the Constitution Act, tabled dispute resolution.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Supported accommodation for Victorians with a disability and/or mental illness

The Clerk, pursuant to Parliamentary Committees Act, tabled government response.

PAPERS

Laid on table by Clerk:

Fundraising Act 1998 — Exemption Order, 7 June 2010, pursuant to section 16A of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 47.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 23 June 2010 pursuant to section 7(4) of the Act.

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

Bass Coast Planning Scheme — Amendment C90.

Baw Baw Planning Scheme — Amendment C76.

Boroondara Planning Scheme — Amendment C102.

Brimbank Planning Scheme — Amendments C106 Part 2, C106 Part 3 and C135.

Cardinia Planning Scheme — Amendments C114 and C121.

Casey Planning Scheme — Amendment C137.

Corangamite Planning Scheme — Amendments C18 and C27.

Darebin Planning Scheme — Amendments C68, C110 and C116.

Glenelg Planning Scheme — Amendment C53.

Greater Dandenong Planning Scheme — Amendments C111 and C123.

Greater Geelong Planning Scheme — Amendments C213 and C234.

Greater Shepparton Planning Scheme — Amendment C75.

Hindmarsh Planning Scheme — Amendments C8 and C10.

Kingston Planning Scheme — Amendment C112.

Knox Planning Scheme — Amendments C70, C89 and C91.

Manningham Planning Scheme — Amendment C63.

Maribyrnong Planning Scheme — Amendment C73 Part 2.

Mildura Planning Scheme — Amendment C44.

Mitchell Planning Scheme — Amendments C50 and C65.

Monash Planning Scheme — Amendment C110.

Moreland Planning Scheme — Amendment C107.

Mornington Peninsula Planning Scheme — Amendments C144 and C159.

Nillumbik Planning Scheme — Amendment C70.

Northern Grampians Planning Scheme — Amendment C32.

Pyrenees Planning Scheme — Amendment C25 Part 1.

Surf Coast Planning Scheme — Amendment C50.

Towong Planning Scheme — Amendment C21.

Victorian Planning Provisions — Amendment VC68.

Warrnambool Planning Scheme — Amendments C62, C63, C67 and C74.

Whitehorse Planning Scheme — Amendments C106 and C137.

Wodonga Planning Scheme — Amendment C77.

Yarra Ranges Planning Scheme — Amendment C77.

Statutory Rules under the following Acts of Parliament:

Accident Compensation Act 1985 — No. 61.

Accident Towing Services Act 2007 — No. 63.

Building Act 1993 — Nos. 50 and 51.

Children, Youth and Families Act 2005 — No. 67.

Conservation, Forests and Lands Act 1987 — No. 58.

Conveyancers Act 2006 — No. 46.

Country Fire Authority Act 1958 — No. 66.

Electricity Safety Act 1998 — No. 47.

Fair Trading Act 1999 — No. 45.

Forests Act 1958 — No. 57.

Heritage Act 1995 — No. 65.

Land Acquisition and Compensation Act 1986 — No. 44.

Magistrates' Court Act 1989 — No. 43.

Mineral Resources (Sustainable Development) Act 1990 — No. 56.

National Parks Act 1975 — No. 60.

Residential Tenancies Act 1997 — No. 49.

Road Safety Act 1986 — No. 52.

Subordinate Legislation Act 1994 — Nos. 48 and 64.

Supreme Court Act 1986 — Nos. 53 and 54.

Supreme Court Act 1986 — Children, Youth and Families Act 2005 — Criminal Procedure Act 2009 — No. 55.

Tobacco Act 1987 — No. 62.

Zoological Parks and Gardens Act 1995 — No. 59.

Subordinate Legislation Act 1994 —

Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule Nos. 47 and 56.

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 43, 48, 50, 51, 53, 54, 55, 59, 64 and 66.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos 41, 45, 52, 57, 58 and 60.

Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958, 2009–10.

Water Act 1989 —

Abolition of Spring Hill Groundwater Supply Protection Area and Upper Loddon Water Supply Protection Area Order 2010.

Declaration of Loddon Highlands Water Supply Protection Area (Groundwater) Order 2010.

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

Building Amendment Act 2010 — Part 2 (except sections 39 and 40 and sections 47 and 48) — 16 July 2010 *(Gazette No. G28, 15 July 2010)*.

Consumer Affairs Legislation Amendment Act 2010 — Part 2, Part 3 (except sections 4(1), 12, 14 and 15), sections 28 and 29, Part 6, sections 47 and 63, and the remaining provisions of Part 10 (except sections 82, 107 and 108) — 1 August 2010 *(Gazette No. G29, 22 July 2010)*.

Credit (Commonwealth Powers) Act 2010 — Remaining provisions of Part 3 (except section 20(2) and Division 15 of that Part) and Part 4 — 1 July 2010 *(Gazette No. G25, 24 June 2010)*.

Education and Training Reform Amendment Act 2010 — Part 1, sections 4, 10, 44(1), 58, 59, 61 and Part 3 — 15 July 2010 *(Gazette No. G28, 15 July 2010)*.

Education and Training Reform Further Amendment Act 2010 — Part 1, sections 4, 12, 15, 16, 20, 21, 22, 25 and Division 3 of Part 3 — 15 July 2010 *(Gazette No. G28, 15 July 2010)*.

Energy and Resources Legislation Amendment Act 2009 — Sections 25 to 27, 29 and 42 — 30 June 2010 *(Gazette No. S255, 30 June 2010).*

Fair Trading Amendment (Unfair Contract Terms) Act 2010 — 1 July 2010 *(Gazette No. G25, 24 June 2010).*

Health and Human Services Legislation Amendment Act 2010 — Part 1, sections 11 and 16 and Part 6 — 23 June 2010; remaining provisions — 1 July 2010 *(Gazette No. S235, 23 June 2010).*

Justice Legislation Amendment Act 2010 — Section 5, Part 3, Part 5, remaining provisions of Part 7 (except Divisions 2 and 7 of that Part) and Part 8 — 26 June 2010; Part 6 — 1 July 2010 *(Gazette No. G25, 24 June 2010).*

Justice Legislation Amendment (Victims of Crime Assistance and other Matters) Act 2010 — Remaining provisions (except Divisions 1 and 2 of Part 2) — 1 July 2010 *(Gazette No. G26, 1 July 2010).*

La Trobe University Act 2009 — 1 July 2010 *(Gazette No. G25, 24 June 2010).*

Monash University Act 2009 — 1 July 2010 *(Gazette No. G25, 24 June 2010).*

Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009 — Remaining provisions of Parts 2 and 3 and sections 42(1) and 42(4) — 29 June 2010 *(Gazette No. G25, 24 June 2010)*; remaining provisions of Part 4 — 1 July 2010 *(Gazette No. G26, 1 July 2010).*

Parks and Crown Land Legislation (Mount Buffalo) Act 2010 — except sections 9 to 13 and 16 to 18 — 8 July 2010 *(Gazette No. G27, 8 July 2010).*

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010 — Remaining provisions — 1 July 2010 *(Gazette No. S242, 25 June 2010).*

Radiation Amendment Act 2010 — 13 July 2010 *(Gazette No. G27, 8 July 2010).*

Royal Melbourne Institute of Technology Act 2010 — 1 September 2010 *(Gazette No. G25, 24 June 2010).*

Superannuation Legislation Amendment Act 2010 — 1 July 2010 *(Gazette No. G26, 1 July 2010).*

Transport Integration Act 2010 — 1 July 2010 *(Gazette No. S256, 30 June 2010).*

University of Ballarat Act 2010 — 1 July 2010 *(Gazette No. G25, 24 June 2010).*

University of Melbourne Act 2009 — 1 July 2010 *(Gazette No. G25, 24 June 2010).*

Victoria University Act 2010 — 1 September 2010 *(Gazette No. G25, 24 June 2010).*

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, 28 July 2010:

(1) the notice of motion given this day by Mr D. Davis relating to the production of certain police roster documents;

(2) the notice of motion given this day by Mr Hall relating to the production of certain water documents;

(3) notice of motion no. 88 standing in the name of Mr Barber relating to the production of certain documents relating to the Bay of Islands Coastal Park;

(4) the notice of motion given this day by Mr Barber demanding the government comply with the Council's order for the production of various Yarra Park documents;

(5) order of the day no. 6, resumption of debate on the motion moved by Mr Dalla-Riva relating to Office of Police Integrity documents;

(6) order of the day no. 15, resumption of debate on the motion moved by Mr Barber relating to the referral of planning scheme amendment VC67 to a select committee; —

that is, to see whether that is necessary —

(7) notice of motion no. 77 standing in the name of Ms Pennicuik relating to a civilian-managed body to investigate police shootings and complaints against police;

(8) notice of motion no. 84 standing in the name of Mr Kavanagh relating to a reference to the Family and Community Development Committee;

(9) the notice of motion given this day by Mr Dalla-Riva relating to violence on public transport; and

(10) the notice of motion given this day by Ms Pennicuik relating to Peninsula Link.

Motion agreed to.

MEMBERS STATEMENTS

Jersey Boys

Ms LOVELL (Northern Victoria) — Last Sunday evening I had the privilege of attending the final Melbourne performance of the brilliant musical theatre production *Jersey Boys*. Since opening in July last year the cast of *Jersey Boys* has performed over 450 shows

to audiences totalling in excess of 600 000 people, and the show has attracted more than 130 000 tourists to Melbourne. It was the fifth time I had seen the Melbourne production, and I would like to pay tribute to the entire cast and crew on the quality of the show they performed night after night. In particular I would like to mention Bobby Fox, Stephen Mahy, Scott Johnson and Glaston Toft, who performed the lead roles of Frankie Valli, Bob Gaudio, Tommy DeVito and Nick Massi, the original Four Seasons, whose story and music *Jersey Boys* is based on.

I also pay tribute to the Kennett government for its vision which established Melbourne as the events and cultural capital of Australia and to the Marriner family which had the vision to restore some of our most beautiful theatres. The visions of the Kennett government and the Marriner family have combined to ensure that Victorians can enjoy world-class performances of the latest and best musical and theatrical productions, and Victoria's economy continues to benefit.

I also acknowledge the role the Victorian college of the arts plays in training the many talented performers who make up the casts of these productions. I note that only the Liberal Party is committed to funding the Victorian college of the arts to ensure that its work can continue. I congratulate everyone involved in the production of *Jersey Boys*.

National Tree Day

Mr TEE (Eastern Metropolitan) — I rise today to encourage Victorians to support Australia's largest community tree planting event this Sunday, 1 August — Planet Ark's National Tree Day. Local communities are encouraged to improve their local environment by planting trees and delivering a greener future. In particular I congratulate the students at the Kalinda Primary School. This week they will be working hard to improve their local environment and learning about the importance of planting trees to help offset carbon emissions.

National Tree Day involves more than 300 000 volunteers across Australia. I congratulate Planet Ark on coordinating this broad volunteer event. It is a great opportunity for the community and for family and friends to enjoy each other's company in the great outdoors.

Sai Baba

Mr TEE — On another matter, on Sunday evening I had the privilege of attending a celebration of the life of Sai Baba at the Sai Baba temple in Camberwell. Sai Baba was a mentor and leader who taught the importance of compassion and love. It was a great service and a good example of the vibrant nature of our multicultural system. I thank all those who welcomed me to their celebration.

Geelong: lone pine preservation

Mr KOCH (Western Victoria) — In 1994, in recognition of the sacrifice made by soldiers during World War I and World War II, the Geelong Legacy Club planted a lone pine seedling at the Geelong golf club. The golf club has been closed for a number of years. The tree, though, is healthy and stands 5 metres tall. It is sacred to Geelong Legacy, the families of the fallen and the broader community. There are plans to redevelop the site into a series of retail outlets, including a Woolworths hardware store. This would result in the destruction of the tree. Legacy, Geelong RSL and community members are all opposed to the tree's desecration. Geelong RSL president Rodney Meeke has emphasised his desire to save the lone pine.

In an attempt to bypass the stringent planning procedures of the City of Greater Geelong the developers of the site have taken their proposal directly to the Minister for Planning. It is a tragedy that the fate of this important monument is now in the hands of Justin Madden.

Geelong Legacy is writing to the planning minister requesting the preservation of the tree. It is also in the process of organising a petition. The president of Legacy Australia, John Pepperdine, has backed the local campaign. I support Legacy's push to have this important and sacred site retained as a tribute to our fallen soldiers. Essentially it must be preserved at this site in perpetuity.

Merri and Edgars Creeks Parkland Group

Ms HARTLAND (Western Metropolitan) — I heartily congratulate and acknowledge the fantastic work of the Merri and Edgars Creeks Parkland Group. It is due to its hard and tireless efforts that Justin Madden, the Minister for Planning, has seen the light and given the park back to the public.

Hon. J. M. Madden — Come on board! It was a good decision.

Ms HARTLAND — I know. I am happy to give congratulations where they are due.

I have been attending community meetings and events in relation to saving Merri Creek and Edgars Creek

parkland since 2006. I am glad to see the government has finally acted responsibly in the face of urban density challenges and has supported the community of Moreland and surrounding areas in this way.

However, as I said in March this year, I am astonished that the government, which can take away council planning rights within the blink of an eye, has taken four years to solve this issue. It is clear how important it is to preserve open space in Melbourne's metropolitan area. Increasing population, more apartment housing and significant challenges to Melbourne's livability from overcrowding, traffic congestion and a lack of public transport should have made this issue a no-brainer.

Let us hope such lengthy struggles for public green spaces will become a thing of the past. In the meantime every single time I use these wonderful parklands I will be thanking those who fought so hard to save them.

Vision Broadmeadows 2032

Ms MIKAKOS (Northern Metropolitan) — On 22 July I had the pleasure of officially opening the Vision Broadmeadows 2032 exhibition, which was part of the 2010 State of Design festival. The exhibition presented a wide range of sustainable design projects from students at various Victorian universities in the fields of architecture, landscape design, industrial design, communication design and service design. It aimed to demonstrate how Melbourne can begin to tackle the challenges of climate change and zero carbon emissions whilst creating strong opportunities for economic growth and a vibrant local culture in Broadmeadows, one of Melbourne's central activities districts.

The Brumby government has committed $80.3 million to major improvements in key areas like transport, jobs and infrastructure for Broadmeadows. I congratulate the Victorian Eco-Innovation Lab, which worked together with the Hume City Council to organise this important exhibition, focusing on almost 60 sustainable design projects all sited in Broadmeadows.

Climate change: green plumbing initiative

Ms MIKAKOS — On another matter, I would like to congratulate the Brumby Labor government on its recent funding commitment of $2 million over three years to develop Victoria's green plumbing skills and help tackle climate change. The focus the plumbing industry now has on energy and water savings is one of the most important developments in the building and construction industry.

PlumbSmarter is a fantastic collaboration between the Victorian government and industry that offers Victorian plumbers the opportunity to have their say about ways we can best save water and energy. The first round of funding provides $600 000 to expand the PlumbSmarter initiative and will include incentives for plumbers to recommend and install sustainable plumbing fixtures. An additional $280 000 will support the expansion of the fire sprinklers water efficiency program — —

The ACTING PRESIDENT (**Mr Vogels**) — Time!

Lady Forster Kindergarten: future

Mrs COOTE (Southern Metropolitan) — Once again the Brumby government has failed to consult with the community. The Lady Forster Kindergarten is a much-loved institution in Port Melbourne that has successfully eased children into the education system via a first-rate kindergarten program. With a blatant disregard of the community, the Brumby government together with the federal government has decided to impose a children's hub on this site. The parents were not given adequate opportunity to consult, discuss or raise their concerns before a deal was done to strip them of their ownership of the kindergarten land. It was all done within two days by the Minister for Environment and Climate Change, Gavin Jennings.

The parents of the children concerned are incensed and have written to and contacted the offices of the federal member of Parliament, Michael Danby, and the state member, Martin Foley, the member for Albert Park, in the Assembly. To give him his due, Martin Foley has at least responded to the 300 parents who contacted him with a form letter, but his office has not responded to the parents who are seeking a meeting with him. Michael Danby has ignored all requests for a meeting, proving the point that he does not care.

The parents of children currently at the Lady Forster Kindergarten have now been told the kindergarten is to be bulldozed and all the children are to be evacuated in October in the middle of term 4. However, they have not been told where they are to be moved to, and parents whose children are enrolled for 2011 have not been told where the temporary location will be. This is untenable and unacceptable, and the local members should show some leadership on this issue.

A hallmark of this Brumby government is its lack of consultation. By cynically ignoring the concerns of the current parents and committee of the Lady Forster Kindergarten in Port Melbourne, it has proven yet again

it is taking the community for granted. This time it is at the expense of small children.

Colac: biogas plant

Ms TIERNEY (Western Victoria) — On 30 June I had the great pleasure of representing the Minister for Regional and Rural Development to announce $1.5 million in Regional Infrastructure Development Fund funding for the Colac biogas plant project. The project is a first for western Victoria, and it will provide a local solution to a local problem of how to dispose of organic waste such as milk solids and meat scraps from major food-processing plants in the area. The $6 million project involves the installation of a biogas plant, a co-generation system and the processing of up to 25 000 tonnes of organic waste a year, transforming it to methane-rich gas that will be used to produce electricity as well as heat as a by-product.

I take this opportunity to congratulate the Camperdown Compost Company and the Colac Power Company, which are local businesses, as well as Diamond Energy for getting this project off the ground. I also wish to acknowledge the hard work of Regional Development Victoria staff in a project that assists industry, the environment and local jobs.

Colac: men's shed

Ms TIERNEY — I was also in Colac to represent the Minister for Mental Health in officially opening the Colac men's shed and announcing $50 000 in relation to that shed. I would like to congratulate Mr Paul Durr and the Colac men's shed team for the wonderful work they do in the community. I also congratulate Ron Mitchell for the tremendous job he does as the Victorian men's shed cluster group coordinator for western Victoria. Men's sheds provide great benefits for men's health and wellbeing and continue to increase in their popularity.

Bushfires: rebuilding

Mrs PETROVICH (Northern Victoria) — I would like to raise the issue of the accurate reporting of the recovery processes, in particular the reconstruction of dwellings in the areas affected by the Black Saturday bushfires.

In its published figures VBRRA (Victorian Bushfire Reconstruction and Recovery Authority) appears to be deliberately enhancing the rebuilding statistics, including all permits — those for the sheds and garages, not just dwellings — within each shire. This is despite those figures specifically relating to the rebuilding of dwellings destroyed or damaged in the bushfires being readily available from the relevant shire councils.

One can only assume that VBRRA is reluctant to provide an accurate picture of the rebuilding progress when this is easily possible. Is this because the picture is not very flattering to VBRRA? For example, VBRRA states in its 15 month report published in May 2010 that 1023 rebuilding permits have been issued for the Murrindindi shire. However, figures provided to me by the Murrindindi Shire Council reveal that as of June 2010 there had been 367 building permits issued for dwellings, indicating that only 26 per cent of dwellings destroyed have been approved for rebuild.

VBRRA claims that 155 rebuilding permits have been issued for Mitchell shire. However, figures provided by the Mitchell Shire Council reveal that 41 building permits have been issued for the construction of new dwellings. Occupancy permits have been issued for only 9 of these.

While I understand that the rebuilding process is complicated and arduous and that many fire survivors are not ready to rebuild for a variety of reasons, unless we are given an accurate picture of how the rebuilding process is progressing — —

The ACTING PRESIDENT (**Mr Elasmar**) — Order! The member's time has expired.

Fitzroy Stars Football Club: NAIDOC cup

Mr MURPHY (Northern Metropolitan) — On Saturday, 10 July, I attended the Fitzroy Stars Football Club's annual NAIDOC game at Victoria Park in conjunction with the Thomastown Football Club. Fitzroy Stars hosted an event, well attended by community leaders and the general public, that celebrated the culture and history of Aboriginal Australia. The event brought together Victorian indigenous community leaders and representatives from Parliament, Victoria Police, indigenous health organisations and media organisations. Whilst Melbourne turned on a typically cold and windy winter's day, the warmth from all standing in the outer helped fire up the team to secure a great win and the NAIDOC cup for 2010. Fitzroy Stars did a great job in promoting awareness and support for indigenous Victorians, playing an important role in breaking down barriers between black and white Australia.

I note that the mission of the Fitzroy Stars Football Club is not just about football. The club's mission is to nurture a culture that promotes a healthy lifestyle; to

promote fitness, nutrition, diet and self-esteem; offer pathways to employment and education; and foster reconciliation by building strong bridges between Aboriginal and non-Aboriginal communities. On Saturday, 10 July, it continued to build on this mission, and I commend it for its efforts.

I wish the team every success for the remainder of the season and look forward to attending the last home game of the season on Saturday, 7 August, when the club will be hosting a White Ribbon Day event.

Motor vehicles: carbon tax

Mr VOGELS (Western Victoria) — I rise to express the concerns of residents — particularly elderly residents and pensioners — about the Brumby government's new scheme to slug motorists with an $80 carbon tax on top of car registration costs. This government claims it will legislate to reduce greenhouse emissions by 20 per cent. Vehicle emissions amount to about 16 per cent of Victoria's total greenhouse gas emissions, so clearly this government needs to force a massive drop in vehicle emissions to achieve its goals.

The Premier claims his new $80 car registration carbon tax will be voluntary, but this Labor government has form on raising car registration costs. In the 2004–05 budget this Labor government cut the car registration concession for pensioners, which cost them an extra $80 at the time. Due to indexing, pensioners are now an extra $93.70 out of pocket. If Labor wants to achieve its 20 per cent vehicle emission reductions, it will be forced to make John Brumby's $80 car registration tax compulsory — no doubt it will wait until after the election to announce that, if it wins — and this will disadvantage rural Victorians and aged pensioners the most.

We also remember that this Labor government capped the multipurpose taxi program in the 2004–05 budget, which meant older residents were trapped in their homes. All these tax measures have an extra impact on country Victorians because there is little, if any, public transport available. Their cars are their only mode of transport to get to the doctors, to do shopping et cetera.

This Labor government cannot keep its hands out of the pockets of ordinary hardworking Victorians to balance its budget shortfalls. On this occasion it will be country motorists who will be hit the hardest.

Glen Park Community Centre: redevelopment

Mr LEANE (Eastern Metropolitan) — A couple of weeks ago I was delighted to represent the Minister for Community Services, Lisa Neville, at the opening of the newly renovated Glen Park Community Centre in Bayswater North. A sum of $450 000 was delivered to this project through Scope, which in partnership with the community centre renovated the centre so that it is more disability compliant. The renovation included installing automatic doors, widening corridors and creating thoroughfare access between all rooms and programs, and of course building much better, disability-compliant toilets.

I congratulate Robyn Murray, the outgoing manager, and her team on turning the community centre into the wonderful community asset it now is.

Croydon Rangers Gridiron Club

Mr LEANE — On another matter, I was also pleased to represent the Minister for Sport, Recreation and Youth Affairs, James Merlino, at the 3 July gridiron match in Croydon between the Croydon Rangers and the Monash University Warriors. The Croydon Rangers, the team I was barracking for, beat the Monash Warriors for the first time in five years.

I commend Tony O'Sullivan, the president of the Croydon Rangers, on supporting an inclusive game which is a bit different to other games in that gridiron can be played by very big men who may not be able to play other sports. It provides a role for them. It is a fantastic game.

Mr Hall — Did you have a run yourself? Did you get on the field?

Mr LEANE — I felt like having a run. I enjoyed the game, and I look forward to attending another match soon.

Kerang: men's shed and community garden

Ms DARVENIZA (Northern Victoria) — Last Thursday I was pleased to visit Kerang to officially open the Kerang's men's shed and the community garden. Both these projects support the health and wellbeing of individuals in the Kerang community. The Kerang's men shed and community garden projects are part of the government's $1.35 billion vision to tackle social disadvantage, A Fairer Victoria, because we understand that when people are included in the community they are happier, healthier and more productive.

There are 35 men currently involved in the Kerang men's shed, working on projects that benefit the community while keeping themselves in good shape both physically and mentally. The men's shed projects

include creating handcrafted toys for local kindergarten children and creating breast cancer awareness pink ladies.

The community garden provides even more opportunities for community members to come together, grow their own produce and share recipes and cooking tips. The garden is environmentally and economically sustainable because the produce is sold to fund the purchase of more seedlings and equipment. Both projects provide opportunities for people of all ages, abilities and interests to come together and connect with each other in ways that are healthy and sustainable.

The Brumby Labor government funding included a Victorian community support grant of just under $31 000 for the establishment of the community garden as well as $25 625 for the men's shed and another $1000 through the Victorian volunteer small grants program to support 35 volunteers at the shed.

HEALTH SERVICES: PRODUCTION OF DOCUMENTS

The Clerk — I lay on the table 231 documents received in accordance with the resolution of the Council of 9 December 2009 relating to health services integrated performance reports.

Mr KOCH (Western Victoria) — On behalf of my colleague Mr David Davis, by leave, I move:

> That the list of 231 documents being produced to the Council relating to health services integrated performance reports be incorporated into *Hansard*.

Motion agreed to.

Department of Health

Order: HEALTH SERVICES INTEGRATED PERFORMANCE REPORTS

DATE	DOCUMENT DESCRIPTION
Sep 2008	Alfred Health Integrated Performance Report
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YARRA PARK: PRODUCTION OF DOCUMENTS

The Clerk — I lay on the table 22 documents received in accordance with the resolution of the Council of 25 November 2009 relating to Yarra Park.

I have also received the following letter dated 27 July from the Attorney-General:

> ORDER FOR THE PRODUCTION OF DOCUMENTS — YARRA PARK
>
> I refer to the Legislative Council's order of 25 November 2009 seeking the production of:
>
> > a copy of all documents relating to proposals to transfer control of Yarra Park to the Melbourne Cricket Ground Trust or the Melbourne Cricket Club.
>
> I refer also to my letter to you dated 28 October 2008, in which I noted the limits on the Legislative Council's power to call for documents. These limits centre on the protection of the public interest. In my letter I set out factors which the executive government would consider when assessing whether the release of documents would be prejudicial to the public interest.
>
> The government has determined that responding to the Council's order in full would require the assessment of a very large number of documents and substantially divert relevant departments' time and resources. Having regard to *Hansard* for 25 November 2009, the government has therefore identified the key relevant documents sought by the orders.
>
> The executive government has now assessed these documents against the factors listed in my letter of 28 October 2008. The executive government, on behalf of the Crown, makes a claim of executive privilege in relation to the documents described, and on the grounds set out in the attached schedule.
>
> The remaining documents sought by the Council's resolution have been produced by the government today. Some of the documents contained the names and contact details of individuals. In the interests of personal privacy, and in accordance with normal practice, these details have been excluded.

Ms PENNICUIK (Southern Metropolitan) — On behalf of my colleague Mr Barber, by leave, I move:

> That the list of 22 documents being produced to the Council and a list of the 55 documents upon which executive privilege is being claimed relating to Yarra Park be incorporated into *Hansard*.

Motion agreed to.

RETURN TO ORDER:

Legislative Council Order dated 25 November 2009, referred to in Legislative Council, *Minutes of the Proceedings No. 146* — Wednesday, 25 November 2009, item 5: Production of documents — Yarra Parks

No	Description
1.	Facsimile from John Cain to the Minister for Planning, re Yarra Park (22 September 2004)
2.	Letter from the Minister for Planning to John Cain, re Yarra Park (22 October 2004)
3.	Letter from John Cain to DPC Secretary (31 January 2005) (attachments not within scope of order)
4.	Letter from Premier to Executive Officer of the MCG Trust, re Yarra Park Car Parking (9 March 2005)
5.	Memo from John Cain to DPC Secretary, re MCG/Yarra Park Car Parking (6 June 2005)
6.	Memo from John Cain to DPC Secretary, re MCG/Yarra Park Car Parking (4 July 2005)
7.	Letter from MCC CEO to DPC Secretary, re Yarra Park Parking Agreement (19 August 2005)

No	Description
8.	Fax from MCC to DPCD, attaching: – Letter from Melbourne and Olympics Park Trust to Manager Crown Land Management (21 September 2005) – Letter from John Cain to the Minister for Planning, re Yarra Park (22 September 2004) – Letter from MCC CEO to DPC Secretary, re Yarra Park Parking Agreement (19 August 2005) – Letter from MCC CEO to Minister for Planning (5 July 2007)
9.	Email from MCC to DPCD in response to information provided by DPCD to MCC regarding Federal Government funding for stormwater recycling projects (31 March 2009)
10.	Email from DPCD to MCC re City of Melbourne's income and expenditure for management of Yarra Park, attaching documents re same (6 April 2009)
11.	Yarra Park Improvement Plan Implementation Strategy workshop agenda and questions, prepared by external contractor (undated)
12.	Final fact sheet relating to the AFL agreement and Yarra Park improvements prepared by an external contractor (undated)
13.	Internal MCC email, cc'd to DPCD, regarding information provided by the MCC to the Yarra Park Association (4 September 2009)
14.	Email from external contractor to DPCD outlining proposed dates and invitees for stakeholder engagement sessions (17 September 2009)
15.	Email from MCC to DPCD outlining proposed dates for stakeholder engagement sessions (25 September 2009)
16.	Report: Yarra Park Improvement Plan – Stakeholder Engagement Background Paper (October 2009)
17.	Email from DPCD to the MCC's lawyers (8 October 2009)
18.	Email from DPCD to the MCC regarding a Government media release (12 November 2009)
19.	Email from DPCD to the MCC regarding the establishment of project meetings for the Yarra Park project (16 November 2009)
20.	Email from the MCC to DPCD regarding a potential question from the Yarra Park Association on the proposed legislation.
21.	Email chain from MCC to DPCD, 'FW: Email resent' (19 November 2009)
22.	Document produced by an external contractor on behalf of the MCC in relation to the minutes of a stakeholder engagement workshop session (23 November 2009)

#	DOCUMENT	BASIS FOR THE CLAIM OF EXECUTIVE PRIVILEGE
1.	Report by Formium Pty Ltd Landscape Architects (May 2008)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.

#	DOCUMENT	BASIS FOR THE CLAIM OF EXECUTIVE PRIVILEGE
2.	Report prepared by MCC (May 2008)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
3.	Draft report prepared by the MCC and (undated)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
4.	Draft report prepared by the MCC (undated)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
5.	Draft report prepared by the MCC (undated)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
6.	Email from MCC to DPCD (30 May 2008)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
7.	Email from MCC to DPCD (11 September 2008)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
8.	Email chain between MCC and DPCD (17 October 2008)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
9.	Email from MCC to DPCD (23 April 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
10.	Report prepared by MCC (May 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.

#	DOCUMENT	BASIS FOR THE CLAIM OF EXECUTIVE PRIVILEGE
11.	Letter from MCGT to Treasurer (19 June 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
12.	Email from external contractor to MCGT, (7 August 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
13.	Email from MCC to DPCD (14 August 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
14.	Further draft communications strategy (17 August 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
15.	Draft Question and Answer document (18 August 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
16.	Email from MCC to DPCD (20 August 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
17.	Email from DPCD to MCC (21 August 2009)	Release of the document would reveal: – high-level confidential deliberative processes of the Executive Government.
18.	Email chain (24 August 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
19.	Email from MCC to DPCD (28 August 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
20.	Email from MCC to DPCD (28 August 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
21.	Question and answer document (1 September 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
22.	Email from external contractor to DPCD (1 September 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
23.	Agreement between the AFL, MCGT, MCC and the State Government (3 September 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
24.	Variation Agreement No. 3 between the MCC and the AFL (3 September 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
25.	Letter from Treasurer to MCGT	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
26.	Workshop agenda and questions (undated)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
27.	Draft report produced by external contractor (September 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
28.	Draft Master plan (undated)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
29.	Summary of Implementation Strategy (September 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
30.	Draft overview/summary of proposed Bill (undated)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government

#	DOCUMENT	BASIS FOR THE CLAIM OF EXECUTIVE PRIVILEGE
31.	Proposed additions to draft Bill (undated)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
32.	Draft document regarding proposed Bill (undated)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
33.	Draft document regarding proposed Bill (undated)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
34.	Email from DPCD (1 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
35.	Email from DPCD to MCC (1 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
36.	Email from DPCD to MCGT and MCC, (2 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
37.	Draft Bill (2 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
38.	Email from DPCD to MCC (5 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
39.	Email from DPCD to the MCC (5 October 2009)	Release of this document would reveal: – information obtained by the Executive Government on the basis that it would be kept confidential.
40.	Email from DPCD to MCC (6 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
41.	Copy draft Bill (7 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
42.	Email from DPCD to the MCC (13 October 2009)	Release of this document would reveal: – confidential legal advice to the Executive Government – information obtained by the Executive Government on the basis that it would be kept confidential.
43.	Email chain between DPCD and MCC (13 October 2009)	Release of this document would reveal: – confidential legal advice to the Executive Government – information obtained by the Executive Government on the basis that it would be kept confidential.
44.	Email from the MCC to DPCD (13 October 2009)	Release of this document would reveal: – information obtained by the Executive Government on the basis that it would be kept confidential
45.	Email from DPCD to the MCC (19 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
46.	Emails from DPCD to MCC (21 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
47.	Draft Bill (21 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
48.	Memorandum to MCC (23 October 2009)	Release of the document would reveal: – information that was provided to Executive Government on the basis that it would be kept confidential.
49.	Email from DPCD to MCGT and MCC (23 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
50.	Draft Bill (23 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
51.	Emails from DPCD to MCGT and MCC (26 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government

#	DOCUMENT	BASIS FOR THE CLAIM OF EXECUTIVE PRIVILEGE
52.	Email from DPCD to MCGT and MCC (27 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
53.	Copy Draft Bill (27 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
54.	Emails from DPCD to MCC (27 October 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government
55.	Email from DPCD to MCC (5 November 2009)	Release of this document would reveal: – high-level confidential deliberative processes of the Executive Government

GOVERNMENT ADVERTISING: PRODUCTION OF DOCUMENTS

The Clerk — I lay on the table 172 documents received in accordance with the resolution of the Council of 14 October 2009 relating to the Working Victoria and Shine advertising campaigns.

I have also received the following letter dated 27 July from the Attorney-General:

> ORDER FOR THE PRODUCTION OF DOCUMENTS — SHINE AND WORKING VICTORIA ADVERTISING CAMPAIGNS
>
> I refer to the Legislative Council's order of 14 October 2009 seeking the production of:
>
> > all documents relating to the Working Victoria and Shine advertising campaigns including but not limited to costings, invoices, quotations, research, including public opinion and focus group research reports, reports defining objectives, breakdowns of media type and metropolitan and regional weighting and spend and briefings prepared for the Premier and/or ministers held by the departments of Education and Early Childhood Development, Innovation, Industry and Regional Development and Premier and Cabinet.
>
> I refer also to my letter to you of 28 October 2008 noting the limits on the Council's power to order the production of documents. These limits centre on the protection of the public interest. In my letter I set out factors which the executive government would consider when assessing whether the release of documents would be prejudicial to the public interest.
>
> The government estimated that responding to all aspects of the Council's order would require the assessment of a very large number of documents and substantially divert relevant departments' time and resources. In particular, the use of the phrase 'all documents' in the resolution means that responding to the resolution in full would require the assessment of many thousands of documents from across government. In an effort to provide the Council with a prompt response, the government has produced to the Council those documents most relevant to the Council's resolution.
>
> The executive government has now assessed these documents against the factors listed in my letter of 28 October 2008. The executive government, on behalf of the Crown, makes the claim of executive privilege in relation to the documents described, and on the grounds set out in the attached schedule.
>
> The remaining documents sought by the Council's resolution have been produced by the government today.

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

> That the list of 172 documents being produced to the Council and the list of 35 documents upon which executive privilege is being claimed relating to the Shine and Working Victoria advertising campaigns be incorporated into *Hansard*.

Motion agreed to.

#	DOCUMENT	DESCRIPTION
1.	Tax Invoice (#1003327) — Quantum 'Research' dated 9 October 2009;	Tax Invoice.
2.	Advertising Brief by Shannon's Way to DPC 'Working Victoria Flash Ad' dated 1 October 2009;	Advertising Brief.
3.	Tax lnvoice (#124529) — Mitchell and Partners Pty Ltd 'TV program placement' dated 30 September 2009;	Tax Invoice.
4.	Tax lnvoice — Shannon's Way 'Working Victoria online Ads — Agency fees for the development of 1 animated online flash ad (300x250)' dated 1 October 2009;	Tax Invoice.
5.	Tax lnvoice (#122287) — Mitchell and Partners Pty Ltd 'TV program placement' dated 31 August 2009;	Tax Invoice.
6.	Schedule — Advertising Summary by Mitchell & Partners Pty Ltd 'Working Victoria' dated 14 September 2009;	Schedule.
7.	Presentation by Emitch 'Online Campaign Analysis' dated 1 September 2009;	Presentation.
8.	Tax Invoice (#04057) — Shannon's Way 'Photography during shoot' dated 1 September 2009;	Tax Invoice.
9.	Tax lnvoice (#04056) — Shannon's Way 'Signs — TV production' dated 1 September 2009;	Tax Invoice.

#	DOCUMENT	DESCRIPTION
10.	Tax lnvoice (#122288) — Mitchell and Partners Pty Ltd 'online program placement' dated 31 August 2009;	Tax Invoice.
11.	Presentation by Mitchell & Partners Pty Ltd 'Dept of Premier & Cabinet — Working Victoria — Revised Buy Document' dated 19 August 2009;	Presentation.
12.	Client Booking Report — DPC advertising dated 17 August 2009;	Client Booking Report.
13.	Tax Invoice (#14262) — Open Mind Research Group 'Round 2: Creative Concept Evaluation for the 'Working Victoria Campaign' dated 14 August 2009;	Tax Invoice.
14.	Procurement Process Report 'Working Victoria' (includes entry form 'Contracts Publishing System) dated 6 August 2009;	Procurement Process Report.
15.	Tax invoice (#04037) — Shannon's Way 'Website Design' dated 1 August 2009;	Tax Invoice.
16.	Tax lnvoice (#03964) — Shannon's Way 'Signs — TV production' dated 1 August 2009;	Tax Invoice.
17.	Tax lnvoice (#03962) — Shannon's Way 'Strategy and Creative Development: Jobs & Infrastructure campaign' dated 31 July 2009;	Tax Invoice.
18.	Tax Invoice (#03923) — Shannon's Way 'Logo development and supply' dated 31 July 2009;	Tax Invoice.
19.	Tax Invoice (#14254) — Open Minds Research Group 'Round 2: Creative Concept Evaluation for Working Victoria Campaign' dated 29 July 2009;	Tax Invoice.
20.	Letter from Open Mind Research Group to Strategic Communications Branch re Round 2 Creative Concept Evaluation for the 'Working Victoria' Campaign dated 27 July 2009;	Letter.
21.	Presentation by Shannon's Way 'Department of Premier and Cabinet — Working Victoria — 'Signs' — 2 x 60 seconds, 2 x 30 second cutdown — Television Pre-Production Meeting at Shannon's Way dated 24 July 2009;	Presentation.
22.	Campaign Media Advertising Brief by Master Agency Media Services (MAMS)/Mitchell and Partners Pty Ltd dated 22 July 2009;	Advertising Brief.
23.	Tax Invoice (#1003240) — Quantum 'DPC Infrastructure Investment Benchmark' dated 21 July 2009;	Tax Invoice.
24.	Tax lnvoice (#03866) — Shannon's Way 'Signs — TV Production' dated 20 July 2009;	Tax Invoice.
25.	Project Agreement between Strategic Communications Branch and Shannon's Way dated 20 July 2009;	Project Agreement.
26.	Tax Invoices (#4393, #4392, #4391, #4408, #4462, #4412, #4410 and #4409) — Shannon's Way dated July 2009;	Tax Invoice.
27.	Questionnaire by DPC Infrastructure — Final — Wednesday, 22 July — Telephone, dated July 2009;	Questionnaire.
28.	Tax Invoice (#14228) — Open Mind Research Group 'Study undertaken on jobs and Infrastructure Communications Campaign plus expenses incurred travelling to Traralgon' dated 24 June 2009.	Tax Invoice.
29.	Procurement Process Report — Request for Approval (Purchase Off a Pre-Existing Arrangement) — DPC — prepared by Working Victoria dated 11 June 2009; This document attaches: – 'Conflict of Interest Form Public Servants' various; – 'Anticipated fee form-based on initial briefing and Shannon's Way proposed three phase approach'; and – 'Creative Agency Evaluation'.	Procurement Process Report Forms Form Document
30.	Tax Invoice (#14204) — Open Mind Research Group 'Study to be undertaken on Jobs and Infrastructure Communications Campaign' dated 10 June 2009;	Tax Invoice.
31.	Letter from Open Mind Research Group to the Strategic Communications Branch re Creative Concept Evaluation for the 'Jobs and Infrastructure Communications Campaign' dated June 2009;	Letter.

#	DOCUMENT	DESCRIPTION
32.	Report from Quantum to the Strategic Communications Branch re Jobs & Infrastructure Communications Campaign dated 20 May 2009;	Report.
33.	Report from Open Mind Research Group to the strategic communications Branch re Creative Concept Evaluation for the 'Jobs and Infrastructure Communications Campaign' dated 15 May 2009;	Report.
34.	Media Article "Surprise Jobs Boost" by Chris Zappone dated 7 May 2009;	Article.
35.	Project Brief — Market Services Panel 'Jobs and lnfrastructure Advertising Brief' dated 30 April 2009;	Project Brief.
36.	Advertising Brief — Jobs & lnfrastructure — April 2009 dated 1 April 2009;	Advertising Brief.
37.	Report by lpsos McKay 'Consumer Sentiment about the Economy' undated;	Report.
38.	Project order by DPC Market Research panel 'Jobs and lnfrastructure Campaign Concept Testing' undated;	Project order.
39.	Project order by DPC Market Research panel 'Jobs and lnfrastructure Campaign Benchmark and Launch Evaluation Surveys' undated;	Report.
40.	Table of Television Performance Estimates by Mitchell and Partners Pty Ltd undated;	Table.
41.	D:U50 Application 'Working Victoria — Connecting business to opportunities Regional Small Business event series' dated 4 August 2009;	Application.
42.	Tax Invoices — Internal Purchase Order forms from DllRD to Mitchell/MAMS attaching signed Tax Invoices re 'Business Tips for Today — Warrnambool/Hamilton Roadshow' and 'Connecting Small Business Opportunities' dated 17 August 2009;	Tax Invoice.
43.	Brief from DllRD to the Minister for Regional and Rural Development re Regional Small Business Roadshows — Evaluation dated 17 December 2009;	Ministerial Brief.
44.	Advertisement hardcopy examples (document includes date of 16 September 2009 but document itself is undated);	Advertisements.
45.	Campaign Brief 'Building Confidence in Government Schools — Regional Victoria' dated 12 September 2009 (date Brief sent to Consultants);	Campaign Brief.
46.	Advertising Proposals by seven companies — RU Advertising; Alchemy; Creative Outlet; adz@work; Clemenger BBDO/Porter Novelli Melbourne; Grey Worldwide and Shannon's Way 'Building Confidence in Government Schools — Regional Victoria' dated September 2009;	Advertising Proposals.
47.	Submission — item for decision noting 'Building Confidence in Government Schools Information Campaign (Regional Victoria) — Stage One' dated 1 October 2008 (date signed);	Submission.
48.	Briefing (#OSR000330) from the Communications Division to the Deputy Secretary, Office of Planning, Strategy and Coordination (OPSC) 'Building Confidence in Government Schools Regional Campaign' dated 10 October 2008 (date signed by Deputy Secretary);	Briefing.
49.	Requisition Order Form by Creative Outlet 'development and production of regional advertising campaign' dated 10 October 2008;	Requisition Order Form.
50.	Tax Invoice (#00001502) — Creative Outlet 'Building Confidence in Government Schools — Regional Victoria Campaign' dated 10 October 2008;	Tax Invoice.
51.	Contract between DEECD and Creative Outlet 'Building Confidence in Government Schools Regional Victoria' dated 13 October 2008 (contract start date — schedule 3);	Contract.
52.	Memorandum from Acting Deputy Secretary, OPSC to Accredited Purchasing Unit (APU) 'Building Confidence in Governments Schools Regional Information Campaign' dated 15 October 2008 (date signed);	Memorandum.
53.	Report prepared by Colmar Brunton Social Research for DEECD 'Building Confidence in Government Schools Regional Campaign' dated 20 October 2008;	Report.
54.	Spreadsheet 'RISD Corn Request Rural Inv since 1999 to 08-09.xls;	Spreadsheet.

#	DOCUMENT	DESCRIPTION
55.	Requisition Order Form from DEECD to Colmar Brunton Social Research 'quantitative tracking research for Building Confidence in Government Schools Campaign' dated 21 October 2008;	Requisition Order Form.
56.	Project Commissioning Document — DPC Market Research Panel 'Every Child Every Opportunity to 'Shine' Regional lnformation Campaign' dated 30 April 2009.	Project Commissioning Brief.
57.	Tax Invoice (#B33716) — Bang! Bang! Studios 'Music Licensing 'Shine' dated 23 October 2008;	Tax Invoice.
58.	Licence Agreement for Commercial Advertising between DEECD and Mushroom Music Pty Ltd dated 24 October 2008;	Licence Agreement/Contract.
59.	Letter from Marketing and Communications Planning to Free TV Australia 'Every Child, Every Opportunity to 'Shine' TVC' dated 24 October 2008;	Letter.
60.	Requisition Order Form from DEECD to Bang! Bang! Studios 'licence and rights to Shannon Noll music track 'Shine' dated 27 October 2008;	Requisition Order Form.
61.	Memorandum from APU to the Communications Division 'Contractor Engagement — Building Confidence in Government Schools Regional Informational Campaign' dated 28 October 2008 (date signed). The attachments listed 1–3 in this document are found in the pre-listed document #4 in this schedule;	Memorandum.
62.	Memorandum from the Communications Division to APU 'Building Confidence in Government Schools Regional Informational Campaign' dated 29 October 2008;	Memorandum.
63.	Schedule of Licence to Record & Synchronise 'Shine' dated 29 October 2008;	Schedule.
64.	Memorandum from the APU to the Communications Division 'Certificate of Exemption (APU): Building Confidence in Government Schools Regional Information Campaign — Music Licence' dated 31 October 2008 (date signed);	Memorandum.
65.	Selection Report 'Building Confidence Regional Campaign — Advertising Contractor' dated October 2008;	Selection Report.
66.	Communications Brief 'Building Confidence in Government Schools — Regional Victoria' dated October 2008;	Communications Brief.
67.	Table of background for campaign 'Changes in School Based Staff as at June 2008' (handwritten notes were made on document in October 2008);	Table.
68.	Confidential Draft Report by Auspoll Research Consulting — Department of Education and Early Childhood Development — 'Shine' TVC ad testing: Qualitative Research dated October 2008;	Draft Report.
69.	Feedback Form by DPC Market Research Panel dated October/November 2008;	Feedback Form.
70.	Letter from Porter Novelli Melbourne to the Communications Division 'Regional schools campaign and quote to develop a media/community relations strategy' dated 3 November 2008;	Letter/quote.
71.	Media Booking Form from Master Agency Media Services (MAMS)/Mitchell & Partners Pty Ltd to Creative Outlet dated 5 November 2008. This document attaches: – 'Regional State School Campaign Schedule' dated 9 November 2008;	Media Booking Form. Schedule.
72.	Tax Invoice (#00001507) — Creative Outlet 'Building Confidence in Government Schools — Regional Victoria Campaign' dated 6 November 2008;	Tax Invoice.
73.	Tax Invoice (#00001508) — Creative Outlet 'Building Confidence in Government Schools — Regional Victoria Campaign' dated 6 November 2008;	Tax Invoice.
74.	Contract Request Form from DEECD to Porter Novelli Melbourne 'Developing public relations/events strategy and approach for regional 'Shine' campaign' dated 10 November 2008 (commencement date);	Contract Request Form
75.	Tax lnvoice (#00070949) — Auspoll 'Two Focus Groups — 'Shine' Ad Testing Research' dated 11 November 2008;	Tax Invoice.

#	DOCUMENT	DESCRIPTION
76.	Commercial Synchronisation Agreement between Sony BMG Music Entertainment and DEECD dated 12 November 2008;	Commercial Synchronisation Agreement.
77.	Requisition Order Form from DEECD to Auspoll '2 Focus Groups to test advertising concepts for 'Shine' campaign' dated 14 November 2008;	Requisition Order Form.
78.	Media Release from the Minister of Education 'Victoria's Regional Students Set to 'Shine' on Screen' dated 15 November 2008;	Media Release.
79.	Letter from Porter Novelli Melbourne to the Communications Division re proposal and 'Country Kids 'Shine" tour dated 25 November 2008;	Letter.
80.	Tax lnvoice (#96246) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 30 November 2008;	Tax Invoice.
81.	Tax lnvoice (#96247) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 30 November 2008;	Tax Invoice.
82.	Report prepared by the Communications Division to the Auditor-General 'Alignment of 'Shine' Campaign with Auditor-General Advertising Criteria' dated November 2008. This document attaches: – 'Victorian Auditor-General's Office: Better practice, Criteria for Government-funded publicity activities, September 2006';	Report. Document.
83.	Media Proposals (including summary) by DEECD 'Regional State Schools' Promotion — regional Media Works (Southern Cross); Seven Affiliate Sales and WIN TV dated November 2008;	Media Proposals.
84.	'Regional Campaign Benchmarking Market Research Report;	Report.
85.	Tax Invoice (#71432) — Colmar Brunton Social Research 'Building Confidence in Government Schools' dated 19 December 2008;	Tax Invoice.
86.	Tax lnvoice (#97568) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 31 December 2008;	Tax Invoice.
87.	Tax lnvoice (#97569) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 31 December 2008;	Tax Invoice.
88.	Media Booking Form by MAMS/Mitchell & Partners Pty Ltd dated 13 January 2009. This document attaches: 'Regional State School Campaign Schedule' dated 25 January 2009;	Media Booking Form.
89.	Schedule of Regional State School Campaign dated 25 January 2009 (duplicate of attachment to tab number 123);	Schedule.
90.	Contract Request Form by Porter Novelli Melbourne 'implementation of public relations and events for the regional 'Shine' campaign' dated 30 January 2009 (commencement date);	Contract Request Form.
91.	Tax lnvoice (#I0161 1) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 31 January 2009;	Tax Invoice.
92.	Mitchell & Partners Pty Ltd 'Regional State Schools' dated 31 January 2009;	Tax Invoice.
93.	Tax Invoice (#B33850) — Bang! Bang! Studios 'Regional Government Schools 'Shine" dated 16 February 2009;	Tax Invoice.
94.	Memorandum from the Communications Division to the APU 'Building Confidence in Government Schools Regional Informational Campaign' dated 27 February 2009 (date signed);	Memorandum.
95.	Memorandum from the APU to the Communications Division 'Contract Variation — Purchase of Music Licence — Building Confidence in Government Schools Regional Information Campaign' dated 27 February 2009 (date signed);	Memorandum.
96.	Tax lnvoice (#103728) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 28 February 2009;	Tax Invoice.
97.	Tax lnvoice (#103729) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 28 February 2009;	Tax Invoice.
98.	Tax Invoice (#B33865) — Bang! Bang! Studios 'Regional Government Schools — Music Licensing' dated 17 March 2009;	Tax Invoice.
99.	Schedule of Licence to record & synchronise Work for Promotional Campaign — 'Shine' dated 17 March 2009.	Schedule.

#	DOCUMENT	DESCRIPTION
100.	Licence Agreement for Commercial Advertising between DEECD and Mushroom Music Pty Ltd dated 25 March 2009;	Agreement.
101.	Tax lnvoice (#107192) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 31 March 2009;	Tax Invoice.
102.	Tax lnvoice (#107193) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 31 March 2009;	Tax Invoice.
103.	Tax lnvoice (#107194) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 31 March 2009;	Tax Invoice.
104.	Tax lnvoice (#107195) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 31 March 2009;	Tax Invoice.
105.	Tax Invoice (#P9090017) — Porter Novelli Melbourne 'professional fees for January' dated 31 March 2009;	Tax Invoice.
106.	Commercial Synchronisation Agreement by Sony BMG Music Entertainment and DEECD dated 14 April 2009;	Commercial Synchronisation Agreement.
107.	Media Booking Form from Master Agency Media Services (MAMS)/Mitchell & Partners Pty Ltd to DEECD attaching 'Regional State School Campaign Schedule' dated 19 May 2009;	Media Booking Form.
108.	Campaign Proposal by Channel 31 — DEECD — Channel 31 TV — dated 22 May 2009 (schedule date);	Campaign Proposal.
109.	Communications Research Brief 'Building Confidence in Government Schools Metropolitan Campaign' dated 25 May 2009 (date Brief sent to research company);	Communications Research Brief.
110.	Research Proposal by Colmar Brunton Social Research 'Confidence in Government Schools Metropolitan Campaign' dated 29 May 2009;	Research Proposal.
111.	Presentation by Mitchell & Partners Pty Ltd re 'Shine' — a Government Schools Initiative — Generator Session dated May 2009;	Presentation.
112.	Contract between DEECD and Creative Outlet;	Contract.
113.	Campaign Brief 'Building Confidence in Government Schools Phase Two — Metropolitan Melbourne' dated 5 June 2009 (date brief sent to Consultants);	Campaign Brief
114.	Tax Invoice (#40623) — Colmar Brunton Social Research 'Building Confidence in Government Schools Regional Campaign — Tax lnvoice 2 of 2' dated 5 June 2009;	Tax Invoice.
115.	Brief by DPC Market Research Panel 'Building Confidence in Government Schools Metropolitan Campaign' dated 9 June 2009;	Brief.
116.	Requisition Order Form by Colmar Brunton Social Research 'benchmark research for metropolitan advertising and information campaign' dated 10 June 2009;	Requisition Order Form.
117.	Proposal document;	Proposal.
118.	Production Estimate 'Government Schools — Metro Campaign';	Quote.
119.	Tax Invoice (#40698) — Colmar Brunton Social Research 'Confidence in Metropolitan Government Schools' dated 12 June 2009;	Tax Invoice.
120.	Memorandum from the Communications Division to APU (OSR000336) 'Building Confidence in Government Schools Campaign — Phase two' dated 15 June 2009 (date signed).	Memorandum.
121.	Memorandum from the Communications Division to APU (OSR000337) 'Building Confidence in Government Schools Campaign — Phase two' dated 17 June 2009 (date signed);	Memorandum.
122.	Contract between DEECD and Creative Outlet dated 24 June 2009 (commencement date — Schedule 3);	Contract.
123.	Tax lnvoice (B33981) — Bang! Bang! Studio 'Regional Government Schools, Warrnambool' dated 25 June 2009;	Tax Invoice.
124.	Tax lnvoice — Southern Cross Media 'copy all wild reels to DVD' dated 30 June 2009;	Tax Invoice.
125.	Tax lnvoice (#114851) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 30 June 2009;	Tax Invoice.

#	DOCUMENT	DESCRIPTION
126.	Tax lnvoice (#114852) — Mitchell & Partners Pty Ltd 'Regional State Schools' dated 30 June 2009;	Tax Invoice.
127.	Tax lnvoice (#00001543) — Creative Outlet 'production of four TVCs for 'Shine' — Phase 2 — Government Schools — Metro Campaign' dated 1 July 2009;	Tax Invoice.
128.	Memorandum from APU to the Communications Division 'Certificate of Exemption: Building Confidence in Government Schools Campaign — Phase 2' dated 10 July 2009 (date signed);	Memorandum.
129.	Media Booking Form from Master Agency Media Services (MAMS)/Mitchell & Partners Pty Ltd to DEECD dated 8 July 2009 (date signed);	Media Booking Form.
130.	Letter/Contract between Warner Chappell and DEECD 'Amendment to Licence to Record & Synchronise Work for Promotional Campaign' dated 9 July 2009;	Letter/Contract.
131.	Memorandum from APU to the Communications Division 'Certificate of Exemption: Building Confidence in Government Schools Campaign — Phase 2' dated 10 July 2009;	Memorandum.
132.	Requisition Order Form by Creative Outlet 'production of television advertisements' dated 13 July 2009;	Requisition Order Form.
133.	Tax lnvoice (#00001545) — Creative Outlet 'production of four TVCs for 'Shine' — Phase Two — Government Schools — Metro Campaign' dated 14 July 2009;	Tax Invoice.
134.	Presentation.	Presentation.
135.	Tax lnvoice (#B34013) — Bang! Bang! Studios 'Metropolitan Government Schools — 'Shine' — License Shannon Noll's track 'Shine' for use in a 12-month campaign in the mediums of television, radio, internet, promotional events and streaming DEECD website till end of 2010' dated July 2009;	Tax lnvoice.
136.	Draft Presentation prepared by Colmar Brunton Social Research — Building Confidence in Metropolitan Government Schools — Wave 1 (pre campaign) dated 20 July 2009;	Draft Presentation.
137.	Schedule of Licence to Record & Synchronise Work for Promotional Campaign 'Shine' dated 22 July 2009;	Schedule.
138.	Schedule of Licence to Record & Synchronise Work for Promotional Campaign 'Shine' dated 22 July 2009;	Schedule.
139.	Quote (#C562) — CatFish dated 29 July 2009;	Quote.
140.	Signed permission forms for Free Television Australia dated 30 July 2009;	Permission forms.
141.	Quote — Backspin "Shine' Campaign web animation' dated 30 July 2009;	Quote
142.	Tax Invoice (#00000360) — On Location Photography 'photographic service' dated 31 July 2009;	Tax Invoice.
143.	lQ Global Booking Form re keywords and phrases for SMS element of advertising dated 3 August 2009;	Form.
144.	Quote (#214798.2) — Stream Solutions "Shine' Metro booklet' dated 7 August 2009;	Quote.
145.	Tax Invoice (#00001521) — Jumpcreative 'additional voiceover artist fees and 12 month usage commencing first on air date. Vic only' dated 11 August 2009;	Tax Invoice.
146.	Licence Agreement for Commercial Advertising between DEECD and Mushroom Music Pty Ltd dated 14 August 2009;	Agreement.
147.	Schedule of 'Shine' Campaign Report dated 16 August 2009;	Schedule.
148.	Tax lnvoice (#00001522) — JumpCreative 'Two additional TV despatch (4 x 'Shine' I1 commercials; Radio dispatch (2 x 'Shine' 11 30 sec commercials and 20 x DVD's (4 x 'Shine' II TV's) & supply other formats as requested' dated 17 August 2009;	Tax Invoice.
149.	Courier booking form (#358710) — TollFast dated 18 August 2009;	Courier Booking Form
150.	Tax Invoice (#00001547) — Creative Outlet 'production of four TVCs for 'Shine' — Phase Two (Government Schools — Metro Campaign) as per estimate dated 12 June 2009;	Tax Invoice.
151.	Revised Quote (#214798.4) — Stream Solutions "Shine' Metro booklet' dated 20 August 2009;	Revised Quote.

#	DOCUMENT	DESCRIPTION
152.	Minister's Correspondence from Minister for Education to Warrnambool and District Network of Schools re congratulations on raising profile of government schools in the area dated 21 August 2009;	Minister Correspondence
153.	Schedule of 'Shine' Campaign Report dated 23 August 2009;	Schedule.
154.	Commercial Synchronisation Agreement between Sony Music Entertainment Australia Pty Ltd and DEECD dated 24 August 2009;	Commercial Synchronisation Agreement.
155.	Tax Invoice (#B34044) — Bang! Bang! Studios 'Music Licensing — Cinema 3 Months' dated 24 August 2009;	Tax Invoice.
156.	Tax lnvoice (#00003684) — CatFish 'production of 'Shine' online trailer' dated 27 August 2009;	Tax Invoice.
157.	Tax Invoice (#00012068) — Direct Mail Corporation "Shine' booklet' dated 31 August 2009;	Tax Invoice.
158.	Tax lnvoice (#122964) — Mitchell & Partners Pty Ltd 'television program/placement' dated 31 August 2009;	Tax Invoice.
159.	Tax Invoice (#122965) — Mitchell & Partners Pty Ltd 'program/placement' dated 31 August 2009;	Tax Invoice.
160.	Tax lnvoice (#122966) — Mitchell & Partners Pty Ltd 'television program/placement' dated 31 August 2009;	Tax Invoice.
161.	Tax Invoice (#214798.1.1) — Stream Solutions "Shine' Metro Booklet' dated 31 August 2009;	Tax Invoice.
162.	Media Proposal by LEBA Ethnic Media "Shine' including budget' dated 8 September 2009;	Media Proposal.
163.	Tax Invoice (#00012183) — Direct Mail Corporation 'Monthly Orders 'Shine' Sept 09' dated 28 September 2009;	Tax Invoice.
164.	Tax lnvoice (#124395) — Mitchell & Partners Pty Ltd 'television program/placement' dated 30 September 2009;	Tax Invoice.
165.	Tax lnvoice (#124396) — Mitchell & Partners Pty Ltd 'press' dated 30 September 2009;	Tax Invoice.
166.	Tax lnvoice (#124398) — Mitchell & Partners Pty Ltd 'program placement' dated 30 September 2009;	Tax Invoice.
167.	Tax lnvoice (#124399) — Mitchell & Partners Pty Ltd 'online program1 placement' dated 30 September 2009;	Tax Invoice.
168.	Tax Invoice (#GCL_DEECD_TEACH_VIC-CAMPAIGN.04)-Grosz Co. Lab 'Help Young Victorians 'Shine'; Revision of additional campaign Press Ad and prepare of Ad for print' dated 16 October 2009;	Tax Invoice.
169.	Tax lnvoice (#11) — Anna Bridgitte Celan (ABC) "Shine' Leader 4 page inserts; graphic design' dated 30 October 2009;	Tax Invoice.
170.	Tax lnvoice (#12) — Anna Bridgitte Celan (ABC) "Shine' Leader 4 page inserts; graphic design' dated 30 October 2009;	Tax Invoice.
171.	Ministerial Briefing from Deputy Secretary, OPSC to Minister for Education "Building Confidence in Government Schools" dated 5 February 2009; and	Ministerial Briefing.
172.	Ministerial Briefing from the Deputy Secretary, OPSC to the Minister for Education "Shine' metropolitan campaign — parent guide' dated 20 August 2009.	Ministerial Briefing.

#	DOCUMENT	GROUND OF EXECUTIVE PRIVILEGE
1.	Cabinet Committee decision extract (19 November 2008).	Release of this document would reveal the deliberative processes of Cabinet
2.	Research Report (9 September 2009).	Release of this document would reveal the deliberative processes of Cabinet
3.	Presentation on Research Report (9 September 2009).	Release of this document would reveal the deliberative processes of Cabinet
4.	Research Report (9 September 2009).	Release of this document would reveal the deliberative processes of Cabinet
5.	Cabinet Committee submission and decision extract (24 August 200).	Release of this document would reveal the deliberative processes of Cabinet
6.	Brief to the Secretary, DPC (13 August 2009).	Release of this document would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
7.	Cabinet Committee submission (24 August 2009)	Release of this document would reveal the deliberative processes of Cabinet

8.	Brief to the Premier (23 July 2009).	Release of this document would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
9.	Brief to the Secretary, DPC (20 July 2009).	Release of this document would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
10.	Research Report(July 2009).	Release of this document could reveal the deliberative processes of Cabinet and would reveal high-level confidential deliberative processes of the Executive Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
11.	Research Summary of Results (July 2009).	Release of this document could reveal the deliberative processes of Cabinet and would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
12.	Brief to the Secretary, DPC (17 June 2009).	Release of this document would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
13.	Research Presentation (6 June 2009).	Release of this document could reveal the deliberative processes of Cabinet and would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
14.	Advertising Brief (4 May 2009).	Release of this document would reveal the deliberative processes of Cabinet
15.	Letter and Advertising Brief Response (4 May 2009).	Release of this document would reveal the deliberative processes of Cabinet
16.	Advertising Brief Response (4 May 2009).	Release of this document would reveal the deliberative processes of Cabinet
17.	Advertising Brief Response (4 May 2009).	Release of this document would reveal the deliberative processes of Cabinet
18.	Advertising Brief Response (4 May 2009).	Release of this document would reveal the deliberative processes of Cabinet
19.	Cabinet Committee submission (1 May 2009).	Release of this document could reveal the deliberative processes of Cabinet and would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
20.	Cabinet Committee Brief (1 May 2009).	Release of this document could reveal the deliberative processes of Cabinet and would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
21.	Research Report (1 May 2009).	Release of document would prejudice the State's financial or commercial interests
22.	Research Report (1 May 2009).	Release of document would prejudice the State's financial or commercial interests
23.	Research Report (1 May 2009).	Release of document would prejudice the State's financial or commercial interests
24.	Research Report (1 May 2009).	Release of document would prejudice the State's financial or commercial interests
25.	DPC Advertising Brief (1 May 2009).	Release of document would prejudice the State's financial or commercial interests
26.	Brief to the Premier (21 April 2009).	Release of this document would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer and would reveal confidential legal advice to the Executive Government
27.	Research Report Presentation (1 April 2009).	Release of this document could reveal the deliberative processes of Cabinet and would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer

28.	Draft Research Report (undated).	Release of this document could reveal the deliberative processes of Cabinet and would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
29.	Research Report (undated).	Release of the document would reveal information obtained by the Executive Government on the basis that it would be kept confidential and would reveal the deliberative processes of Cabinet
30.	Brief to the Minister for Regional and Rural Development (15 August 2009).	Release of this document would reveal the deliberative processes of Cabinet and would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
31.	Briefing to the Minister for Education (31 July 2008).	Release of this document would reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer
32.	Cabinet Committee Application and attachments (6 January 2009).	Release of this document would reveal the deliberative processes of Cabinet
33.	Advertising Application (1 June 2009).	Disclosure would reveal high-level confidential deliberative processes of Executive Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer.
34.	Research Presentation (1 July 2009).	Disclosure would reveal high-level confidential deliberative processes of Executive Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer and would reveal, directly or indirectly, the deliberative processes of cabinet.
35.	Advertising Application (undated).	Disclosure would reveal high-level confidential deliberative processes of Executive Government or otherwise genuinely jeopardise the necessary relationship of confidentiality between a Minister and a Government officer.

CHILD PROTECTION AND SMART METERS: PRODUCTION OF DOCUMENTS

The Clerk — I have received two more letters dated 27 July from the Attorney-General. The first letter is as follows:

ORDER FOR THE PRODUCTION OF DOCUMENTS — BEST INTEREST CASE PLANS LEGAL ADVICE

I refer to Legislative Council's order of 23 June 2010 seeking the production of:

> the legal advice to the minister and/or the Department of Human Services regarding fulfilling statutory responsibilities in relation to best interest case plans for children in child protection, which was repeatedly referred to by the Minister for Community Services in the Public Accounts and Estimates Committee hearing on 19 May 2010.

I refer also to my letter to you dated 28 October 2008, in which I noted the limits on the Legislative Council's power to call for documents. These limits centre on the protection of the public interest. In my letter I set out factors which the executive government would consider when assessing whether the release of documents would be prejudicial to the public interest.

The executive government has assessed the requested document 'Advice — Children, Youth and Families Act 2005 — section 167 — preparation of case plan' and has determined that its release would reveal confidential legal advice to the executive government. Accordingly, the executive government, on behalf of the Crown, makes a claim of executive privilege in relation to that document.

The second letter is as follows:

ORDER FOR THE PRODUCTION OF DOCUMENTS — SMART METERS

I refer to the Legislative Council's order of 23 June 2010 seeking the production of:

> the following documents relating to the Brumby Labor government's advanced metering infrastructure project, also known as the smart meters project:
>
> (a) all documents relating to all cost-benefit analyses of the project;
>
> (b) all correspondence and instructions, direction, guidelines and similar documents provided to, or received from, the party or parties undertaking any cost-benefit analyses;
>
> (c) all correspondence to or from the Minister for Energy and Resources, his department or agencies, and Victoria's electricity distribution businesses concerning smart meters;
>
> (d) all documents relating to the operation of time-of-use pricing and smart meters, including the government's decision to impose a moratorium on the operation of time-of-use pricing and the government's subsequent decision to determine

that time-of-use processing will not be mandatory; and

(e) all documents relating to any proposed communications, education or public awareness campaigns concerning smart meters, including financial documents and invoices.

The government's preliminary estimates indicate that there are over 4000 documents that are relevant to this order. Responding to this order would therefore require a substantial diversion of the relevant departments' time and resources and take many months to complete. The government is therefore not able to complete its response to the order by 27 July 2010.

In light of the breadth of the order and its impact on the departmental resources, the government is also examining how it can reasonably refine the scope of the order without affecting its integrity. The government will respond to the Council as soon as possible.

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

That the documents tabled and the Attorney-General's letters be taken into account on the next day of meeting.

Motion agreed to.

SUBORDINATE LEGISLATION AMENDMENT BILL

Statement of compatibility

For Mr LENDERS (Treasurer), Hon. J. M. Madden 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 Subordinate Legislation Amendment Bill 2010.

In my opinion, the Subordinate Legislation Amendment Bill 2010, 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 bill

The purpose of the bill is to amend the Subordinate Legislation Act 1994 (SLA) to promote greater scrutiny of legislative instruments. The bill proposes to extend many of the requirements which currently apply to statutory rules, so that they also apply to other subordinate instruments of a legislative character (legislative instruments).

The bill will:

require legislative instruments which are likely to impose a significant economic or social burden on a sector of the public to undergo a regulatory impact assessment (through the preparation of a regulatory impact statement or RIS) and public consultation;

require new legislative instruments to be tabled in Parliament;

require new legislative instruments to be published in the *Government Gazette*;

require ministerial certificates, including human rights certificates, accompanying both statutory rules and legislative instruments to be tabled in Parliament and scrutinised by the Scrutiny of Acts and Regulations Committee (SARC);

allow SARC to recommend disallowance of a legislative instrument in certain circumstances; and

allow certain legislative instruments to be exempt from the consultation and regulatory impact statement requirements, in order to focus resources on high impact legislative instruments, and to allow for overriding public interest considerations.

These amendments will provide greater transparency and accountability in the creation of legislative instruments. They will provide an opportunity for the public to comment on the efficiency and effectiveness of regulatory proposals which are likely to have a significant impact.

Human rights issues

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

The right to take part in public life under section 18

Section 18(1) of the charter provides that the right to participation in public life includes the right, and the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. One component to the right to political participation is the right to public involvement in the law-making process. This right is based on article 25 of the International Covenant on Civil and Political Rights. In *Doctors for Life International v. Speaker of the National Assembly and Others* [2006] ZACC 11, the Constitutional Court of South Africa interpreted article 25 as requiring governments to provide for public participation in the law-making process by permitting public debate and dialogue with elected representatives.

This bill enhances the right to take part in public life by facilitating public participation in the law-making process. A key function of the bill is to extend the public consultation process to cover high-impact legislative instruments. The bill increases the community's enjoyment of the right to direct participation in the conduct of public affairs by:

ensuring members of the public who are likely to be affected by a proposed legislative instrument can comment on the instrument and associated regulatory impact statement; and

requiring the government to publicly justify the regulatory and human rights impacts of legislative instruments through the creation of human rights certificates and regulatory impact statements.

The bill also protects and promotes the right to public participation *through freely chosen representatives*, by creating new obligations for legislative instruments, and certificates accompanying statutory rules and legislative instruments, to be tabled in Parliament and scrutinised by SARC.

Freedom to receive and impart information and ideas under section 15(2)

Section 15(2) provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds.

The freedom to receive and impart information and ideas under section 15(2) of the charter has been held not to create a positive obligation on the government to create documents, collect data or disseminate information which has not been sought (*XYZ v. Victoria Police (General)* [2010] VCAT 255).

The bill goes beyond what is required to uphold the freedom to receive and impart information and ideas, by including a new obligation for the government to prepare regulatory impact statements and to table certificates associated with legislative instruments, including human rights certificates.

The bill also includes a new requirement for legislative instruments to be published in the *Government Gazette*. This enhances the public's access to legislative instruments and thereby strengthens the community's ability to participate meaningfully in public affairs.

Increased protection for human rights generally

By providing for the tabling and scrutiny of human rights certificates, the bill ensures high-quality human rights analysis occurs throughout the public sector and ensures increased respect for human rights in the creation of legislative instruments. The bill also provides stronger protection for human rights by giving SARC the power to recommend disallowance of part or all of a legislative instrument if it considers it is incompatible with the charter.

In addition, the increased enjoyment of the right to take part in public life, as provided for in the bill, will have a positive effect on the community's enjoyment of human rights generally. This is because affected members of the public will have a greater opportunity to comment on the human rights impacts of proposed high-impact legislative instruments. Issues arising out of the public consultation process will then inform a human rights assessment of the proposal.

Exemptions

The application of the new requirements for public consultation and increased parliamentary scrutiny is affected by certain exemptions. Accordingly, the bill allows for:

specified classes of instrument to be excluded from the definition of legislative instrument;

ministerial certificates exempting legislative instruments from public consultation requirements; and

regulations exempting legislative instruments from all or some of the SLA requirements.

While these exemptions affect the scope of the new public consultation requirements for legislative instruments, I do not consider that these exemptions limit the political rights discussed above. These rights allow for Parliament to have discretion in determining how best to fulfil its duty to facilitate public involvement.

An exemption certificate can only be issued under certain circumstances that are set out in the bill, including that the minister is of the opinion that the proposed legislative instrument would not impose a significant economic or social burden on a sector of the public. The other exempt circumstances set out in the bill are deemed to be situations where it is either unnecessary to undergo a consultation process or counterproductive to the proper and efficient functioning of government to undergo a consultation process, such as in a situation of public emergency. Any exemption certificate must specify the reasons for the exemption. The Premier may also issue an exemption certificate on the grounds that, due to the special circumstances of the case, the public interest requires that the proposed legislative instrument be made without complying with the new requirements for public consultation and scrutiny. This exemption certificate also requires the reasons for the issuing of the certificate to be specified.

I consider that these exemptions reflect a balance between promotion of the right to participate in public life, to the greatest extent possible, and the efficient use of government resources for the scrutiny of proposed legislative instruments that are likely to impose a significant burden on the public. Accordingly, the bill does not limit or restrict the existing enjoyment of the right to participation in public affairs, the freedom to receive and impart information, or any other rights.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit any human rights under the charter. Instead, the bill creates a new avenue for the enjoyment of the right to participate in public life under section 18 of the charter and protects and promotes the freedom to receive and impart information under section 15(2) of the charter.

John Lenders, MP
Treasurer

Second reading

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

That the bill be now read a second time.

Efficient and effective regulation is essential to improving the competitiveness of the Victorian economy while meeting community needs. Victoria has a history of excellence in regulatory reform. The Subordinate Legislation (Review and Revocation) Act 1984 placed Victoria at the forefront of such reform by being one of the first jurisdictions in the world to legislate for the provision of a regulatory impact statement (RIS). The Subordinate Legislation Act 1994 again introduced significant changes to the regulation-making process. This included the requirement that responsible ministers ensure that independent advice is obtained as to the adequacy of RISs and that the responsible minister ensure that the requirements of the act have been met, including that RISs adequately assess the impact of regulations.

There have been considerable developments in Victoria's regulatory framework over the years. These include the establishment of an independent regulatory review body known as the Victorian Competition and Efficiency Commission (VCEC), the development of the business impact assessment process which scrutinises primary legislative proposals and the Reducing the Regulatory Burden initiative. In 2006, the Victorian government was one of the first jurisdictions in Australia to introduce regulatory targets with the Reducing the Regulatory Burden initiative. We are on track to cutting the net administrative burden of red tape by 25 per cent. Accordingly, in September 2009, the government set a bigger target of reducing regulatory burden by $500 million per annum by July 2012, including substantive compliance costs and delay costs.

These developments demonstrate our commitment to reducing the regulatory burden and have helped maintain Victoria's business competitiveness. Now is the time to introduce the next stage of regulatory reform to continue our leadership in this area. The reforms proposed in this bill confirm Victoria's longstanding commitment to best practice regulation by extending the existing quality assurance processes and providing Parliament with a greater ability to scrutinise the decisions made by the government.

The bill builds upon Victoria's position as a leader in regulatory reform and extends the current scrutiny of the Subordinate Legislation Act to legislative instruments that are made under a power delegated by Parliament. The bill also implements the government's response to the Scrutiny of Acts and Regulations Committee's (SARC) inquiry into the Subordinate Legislation Act and takes into account the views expressed through the public consultation process. The reforms included in the bill will enhance the transparency of the making of legislative instruments, provide more opportunity for public feedback and enable parliamentary scrutiny of government decision making. While this significantly increases scrutiny of government action, this government is not afraid of being open, transparent and accountable.

Currently, the Subordinate Legislation Act subjects statutory rules (or regulations) to scrutiny. Subordinate legislation — that is, laws made in circumstances where the Victorian Parliament has delegated the law-making power to another person or body — is a vital regulatory tool. The act currently applies a range of scrutiny and consultation processes to some, but not all, types of subordinate legislation made in Victoria.

The changes in the bill will mean more types of subordinate legislation that have a significant burden on the public will be the subject of analysis, public consultation and scrutiny through the regulatory impact statement (RIS) process. There will be a consistent level of scrutiny for all subordinate legislation based upon an instrument's potential impact, rather than its legal form. This will increase opportunities for identifying better regulation and help to prevent the introduction of unnecessary regulatory burden.

To do this, the bill introduces a process for legislative instruments that parallels the existing process for statutory rules under the act.

An exposure draft of the bill was released for public consultation late last year for a period of 60 days. Today, I am also releasing the Victorian government's response to the public consultation. A total of 15 submissions were received, all of which have been carefully considered by the government. Seven submissions strongly or generally supported the proposed changes while no submissions specifically opposed the proposed changes, although several submissions raised particular issues about the proposed changes.

Many issues raised during the public consultation relate to the implementation of the reforms to ensure its success in achieving the desired goals. However, one important change to the bill has been made as a consequence of consultation.

The trigger for the RIS requirements of the act will be revised from 'appreciable economic or social burden' to 'significant economic or social burden'.

The terminology in the act is being modernised. The reference to 'appreciable burden' being changed to 'significant burden' provides a more modern terminology and aligns with the business impact assessment process for primary legislative proposals required under the *Victorian Guide to Regulation*. SARC has indicated that this change will not unduly affect the scrutiny process.

Guidelines made under the act (known as the *Premier's Guidelines*) and the *Victorian Guide to Regulation* will continue to provide support to the interpretation of what constitutes a significant burden. Under this reform, the definition will be made clearer and more robust to ensure that the RIS process better targets instruments that have a significant impact. I will issue revised *Premier's Guidelines*, and the Treasurer and I will also issue a revised *Victorian Guide to Regulation* to assist in the interpretation of what constitutes a significant burden.

Victoria has used the RIS as a tool to rigorously assess regulatory proposals contained in statutory rules since 1985. The RIS process has been shown to improve the quality of regulation. The VCEC helps identify, and reports on, improvements to regulations as a result of the RIS process, such as where lower cost or more effective alternatives have been identified while still meeting policy objectives. VCEC notes these successes in reducing the burden of regulation in its annual reports. The adequacy of the analysis contained in the RIS for legislative instruments will be independently assessed by the VCEC, as is currently the case for statutory rules.

The bill requires the RIS and the proposed legislative instrument to undergo a minimum public consultation period of 28 days. While this has been standard practice for statutory rules, in many cases this will be the first time that the public can comment on other types of proposed subordinate instruments. Public consultation on proposed legislative instruments will increase government accountability and transparency by exposing the merits of decisions, assumptions and analysis used to make those decisions.

The bill also recognises that it may not be practical or desirable to subject all delegated instruments to the RIS process. It therefore provides for a sensible system of ministerial exemptions which mirrors the current system for statutory rules. This will allow the RIS process to target those instruments that have the most significant impact on the community, as well as ensuring that public safety is not compromised. For example, exemptions can be provided if the proposed legislative instrument is of not more than 12 months duration and is necessary to respond to: a public emergency; an urgent public health or safety issue; or potential or actual significant damage to the environment, resource sustainability or the economy.

The bill elevates the standard of scrutiny for legislative instruments to either the standard of the Subordinate Legislation Act or the instrument's authorising act, whichever provides the greatest level of scrutiny. For example, a legislative instrument that is required to undergo 60 days consultation in its authorising act will still undergo the 60 days consultation instead of the 28 days provided for by the Subordinate Legislation Act. VCEC will continue to undertake independent assessments of the adequacy of analysis to ensure a consistent level of rigour in analysis.

Another feature of the bill is a major enhancement of Parliament's ability to scrutinise subordinate legislation. The bill will generally require that, when a legislative instrument is made, a copy of the legislative instrument and any accompanying ministerial exemption certificate must also be laid before each house of the Parliament.

To further improve parliamentary scrutiny of legislative instruments, SARC's role will be extended to ensure that those responsible for making legislative instruments comply with the new requirements. The bill gives SARC the power to recommend the whole or partial disallowance of a legislative instrument to Parliament, as is currently the case for statutory rules.

Currently, SARC can make recommendations to Parliament in relation to statutory rules on a very broad range of grounds. To offset the likely increase in SARC's workload due to the proposed reforms, the bill provides more targeted grounds of review in relation to legislative instruments. Under the bill SARC can report to Parliament regarding whether a legislative instrument:

appears to exceed the power authorised by the enabling act or statutory rule;

without clear authority in the enabling act or statutory rule, has retrospective effect, imposes penalties, shifts the burden of proof to an accused, or provides for subdelegation of delegated powers;

is incompatible with the charter of human rights; or

has been prepared in substantial or material contravention of the act or the Premier's guidelines.

To assist instrument makers, the government will prescribe in regulations under the act a list of:

legislative instruments subject to the act;

legislative instruments exempt from specified requirements of the act; and

administrative instruments, which are not subject to the requirements of the act.

The lists aim to capture as many instruments as possible; however, they are not intended to be exhaustive. The lists will provide an easily accessible source for instrument makers to refer to when considering whether or not their instrument must undergo the scrutiny processes under the act.

To further support departments and to enable a smooth transition to the new regime for legislative instruments, a two-year transitional period from the commencement of the new legislative instrument requirements is provided for in the bill. During this two-year transitional period, no legislative instrument can be

invalidated on the basis of an incorrect assessment of legislative character. The government will endeavour to meet the new requirements of the act from their commencement. However, the government considers that the risk of mischaracterisation of instruments will be highest in the early stages of implementation, during which departments and agencies will be adjusting to the new regime.

A final feature of this bill is the improved protection of human rights. Currently, ministers prepare human rights certificates for statutory rules. The bill will extend this requirement to legislative instruments. Human rights certificates will also be required to be lodged with SARC and tabled in Parliament for both statutory rules and legislative instruments.

The Subordinate Legislation Amendment Bill 2010 represents the government's leadership in regulatory scrutiny and our continuing commitment to transparency and accountability.

I commend the bill to the house.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until Tuesday, 10 August.

TOURIST AND HERITAGE RAILWAYS BILL

Statement of compatibility

For Hon. M. P. PAKULA (Minister for Public Transport), Hon. J. M. Madden 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 Tourist and Heritage Railways Bill 2010.

In my opinion, the Tourist and Heritage Railways Bill 2010, 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 bill creates a modern regulatory scheme to provide for the sustainability of the tourist and heritage railway sector.

To do this, the bill:

establishes a register of tourist and heritage railway assets;

modernises land tenure and asset allocation arrangements in the sector; and

establishes a voluntary registration scheme for tourist and heritage railway groups.

The asset register will provide a central information source that records detailed information about rail assets used, managed and controlled by tourist and heritage rail groups. The information will be collected by an appointed registrar. The bill also allows groups and individuals to voluntarily list privately owned rail assets on the asset register to maximise information-sharing opportunities in the sector.

Information about state-owned assets listed on the asset register will be available to the general public. Information on voluntarily listed assets will be available to tourist and heritage operators registered with the voluntary registration scheme.

The bill facilitates the replacement of current land agreements for groups operating on Crown land vested in VicTrack with modern community lease agreements comprising common core terms. Existing orders in council made under the Transport Act 1983 will also be replaced with leases. This will provide land tenure security for groups and promote transparency, fairness and consistency in the sector.

The bill also provides for the replacement of existing rail asset agreements with standard leases. Currently, these agreements are largely informal. Assets will not be redistributed; rather, the leases will confirm existing asset arrangements.

The voluntary registration scheme will enable the central organisation of training and education, more strategic and equitable distribution of grants and better access to industry knowledge. Initiatives will be delivered through the scheme. An advisory committee appointed by the director of public transport will provide advice on these initiatives to ensure they target the needs of the sector. The committee will also provide general advice on tourist and heritage rail matters.

Human rights issues

Inclusion of information about assets on the asset register

Section 13(a) — privacy

Section 13(a) provides that every person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Clause 10 requires the registrar to list 'the owner' of each rail asset listed on the asset register. For an asset voluntarily listed on the register, the tourist and heritage railway operator that is the custodian of the asset must provide this information to the registrar to have the asset included on the asset register.

Most tourist and heritage rail assets are owned by either the state or tourist and heritage railway operators (which are incorporated associations or companies limited by guarantee). The charter, applying only to natural persons, does not apply to these bodies.

However, in the tourist and heritage railway sector, some rail assets used by tourist and heritage railway operators are owned by individuals.

These provisions may engage a person's right to privacy because they require the disclosure of information of a personal nature. However, in my opinion, the right is not limited because any interference is lawful and not arbitrary. Under clause 14(1), the registrar must not include information about a rail asset owned by an individual in the asset register unless he or she is satisfied that the owner has elected to include the asset (and consequently their own information as the asset owner) in the register. The owner can therefore choose whether or not they participate in the scheme. As such, clause 10 does not, in my opinion, limit the right to privacy of an asset owner.

Clause 11 requires the registrar to make divisions of the asset register available for inspection. Division 1 of the asset register, which will contain information about state-owned rail assets, must be made available to the general public. Division 2, which will detail information about assets owned by tourist and heritage railway operators, must be made available to operators registered with the voluntary registration scheme. Division 3, which will detail information about assets owned by individuals and used by tourist and heritage railway operators, must also be made available to registered operators.

The right to privacy is not engaged in relation to divisions 1 and 2, as they will not contain any information about individuals (rather, they will contain details about associated incorporations and the state). Division 3, by containing information about the individual that owns the listed asset, may engage the right to privacy.

However, as I have discussed above, this does not limit the right to privacy of an individual that owns a rail asset listed on the register. The individual has the right to choose whether or not to list information about any asset the individual owns on the register.

Inspection of premises for purposes of compiling or maintaining the asset register

Clause 16 of the bill allows the registrar, or a person authorised by the registrar, to conduct an on-site inspection of railway premises if the registrar reasonably believes that state-owned assets are held on those premises. This power may engage the right to privacy.

However, the definition of 'railway premises' specifically excludes a 'residential premises', protecting a person's home and family. Clause 16(3) of the bill also requires that the registrar notify the tourist and heritage operator using the railway premises of the proposed date and time of the inspection. The operator must give written consent to the inspection and confirm the date and time of the inspection before it can be carried out. In my view, these restrictions on the registrar's inspection power ensure that a person's right to privacy is not limited.

Information on the tourist and heritage railway group register

Clause 23(1)(e) provides for the person nominated by the tourist and heritage railway operator to be the contact person for the operator and for the registrar to record that person's name on the tourist and heritage railway group register. This clause potentially engages the right to privacy. However the provision of this information is voluntary and is not publicly searchable. In addition, the disclosure of information is of a very minor nature and does not go beyond what is already required of public officers under the Associations Incorporation Act 1981. Accordingly, in my view, the right to privacy is not limited.

Section 20 — property rights

Section 20 provides that a person must not be deprived of his or her property other than in accordance with law. A deprivation of property is in accordance with the law when the deprivation occurs under powers conferred by legislation which is formulated precisely and will not operate in an arbitrary manner.

Clauses 19(2)(h) and 20(4)(g) of the bill provide that land and assets leased to tourist and heritage railway operators under the bill can be reclaimed by the lessor (in this case, VicTrack). Clauses 19(1) and 20(2) provide that VicTrack can only lease land and assets under the bill to tourist and heritage railway operators. As such, these reclamation rights do not engage property rights under the charter. A tourist and heritage railway operator is an incorporated association or company limited by guarantee. The charter does not apply.

Similarly, clause 34(2) of the bill provides for the revocation of an order in council made under the Transport Act 1983 that allows a person to occupy a railway for the purposes of a tourist railway. It is intended that these orders will be replaced with leases under the bill. The right of revocation is currently contained in section 247(3) of the Transport Act. Again, the five groups that currently operate tourist railway services by order in council are incorporated associations or companies limited by guarantee. The charter does not apply.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities. Provisions of the bill engage, but do not limit, the right to privacy conferred by section 13(a) of the charter.

Martin Pakula, MP
Minister for Public Transport

Second reading

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

That the bill be now read a second time.

Introduction

This bill aims to ensure the sustainability of the tourist and heritage rail sector in Victoria. It creates a best practice regulatory framework that promotes the role of tourist and heritage rail groups as a unique and vital part of our integrated transport system.

The bill supports the valuable contribution of the sector to the social, cultural and economic fabric of Victoria. It renews and strengthens the legislation that applies to tourist and heritage rail groups, mobilising the modern policy framework established in the Transport Integration Act 2010. The bill will ensure the sector

continues to prosper and is positioned to meet future challenges.

Policy context — integrated thinking

The government is currently undertaking an active and ambitious review and modernisation of all transport legislation in Victoria — the first holistic review in almost 25 years. The cornerstone of this review has been the recent passage of the Transport Integration Act.

The bill is aligned to the Transport Integration Act's new vision and shared objectives for transport in Victoria. This vision is one of an integrated and sustainable transport system.

A sustainable transport system works to secure ongoing economic, social and environmental benefits for the state. It must promote social outcomes and economic prosperity. The transport system should also support the health and wellbeing of individuals and communities.

The tourist and heritage railway sector makes vital and significant contributions in these areas. Victoria's tourist and heritage railways positively contribute to community spirit and conserve Victoria's heritage for future generations. The groups provide a foundation for local and regional community involvement and make major contributions, both directly and indirectly, to community wellbeing.

The railways also attract local, regional and international tourism, benefiting local business and employment.

The bill renews and modernises legislation applying to the tourist and heritage rail sector to ensure the sector is equipped to make these social and economic contributions both now and in the future.

The tourist and heritage railways sector

The groups that comprise the sector are diverse, but all groups within the scope of this bill share common characteristics.

They are active rail operators with strong heritage objectives, and they attract patronage from tourists and visitors. Indeed, tourist and heritage railways attract more than half a million visitors each year, bringing clear economic value to the state.

Their operations run under not-for-profit organisational structures and revenue from visitors is of primary importance. Typically, the groups draw heavily on volunteers. They also rely on donations, government grants and external funding for capital projects as well as for day-to-day activities.

Tourist and heritage rail operators keenly restore, preserve and operate heritage and other unique types of trains and trams. Approximately 3500 people are actively engaged in operational rail and tram preservation activities in Victoria — as employees, as members and as volunteers.

The sector's story, collectively, is one of success. Victorians can be justly proud of their tourist and heritage railways and the social, economic and cultural benefits they bring to the state.

This bill supports these important not-for-profit groups to promote their ongoing viability. Entities that operate historical or heritage-related rail and tram services primarily as a tourist activity are given new settings under the bill. This includes better arrangements relating to land and asset use, and access to a voluntary registration scheme that will promote improved performance and business practices.

Challenges facing the sector

Operators of tourist and heritage railways and tramways have a long history of resourcefulness and accomplishment. They have built experience and resources over time. Their achievements and their strengths must be recognised.

At the same time, future challenges need to be met to ensure the sustainability of the sector.

Currently, many groups in the sector face a lack of clarity and consistency in relation to their land tenure arrangements, including their land occupancy rights and responsibilities. Groups also encounter difficulties in managing heritage rail assets, including those owned by the state.

The bill aims to deal with these longstanding issues by modernising current settings. The bill provides for the clarification of current land and asset arrangements and aims to empower groups to perform their business management functions effectively.

By establishing a contemporary regulatory framework, the bill facilitates sector sustainability and gives groups opportunities to grow. It also provides a foundation that will allow the sector to build on its strengths and achievements, and continuously improve.

The government has consulted extensively with tourist and heritage railway operators in developing these reforms. The sector fully supports the introduction of

this targeted bill that aims to address their unique situation.

Key features of the bill

The bill provides for new land and asset arrangements in the sector. It establishes an improved, consistent land tenure scheme for tourist and heritage railway operators using Crown land vested in VicTrack. Land arrangements will be crystallised in new 'community leases' that relate specifically to the needs and obligations of tourist and heritage railway operators. These new 'community leases' will replace current, outdated land arrangements including orders in council, and existing leases and licences from VicTrack.

Asset leases covering state-owned assets will also be implemented in the sector, giving groups surety over the assets so central to their operations.

New land and asset lease arrangements will be contemporary and consistent. They will clearly define rights and responsibilities.

The bill establishes a register of tourist and heritage assets, providing a central source of asset information. This will maximise information-sharing opportunities in the sector and support the work of operators in preserving and maintaining their assets and their operations.

The bill also establishes a voluntary registration scheme for tourist and heritage railway operators. Access to training and development packages will be available to registered operators through the scheme. This will help groups to function more effectively in a regulatory environment that has necessarily become more complex over time. In establishing the scheme, the bill supports effective business management — a key factor for any sustainable organisation.

The Department of Transport will administer the voluntary registration scheme. The costs of running the scheme will be modest and will be largely absorbed by the department. In recognition of the financial challenges faced by tourist and heritage operators and in keeping with the industry sustainability theme of the bill, any costs to operators will be small.

In addition, the bill will provide groups with better and more equitable access to funding assistance. The bill will not affect current funding arrangements or preclude groups from receiving government grants or benefits through current sources. The bill will, however, ensure that funding is provided to groups in a more transparent and accountable manner.

Conclusion

The settings established by the bill will assist the sector to meet future challenges. They will help groups to develop and maintain critical competencies to manage their operations. However, the new framework will still ensure the independence of the organisations and allow them to work towards their own successes.

Overall, the bill provides a contemporary, practical platform on which the sector can develop with confidence. Its innovative framework creates modern, practical settings for the tourist and heritage railway sector. These settings demonstrate the government's commitment to support and sustain the sector both now and for the benefit of future generations.

I commend the bill to the house.

Debated adjourned on motion of Mr KOCH (Western Victoria).

Debate adjourned until Tuesday, 10 August.

PUBLIC FINANCE AND ACCOUNTABILITY BILL

Second reading

Debate resumed from 24 June; motion of Mr LENDERS (Treasurer).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to make some remarks on the Public Finance and Accountability Bill 2009. This bill has been characterised as a rewrite of the Financial Management Act, but in reality the bill is far more than that. It encompasses a far greater scope than simply rewriting the Financial Management Act, which is the current framework under which the executive reports to the Parliament and, in turn, reports to the Victorian community.

The bill before the house seeks to rewrite and update that reporting framework with respect to the relationship between the executive and the Parliament, but it also puts in place a number of other changes with respect to the control the executive exercises over government instrumentalities. It is with this particular issue in mind that the coalition has some concerns about the way this legislation has been framed and the impact it would have if it was enacted without amendment.

I will go through in brief what the bill seeks to do. As I said, primarily it replaces the existing Financial

Management Act 1994, which was the framework put in place by the previous coalition government when it came to power, as one of a number of reforms in financial management across the state of Victoria. Some of the reforms included the introduction of accrual accounting — up until the mid-1990s Victoria had operated on a cash accounting basis; reform to borrowing and investment powers across the state; the establishment of the Treasury Corporation of Victoria; the establishment of the Victorian Funds Management Corporation; along with a whole range of other reforms to the structure of the financial arrangements of government. The Financial Management Act has been regarded as a leading piece of legislation — leading for the Victorian state jurisdiction and leading the commonwealth in many respects — in relation to government reporting, and it continues to lead many jurisdictions with respect to the way reports are brought forward from the government to the Parliament and how they are set out. Fifteen years ago the introduction of the Financial Management Act was absolutely leading-edge stuff, and it has served Victoria very well over the last 15 or 16 years.

The bill before the house seeks to repeal the Financial Management Act and put in place a new legislative framework. It will require that the government publish a statement of the government's current intended outcomes, at a time of the government's choosing. This will form the basis on which funds are ultimately appropriated and reported upon to the Parliament and to the public. Everything will hang off the government's statement of current intended outcomes. The bill will require the government to publish outcomes progress reports, in a structure similar to what we see with the current Growing Victoria Together reporting framework, which this government introduced a number of years ago. I will come back to the relevance of that further in the debate.

It will require a statement of outputs to be included in budget papers to describe how the outputs will contribute to achieving the outcomes which are set down in the headline document, the statement of outcomes. It will provide for appropriations to departments to be for contributions to specific outputs rather than simply being for specific departments or agencies, as is the current case, and it will allow for appropriations to be transferred between departments, provided they relate to common outcome, as identified in the appropriation mechanism.

The bill will establish a limit on additional budget supplementation of 3 per cent of the total annual appropriation. This will replace the existing Treasurer's advance mechanism. I point out that this is separate to the existing provision that allows for appropriations to be supplemented, where wages costs need to be built into appropriations after the budget has been passed. An existing provision allows the Treasurer to do that, and that provision will be retained under the new legislation, separate from the supplemental appropriation that will be available under the 3 per cent cap.

The bill will establish departmental working accounts to enable the closure of existing trust accounts that are no longer required. It abolishes the existing requirement for the use of warrants from the Governor in authorising expenditure. It will apply to all public bodies, including those which were established under the commonwealth Corporations Act 2001, of which there are a small number within state control. It sets up a tiered structure, establishing four different categories of public body, each with different levels of accountability and reporting obligations based upon either their assets, revenue or in some cases levels of debt as to which category they will fall under in terms of the reporting framework.

It provides for notification to the Parliament and the Auditor-General of the creation, dissolution or re-categorisation of a public body that has been allocated into one of the four categories that have been established under the new legislation. It centralises the borrowing and investment practices of public bodies. While the investment decision will generally reside with the board of the particular entity, the transactions will be carried out by Treasury Corporation of Victoria or the Victorian Funds Management Corporation, as appropriate, depending on whether it is an investment or a borrowing decision. On this matter the coalition parties have received a number of representations from various, particularly smaller, boards of instrumentalities that are concerned about the impact that centralisation will have on their operations.

Another area the coalition parties have concerns about is that the bill requires all public bodies to support the achievement of government outcomes and to implement the government policy frameworks. This is the subject of clause 12 of the bill. In this sense the bill goes far beyond what is currently within the Financial Management Act in that it imposes an obligation on entities to support the achievement of government outcomes, however they are defined, within the statement of outcomes that the government will be required to produce under the legislation.

The same clause of the bill — clause 12 — requires departmental heads to give advice to the relevant minister on whether public bodies are performing those

and other duties as required by this legislation and the public bodies' own establishing, head-of-power legislation. It will require the heads of those bodies to provide any information sought by a departmental head in order to give advice to the minister. That is one of the key areas the coalition has concerns about with respect to this legislation.

The bill provides for subordinate legislation to require all public bodies to be subject to common investment and borrowing standards, to attest to their compliance and to be monitored by portfolio departments. It will replace the current Victorian Government Purchasing Board, which was another initiative of the previous coalition government, with what will be known as the State Procurement Board, which is intended, to quote the second-reading speech, to 'focus on high-value, high-risk procurement activities across the public sector' and review probity and process complaints. It will incorporate estimates for public financial corporations in the budget papers and the budget update.

As I said in commencing this debate, this bill goes far beyond the current function of the Financial Management Act. While we acknowledge that there has been a long gestation period in this bill being drafted and brought to Parliament in December of last year, we are concerned at the way in which this bill is going to operate, and we are concerned at the way in which it fails to reflect recommendations that were made by the Public Accounts and Estimates Committee when it undertook an inquiry in the course of 2008 and 2009 into a rewrite of the Financial Management Act.

To address the areas of concern in turn, the first area I will turn to is the provisions of clause 12. Clause 12 of the bill comes under 'Part 3 — Administration'. I will read certain sections of it into *Hansard* to give the house the flavour of exactly what is being proposed by this legislation and why it goes far beyond simply creating a reporting framework as currently exists under the Financial Management Act. Clause 12 is titled 'Responsibilities of departments and public bodies'. Subclause (1) states:

> (1) A Department or public body has the following responsibilities —
>
> (a) to support the achievement of outcomes by ensuring that outputs are delivered in an efficient and economical manner and obligations are met in a timely manner;
>
> (b) to comply with applicable legislative requirements and to implement associated policy frameworks;
>
> (c) to ensure that prudent and sound governance systems are developed, implemented and maintained;
>
> (d) to ensure that risk is managed appropriately and effectively;
>
> (e) to ensure that revenue, expenditure, assets and liabilities are managed efficiently, effectively and economically;
>
> (f) to comply with the procurement principles;
>
> (g) to ensure that appropriate financial and non-financial information —
>
> (i) is maintained in an appropriate form in relation to its activities;
>
> (ii) is made available to the Minister and the relevant Minister as required;
>
> (h) to comply with this Act, the regulations and any directions given under this Act.

It then goes on at subclause (2) to say:

> (2) The relevant Department Head is responsible for ensuring that a Department discharges the responsibilities conferred on the Department by this section.
>
> (3) The relevant Department Head must advise the relevant Minister on the discharge by a public body of the responsibilities conferred on the public body under this section.
>
> (4) A public body must provide to the relevant Department Head any information which the relevant Department Head requires to enable the relevant Department Head to comply with subsection (3).

It is this proposed section 12 about which the coalition has its greatest concerns, particularly the first-listed responsibility of a department or public body. I make it very clear that a public body can be any body that is declared to be a public body by the minister. It can extend to agencies such as the Electoral Commissioner, potentially the Auditor-General, the Director of Public Prosecutions (DPP), the Ombudsman or even the courts. It is a very wide-sweeping provision and it encroaches upon what are regarded as traditional areas of independence of government agencies from the executive.

The principal responsibility that is imposed under this clause is to support the achievement of outcomes by ensuring that outputs are delivered in an efficient and economical manner and obligations are met in a timely manner. So for the first time, under this legislation the government, in its headline document 'Statement of outcomes', will be able to decide whatever its outcomes as a government should be, and any government entity

that is deemed to be a public body — either under the bill or by the minister through the mechanism created to allow the minister to do that — is obliged, as its first-listed responsibility, to work to achieve those outcomes.

It does not take a lot of imagination to understand what those outcomes could be. We hear ad nauseam in this place ministers talking about making Victoria a great place to live, work and raise a family. It is not inconceivable that when the government produces its statement of outcomes that will be the principal one — making Victoria a great place to live, work and raise a family — which then raises the question: on what basis and in what practical sense do you then impose that as an obligation on the office of the Ombudsman? It beggars belief that the government is seeking to impose what for the last six or seven years since the introduction of the Growing Victoria Together framework has largely been a public relations exercise. In establishing that document the government is now seeking to use a framework — either that one or something similar to it — as the basis to impose obligations on all government agencies or any that the minister wishes to deem a public body pursuant to the mechanism that is created in this legislation.

We are very concerned that clause 12 will create this obligation for any public body to deliver on the government's outcomes as specified in the statement of outcomes. We do not know what form that statement of outcomes will take. The legislation merely provides, at clause 26, that the government must publish a statement of outcomes. In part 5 of the bill headed 'Resource management', clause 26, under the heading 'Statement of outcomes' provides:

> The Minister must publish a statement of the Government's current intended outcomes.

That is the only framework that this legislation seeks to put around what the government has in its statement of outcomes. The bill does not say how frequently, in what form or at what level those outcomes need to be published. It merely provides that they be published and then every public body that is subject to the legislation is required to support the achievement of those outcomes as their principal responsibility listed under this legislation. It beggars belief that we would have a bill before the house whose scope, as I have said, could conceivably cover the Electoral Commissioner, the Ombudsman, the DPP or even the courts and which would seek to impose an undefined statement of outcomes on those traditionally independent agencies.

We have very great concerns that this particular provision could act to undermine the independence of agencies that to date have had their independence protected by this Parliament. It is with similar concerns that I note the insertion in this legislation of the other subsections of proposed section 12, and specifically the power that is given to a departmental head to require any information which they require in order to advise the minister. This would conceivably allow a minister to require the relevant departmental head to obtain information from the office of the Ombudsman should the Ombudsman undertake an inquiry into something related to that minister's department, which would be a completely inappropriate use of a power like this. It highlights why we have concerns that this open-slather provision is proposed by clause 12.

It would be completely inappropriate for a departmental head to require information to be provided by the DPP should the secretary of the department seek any information from the DPP because, in this case, she wishes to provide information to the Attorney-General. This side of the house believes these provisions are completely inappropriate. They go far beyond the scope of a simple rewrite of the Financial Management Act. We have previously been critical of the Public Administration Act which was introduced in 2004, yet it seems that these provisions that are being inserted through what ostensibly is a bill about the reporting framework actually go far beyond even the worst provisions of the Public Administration Act.

We have great concerns about the way in which these provisions would operate were they to be enacted. We also have concerns about the way in which this legislation seeks to move to a principles-based form of reporting. Fundamental to that is the concern about the statement of outcomes — the fact that the reporting framework and the objectives and responsibilities imposed upon departments and public bodies will come back to what can be an extremely vague statement of outcomes.

As I have said before, over the last six or seven years we have seen the Growing Victoria Together framework put forward by the government. I know that members of the Public Accounts and Estimates Committee had extensive involvement in looking at the way that framework is structured and the often very vague outcomes that it is founded around because the current committee chair has elected to produce many of the committee's estimates reports based around the Growing Victoria Together framework.

The members of the Public Accounts and Estimates Committee have seen how vague that framework can be, and the thought of the entire reporting structure of government being based on something like the

Growing Victoria Together framework is of concern. We accept the objective of tying what government does to achieving outcomes, but when those outcomes can be as vague as making Victoria a great place to live, work and raise a family, it is an inappropriate basis on which departments and government agencies should be reporting to this Parliament. Indeed, it is an inappropriate mechanism or framework on which this Parliament should be appropriating money to those agencies.

We also have concerns about the flexibility, for want of a better word, that this legislation is seeking to put in place. I refer to the minister's second-reading speech in which he contrasts the existing Financial Management Act with the new bill being considered by the house. In his speech the Minister for Finance, WorkCover and the Transport Accident Commission has commented on the Financial Management Act, and said:

> As I stated previously, one of the drawbacks of Victoria's current public finance system, and the FMA in particular, is its reliance on complex, prescriptive, technical procedure.

I would argue that complex, prescriptive, technical procedure is not a bad thing when you are looking at the reporting framework of a $45 billion entity. We should have a prescriptive, technical framework when we are putting in place the reports by which the Parliament understands how the government is spending the $45 billion it is receiving from taxpayers, either through appropriations or other revenues, and it is appropriate to have complex, technical reporting mechanisms when the people of Victoria are seeking to understand how the $45 billion they have provided to government is being spent.

As we see in corporate accounting and in corporate reporting under either the accounting standards or the Australian Securities and Investments Commission listing rules or ASIC reporting requirements for listed companies, where entities are very large — there are few entities the size of the government of the state of Victoria, and there are very few $45 billion entities that are covered under corporations law — of necessity the requirements are complex. It is unrealistic, in my view, to expect that we can put in place a reporting framework for the range of government instrumentalities which add up to $45 billion just for the budget sector in revenue in a simplified, flexible way that allows the government to basically do anything it wants.

It is with concern that we read the minister's second-reading speech further with respect to this desire for flexibility, because having criticised the current Financial Management Act as being complex, prescriptive and full of technical procedure, the minister then goes on, in praising the bill before the house, to state:

> But, crucially, and unlike the FMA, it gives the government the ability to adjust the methods and processes for achievement of these principles over time.

That would be the principles of accountability and reporting. I say to the house and the government that we have concerns — and having spent a number of years as a member of the Public Accounts and Estimates Committee I have concerns — about the government having the capacity to adjust the methods and processes of reporting and accountability over time, because it has been one of the great criticisms of PAEC, even within the current Financial Management Act framework, that the government likes to move the goalposts, and we see that with the current outputs framework.

As members of the house are aware, each year in the budget papers and departmental annual reports departments are required to publish their outputs. They have output measures, some covering quantitative and some covering qualitative timeliness measures et cetera. It seems, when we look back over the period of this government, that whenever those output measures are trending in a negative sense, we see those output measures changed. There is very limited comparability from year to year. If one were to undertake the exercise of going back and comparing budget papers from this government's first budget with the most recent set of budget papers, one would find virtually no comparability on any measures across any portfolio area over the 11-year period because there has been a constant rolling change as we have evolved over the last 11-year period, which has done nothing to help our understanding of long-term performance by government to have that constant churn in output measures.

It seems that the Parliament is being asked to put in place a principles-based reporting framework based on a statement of outcomes that will be the headline and long-term objective of government, yet we have seen even within the existing framework that the government cannot be trusted not to change or churn the output measures that sit under those headline outcomes to ensure a degree of comparability over an extended period.

One of the concerns I have with this legislation relates to the incorporation of accounting standards in clause 45, headed 'Form and content of documents'. It relates to the basis on which the various reports that will be required under this legislation — annual reports,

budget reports et cetera — are to be prepared. Clause 45(1) provides:

> A document required to be prepared under this Part must be in the manner and form determined by the Minister in accordance with subsection (2).

It makes it very clear that agencies are required to prepare reports consistent with ministerial directions. Subclause (2) goes on to provide:

> The Minister must base the manner and form of any document required to be prepared under this Part on the relevant Australian Accounting Standards …

On the face of it that seems like a very sensible and appropriate basis on which reports should be prepared. But the subclause does not end there. It goes on to say:

> … with any variations that the Minister considers appropriate.

It gives carte blanche to the minister to deviate completely from accounting standards should the minister choose to do so. In the first part of the subclause the bill provides that reports must be prepared in accordance with the accounting standards, and in the latter part the subclause gives the minister a free hand to deviate from those accounting standards.

It seems that given the work that has gone into the development of Australian and international accounting standards for the public sector, particularly in the past five years, there is no reason why a blanket capacity should be put in place for the minister to allow at will variations from those accounting standards. We know that a decade ago public sector accounting standards were limited — or they could be. The extent to which they were based on private sector accounting standards meant that they were not always entirely appropriate for public entities. In the past decade, particularly in the past five years, a lot of work has been done that makes the application of those standards to public sector bodies far more appropriate and relevant. It raises the question of why this blanket capacity for the minister to allow variations has been included in the legislation.

One of the other areas about which the coalition has concerns relates to the centralising of borrowing and investment functions. As I said earlier, this matter has been raised by a number of the smaller public bodies that operate across Victoria. Many hundreds of them would be defined as public bodies under this legislation. They include bodies that undertake public fundraising. Many hospital boards and auxiliaries, particularly in country areas, do that, as do some agencies in metropolitan areas. A number of those agencies have expressed concern about how the centralisation of borrowing and investment powers will impact not only on their operations but also their capacity to raise funds.

I think it is fairly widely accepted that there are few bigger disincentives in many communities to raising funds for the local hospital or health service than to know that those funds that are raised locally will then be subject to centralised control in terms of investment. While we accept that the intent is to preserve for each entity the funds it raises, the mere fact that this legislation requires central management of those investment functions does undermine confidence among members of local communities as to whether the dollars they raise for their local hospital will actually end up benefiting their local hospital. It is already the case that a number of smaller boards of management have expressed concern about the impact that these provisions will have not only on their autonomy in running their organisation and making their own investment decisions but also on the perception it will create in their communities and their capacity to raise funds from their communities for local use.

There are a number of provisions that we have great concern about with respect to how this bill will operate.

The shadow minister for finance, the member for Box Hill in the other place, moved a reasoned amendment to this bill, which was that rather than second reading the bill:

> … 'this bill be withdrawn and redrafted to:
>
> (1) ensure independent public bodies are not subject to political control and direction by government …

which is the core subject of the concerns about clause 12. The reasoned amendment continues:

> (2) ensure that outcomes arc specified and reported on in a manner that enables government to be held accountable for its performance or non-performance towards achieving those outcomes …

That goes to our concerns about the statement of outcomes and the potential lack of tangible outcomes established in that.

> (3) prevent government manipulation of performance measures through eliminating or redefining measures it finds politically embarrassing …

That is the issue I raised earlier about the concerns expressed by the Public Accounts and Estimates Committee as to the constant churn in performance measures as they have changed over the life of this government.

(4) prevent deliberate accumulation and dumping of annual reports in Parliament each year by government so as to avoid accountability;

(5) ensure that budget papers and annual reports provide a full range of relevant information on the performance of government, departments and public sector entities; and

(6) require that directions, determinations, notices and other requirements by the minister under the legislation be made public and be readily accessible via the Department of Treasury and Finance website'.

As I said, that reasoned amendment was moved by the shadow minister for finance in the other place. I do not propose to move it in the debate here. In the other place the government refused to accept that reasoned amendment, but the principles and concerns set out in that reasoned amendment highlight our concerns about this legislation. It is the view of the coalition that this bill needs to be subject to further scrutiny and possible amendment.

As I said earlier in my contribution, in 2008 and 2009 the Public Accounts and Estimates Committee undertook an inquiry into the rewrite of the Financial Management Act, to use the short version of what that inquiry was about. PAEC made some 44 recommendations about how the accountability framework could be improved. I note that in the second-reading speech the Minister for Finance commented on PAEC's work in the inquiry into the rewrite of the Financial Management Act and acknowledged the work the committee did. He went on to say:

> The vast majority of the committee's findings are broadly similar to the reforms proposed in this bill.

I submit to the house that that is not the case. The committee made 44 quite specific recommendations about how the reporting framework in the state can be improved, including addressing the issue of the churn in performance outcome measures which has been of concern to the committee over a long time and is of substantial concern to the coalition parties. This bill does not address those matters.

It is the view of the coalition parties that at the conclusion of the second-reading debate the bill should be referred to the Public Accounts and Estimates Committee with a view to allowing that committee to consider the bill against its inquiry of 2008–09 and its 44 recommendations in the report, to take evidence from relevant public bodies such as the Auditor-General if the committee deems necessary and to report back to this house prior to the house proceeding beyond the second-reading debate. We do not regard the bill currently presented to the house as adequate for the reasons I have outlined. We have substantial concerns about the way in which it seeks to impose the government's objectives over what should be, in some cases, independent public bodies. We also have a range of concerns about the reporting framework it imposes.

We will be seeking at the end of the second-reading debate to refer this bill to the Public Accounts and Estimates Committee for further review against that committee's inquiry into this matter. In the event the bill proceeds beyond the second-reading stage, in the committee stage we will also be seeking to consider a number of possible amendments relating to the concerns we have raised. At this point in time I merely seek the support of members of the house to ensure that this bill gets further consideration by the Public Accounts and Estimates Committee.

Mr BARBER (Northern Metropolitan) — It seems there is broad support for both the general aims of the bill and the vast majority of its text. I was part of the Public Accounts and Estimates Committee at the time the government informed us it would be reviewing this area of law. The Public Accounts and Estimates Committee took a trip around the world to learn more about this subject. Unfortunately I could not join it because I had a newborn baby. Acting President, you would be aware that you replaced me on that committee, and since I left the committee has continued to look at these sorts of matters.

It seems the concerns outlined by Mr Rich-Phillips on behalf of Mr Clark, the member for Box Hill in the Assembly, fall into a few small areas where I would have thought we could have had some discussion amongst the parties in an attempt to resolve them, but I have not had any representations from the Leader of the Government, who is stewarding the bill through the upper house, although I have made some of my own inquiries in relation to the specific issues that the Liberal Party now raises.

One of its areas of concern relates to the ability of the government to move amounts of money set out in the appropriation bill between departments, which is covered by clause 32 of the bill. To talk about whether this is a major or minor concern we need a little bit of context. The appropriation bill, in fairly broad terms, is the Parliament's release of funds to the government of that year to carry out certain activities. The appropriation bill does not have much in it; only a small number of line items. The budget papers which we all look at and take great interest in have a vast array of information. The question a novice might ask is: what is the relationship between the two? Are we voting for

the budget papers — in which case the government would be authorised only to provide money to the things in the budget papers — or is the appropriation bill, as the legal instrument with its narrow categories of spending, a thing that actually authorises the money?

This became a very interesting case in the example of *Combet and Roxon v. Commonwealth.* That High Court case started when the federal Labor Party was still in opposition and former Prime Minister John Howard was in power. The argument put forward by Combet and Roxon was that — —

Hon. M. P. Pakula — Minister Combet and Minister Roxon!

Mr BARBER — Then they were members of the opposition — —

Hon. M. P. PAKULA — Mr Combet and Ms Roxon!

Mr BARBER — 'Combet and Roxon' was the way they were described in the case; the case was *Combet and Roxon v. Commonwealth.* The case related to whether John Howard could pull some money out of a budget line item which is called 'increasing productivity in the Australian economy' and use it to run WorkChoices advertisements when the bill to implement WorkChoices at that stage had not even been presented to Parliament. They thought, as I would have imagined, that if we authorise the government to spend money via budget papers and through an appropriation bill, they kind of had to follow that. Otherwise, what was the meaning of putting these matters before Parliament in the first place? We might as well just write the government an IOU for $43 billion, and off it would go to govern how it wanted to for the next year.

But amazingly on a question of statutory interpretation the High Court came back and said, 'You know what? Once you have given money to the government through an annual appropriation, it can pretty much do whatever it wants. It can interpret how it wants, including a particular budget line item'. Some of the High Court judges even said it could move things between items. When you think about it, that becomes quite scary because the origin of the appropriation was to keep the government on a fairly short leash. It was to say, 'We are the Parliament, you are the government, but we are still only going to give you a year's worth of money at any one time, and you have to come back every year and ask for more money'. Unfortunately it is clear from that particular High Court case that the ability of the appropriation to determine or lock in to any meaningful extent what the government has to do with our money is lost or weakened. It is hard to see what limits would be put if the High Court ruled in that particular way in relation to that.

Members of the coalition have come to me and said, 'We are really concerned about clause 32, under which the minister can transfer money between departments'. Yes, the appropriation does allocate money to departments, but is this likely to affect anything in practical terms? I am not so sure. In practical terms, if the government wanted to do something — and government advertising is always a hot topic — I am sure it would be able to find money within the health department or the education department or whatever. I cannot see how this significantly loosens the government's abilities to spend money in the way it wants, because the High Court has made it pretty clear at the federal level that it can pretty much do whatever it wants.

The coalition has also raised concerns about clause 30, which allows for supplementation during the middle of a budget period. I gather that this is very similar to a so-called Treasurer's advance. We understand the reasons for that — for example, there can be unforeseen events that require significant expenditures. The Black Saturday bushfires are one example. However, subclause (4) of clause 30 says:

> The issue of any amount in accordance with this section must be consistent with the statement of outcomes.

If the statement of outcomes has already been published in the budget paper and now we need some emergency funds for an unforeseen event, how can the unforeseen event be consistent with the budget papers? I am confused about that.

However, the bit that has caused not just the coalition but also others to have some concern is the fairly broad-ranging powers seemingly set up in clause 12, which is about the responsibilities of departments and public bodies to comply with certain orders and directions from the relevant minister. At first blush you might read this section and think that it operates solely within the context of the bill. When it is a public finance and accountability bill and it calls on departments to comply with applicable legislative requirements and to implement the associated policy frameworks, we assume that means in relation to the bill. If it is going wider than that, do we really need a bill that tells departments they have to obey the law — that is, other laws? Presumably they already know that, and in any case what is the legal effect?

Doubt has now been raised — and not only by Mr Clark, the member for Box Hill in the Legislative Assembly, and Mr Rich-Phillips here — about how exactly this might work in practice. First of all, there is the definition of a public body, which is very wide. If this were a review of the Audit Act, we would be asking that it be very wide. However, once we get further into this clause we see that a public body must provide to the relevant department head any information which the relevant department head requires in order to enable the department head to comply with subclause (3), which says:

> The relevant Department Head must advise the relevant Minister on the discharge by a public body of the responsibilities conferred on the public body under this section.

That starts to become quite wide, potentially very wide. It is possible that the government did not mean to be so wide and that it was only thinking within the environment of this bill and how it would operate, but we need some clarification on that.

When it comes to bodies such as the Auditor-General, this becomes a serious concern. We have worked hard to provide for and maintain the independence of the Auditor-General. The framework for the Auditor-General is quite well known to MPs, and any suggestion that this bill overrides another more specific piece of legislation is a real concern.

We could have sat around the table and had a conversation about this among the various parties, which generally works better around here than a series of disjointed conversations between pairs of parties, but that has not occurred so far, as I stand here being asked to vote on this question. I am tempted by the proposition put by Mr Rich-Phillips that we ask the Public Accounts and Estimates Committee, which was originally set up and asked by the government to review this area of law, to sit down with the bill itself. An exposure draft of the bill was not released, and I do not believe PAEC had any special access to these provisions before the bill came to Parliament, so PAEC is not getting to finish up the process that it started. We could take some time to do that. If it were simply a case of deferring the bill for a number of days or a week to have those further conversations, I would be up for that, but I do not think the government is up for it. Therefore the only option I have is that proposed by Mr Rich-Phillips, to refer the matter to PAEC, which I think would happen within two sitting weeks and would still allow the bill to be passed.

It is not my intention to block this legislation or in any way to oppose its broader provisions. It is really just an issue of what mechanism we are going to use to resolve some questionable, and quite possibly unintended, implications. It is just that the seriousness of the subject matter is so high I have to be extraordinarily cautious. It is not simply a scare campaign by the coalition that has raised these doubts; it is my direct consultations with particular bodies, including the Auditor-General, that have raised my antennae.

I do not propose to spend a lot of time talking about what the bill itself does. If we were to get to the committee stage, I would have a number of specific questions about various clauses. Overall, though, it is a good piece of legislation. There are just one or two question marks which we need to resolve.

Ms HUPPERT (Southern Metropolitan) — I am pleased to rise to speak in support of the Public Finance and Accountability Bill, which will allow Victoria to continue in its position as a leader in public finance and management. It is important legislation, establishing principles which provide a foundation for improving government performance. It links budgeting and financial management to performance and outcomes, and applies public financial requirements on a fit-for-purpose basis. Victoria has a strong economy, and the foundation of its economy is its financial management legislation. This legislation will provide a foundation for a continuing strong economic performance. It will also allow Victoria to continue to provide best practice in this area.

The legislation changes the focus of financial management and reporting and establishes principles for effective resource and finance management. The objectives and principles for public finance and procurement are set out in clause 7 of the bill. They are clearly set out, which allows them to be better understood by both the public sector, which is required to comply with these obligations, and also by the community. In particular, as I mentioned before, the legislation moves the focus to outcomes and associated outputs, which are to be the basis for planning, resource allocation, resource management and reporting.

The bill requires that information provided to Parliament, and therefore to the public, is clear, accurate and readily understandable, maintaining high standards of governance and accountability in relation to financial risk management. It ensures that financial management requirements for public bodies are fit for purpose, so that they differ relative to the complexity and risk profile of the relevant body. Public sector values of integrity, accountability and impartiality are maintained under the principles.

Outcomes relate to the impact or consequences for the community of outputs from different government departments and agencies. By focusing on outcomes, the legislation has the benefit of allowing government to focus its planning, budgeting, reporting and accountability on results which have a real effect on the community. This process will require government to establish a range of whole-of-government output targets to be published in a statement of outcomes. Departments will be required to show in their reporting how each department's outputs will achieve these particular outcomes. In the final step of this process the government will be required to publish an outcomes progress report specifying progress in each subsequent financial year. The first statement of outcomes is to be produced for the 2011–12 financial year.

This system will provide for a more meaningful disclosure of both financial and non-financial information, increasing transparency and accountability and enabling the Parliament and the community to more fully evaluate the performance of government.

I mentioned earlier in my comments the concept of fit for purpose. The legislation establishes four categories of public bodies based on complexity and risk value. The first category is for public bodies, including public financial corporations and other bodies, with assets exceeding $100 million, expenses exceeding $25 million and liabilities, as a percentage of assets, of 20 per cent. These would be major financial corporations such as Melbourne Water.

The second category is for public bodies which have assets and expenses exceeding $5 million, such as TAFEs. Category 3 and category 4 bodies are determined by the responsible minister in consultation with the minister for finance. It is anticipated that category 3 bodies will be bodies such as registration boards and that category 4 bodies will be bodies such as committees of management that manage public land. Further, the bill allows for the minister for finance to elevate public bodies to higher categories based on their risk profile or complexity.

The bill and its supporting frameworks set out minimum standards for all public bodies and then require planning and reporting requirements to be dependent on the category the public body falls within. This means there will be appropriate requirements for each category of public body.

As mentioned before, there will be greater timeliness in reporting. Annual reports, including financial statements for category 1, 2 and 3 public bodies, will be required to be tabled in Parliament by 30 September. Currently annual reports are not required to be tabled until 31 October. Category 4 bodies will report to the responsible minister and that minister will be required to report to Parliament on any exceptions or adverse issues set out in those reports.

Another important area of this legislation covers changes in procurement. The bill provides for a procurement framework based on a principle-based model — that is, the framework will move from a value-based model to a principle-based model. Accountability for procurement will be clearly outlined and placed with the relevant public body and its accountable officer. It will establish a state procurement board which will replace the Victorian Government Purchasing Board. This procurement board will be responsible for providing advice on probity and process for procurement and will also review complaints.

The government proposes, in the committee stage, to move a number of amendments. I ask that these amendments be circulated on behalf on the Treasurer.

Government amendments circulated for Mr LENDERS (Treasurer) by Ms Huppert pursuant to standing orders.

Ms HUPPERT — I also want to address a couple of the issues that have been raised by previous speakers in this debate, in particular the comments relating to the Public Accounts and Estimates Committee and the concept that this bill should be referred to that committee for further consideration. As Mr Barber pointed out, the Public Accounts and Estimates Committee conducted a wide-ranging inquiry into financial management practice, looking at jurisdictions both in Australia and around the world. I joined the Public Accounts and Estimates Committee towards the tail end of that inquiry and was involved in the preparation of the report.

Mr Barber interjected.

Ms HUPPERT — Mr Barber is right; unfortunately I did miss out on the trip. However, it was interesting to be involved in the final stages of that inquiry and in putting together the report that was tabled in Parliament. That report listed 44 recommendations, the vast majority of which have been either accepted or accepted in principle by the government, and they are reflected in this bill. In view of that there is nothing further to be gained by a further inquiry or hearings, as there were extensive public hearings and surveys looking at the methods of public finance and accountability across various jurisdictions.

Having regard to the view that the effect of this legislation will increase government accountability for both the Parliament and the community, it is comprehensive legislation focused on reporting of outcomes rather than merely outputs. It will provide for more fulsome and more timely reporting for the Parliament and the community. I commend the bill to the house.

Mr HALL (Eastern Victoria) — I want to say just a few words on the Public Finance and Accountability Bill 2009. Firstly, I appreciate the intent of this legislation — that being to put in place a new framework to regulate public finances in this state. Secondly, I appreciate the fact that what we are seeing here is a single piece of legislation taking the place of a number of pieces of legislation. We will see this new framework cover areas including planning, reporting and procurement, as well as borrowing, investment and the way in which appropriations are presented to the Parliament. It is a significant piece of legislation. Putting it together has been the subject of a considerable amount of work by a number of people.

I would like to pay tribute to my former colleague the Honourable Roger Hallam, at one time the Minister for Finance, who I have the highest respect and regard for. He has played a significant role and put in an enormous amount of time assisting with the framing of this legislation.

There are some issues of concern that have been raised in the course of this debate. Mr Rich-Phillips, lead speaker for the Liberal-Nationals coalition, has very eloquently expanded on some of those concerns and argued the need for the Public Accounts and Estimates Committee to have a further look at this legislation and satisfy itself that the legislation meets the intentions of the recommendations and suggestions put by the committee when it first suggested new framework legislation of this nature. I think that is a reasonable call. Given the importance of this piece of legislation, it would be well worthwhile for the Public Accounts and Estimates Committee to report back to Parliament on its view of the legislation before the legislation is sanctioned by the Parliament.

I want to add three points in terms of supporting the call for the Public Accounts and Estimates Committee to have a further look at the legislation. The first point goes to clause 47 of the bill and regards borrowing and investment functions. Mr Rich-Phillips has already expressed concerns about the centralisation of borrowing and investment functions. This issue was brought to my attention recently when I visited TAFE institutes around Victoria. Quite a number of them raised concerns with this aspect of the legislation as it applied to them. I draw the attention of the house to part 6 of the bill entitled 'Financing and Risk Management'. It sets out a framework under which borrowing and investment functions of public bodies are to be monitored and centralised. Clause 48 outlines a requirement for public bodies to pay a financial accommodation levy. Clause 48(2) states:

> A public body to which this section applies must pay to the Treasurer for payment into the Consolidated Fund a levy as determined by the Treasurer —
>
> (a) for each leviable period as determined by the Treasurer; and
>
> (b) in respect of the financial accommodation provided to the public body or a part of that financial accommodation as determined by the Treasurer.

As I understand the legislation, a levy is to be paid by such public bodies for the privilege of having Treasury manage their investment and borrowing functions. I am not sure all TAFE institutes want that, and many feel they are quite capable of undertaking those tasks themselves, as they have in the past. It seems unfair that many of those TAFE institutes will be subject to centralisation of these investment and borrowing functions and for the privilege of doing so will have to pay a levy for Treasury to undertake that task.

At the same time — and I will refer back to a definition of a public body in a moment — universities will be exempt from this provision. TAFE institutes are currently part of the tertiary education sector and sit alongside universities, but with this legislation they will be restricted in their ability to embark upon their own investment and borrowing decisions. In comparison to the situation with universities, the legislation seems to be a disincentive for TAFE institutes.

Clause 51 has the heading 'Designated public body to pay dividend or capital repayment'. Under this clause a public body can be declared by way of a gazettal notice to become a designated public body and therefore again be required to pay a dividend to the state government. It is not clear whether TAFE institutes are intended to become designated public bodies. That is of concern and something which maybe the Treasurer might like to clarify in his response to the second-reading debate.

Related to this matter is the definition of a public body, discussed in clause 4 of the bill, where it is made clear that TAFE institutes fit that definition. Clause 4(2) makes it clear that a university, within the meaning of the Education and Training Reform Act 2006, is not a public body. That is why the TAFE institutes I have visited have expressed concerns about this legislation,

given that they will be required to conform with the centralised borrowing and investment functions, whereas universities in this state will not. This is a matter which needs to be further explored by the Public Accounts and Estimates Committee, and if that process takes place I would ask that the committee have regard to these concerns I am raising on behalf of TAFE institutes across the state.

The second point I want to raise relates to the presentation of the budget to this house. Only five weeks ago we had an extensive debate and a committee stage in this chamber on the Appropriation (2010/2011) Bill and Budget Papers 2010–11. I expressed concern then at the way in which, in part, some of the programs within the budgets were reported on. In the committee stage I particularly made mention of the skills reform initiative of the government, which is a $316 million project, and inquired of the Treasurer why there was not an ongoing account of the expenditure of that $316 million. I pay credit to the Treasurer: he provided me with a written response today, which I appreciate. The answer basically confirmed that that particular project was part of a Treasurer's advance and therefore we can only find out how much has been spent in previous years, not how much is estimated to be expended in the year ahead or the year after that for the term of that initiative.

It seems to me that once particular projects have been funded through a Treasurer's advance, like the significant $316 million skills reform project, then in subsequent years there could and should be reporting on estimated expenditure in each of the 12 months ahead. Maybe this is possible under a provision of this bill which allows a transfer of funds between one department and another. If it is the case that a Treasurer's advance-funded initiative can be transferred to a departmental account and I can be shown estimates for the 12 months hence, then I would be pleased. This is an example of how further improvements in the presentation of budgets can be made. If the Public Accounts and Estimates Committee reviews this legislation, I would ask it to look at the way in which initiatives under a Treasurer's advance can be reported in future budget papers.

The final point I wish to make is with respect to reporting, and in particular the form of the annual reports presented by public bodies to Parliament. My colleague Mr Rich-Phillips made a very salient point about ministers' powers to prescribe the way in which they want annual reports presented. It seems to me the legislation is framed in such a way that that description can differ significantly from minister to minister. One minister's department might present an annual report in a distinctive and different style and format to another minister's department. Equally, ministers responsible for various public bodies could prescribe that annual public reports be presented quite differently from other ministers in charge of public bodies. There needs to be some consistency and similarity in the presentation of annual reports from various public bodies.

I am also concerned about the great influx of annual reports being presented in the Parliament at a particular time of year. We have seen under all governments examples of voluminous numbers of reports being presented. I believe that is designed to prevent adequate scrutiny of those public reports. It would be nice if annual reports were presented to Parliament in a more timely fashion, over a period of time, so that we then have an opportunity to fairly scrutinise them. That is something we are unable to do when several hundred reports are all presented on a single day, which is the current practice.

They are the three points I wanted to make in respect of this important piece of legislation. I understand the significance of it. Many people have contributed to it and it deserves a considered review by the Parliament. That review process would be enhanced by the Public Accounts and Estimates Committee looking at it as it stands and reporting back to the Parliament in a timely fashion. That would assist members to gauge their response. I will be supporting the call of my colleague Mr Rich-Phillips to refer this legislation to the parliamentary Public Accounts and Estimates Committee.

Mr LENDERS (Treasurer) — I will make a few points in response to the debate on the bill. It is clear from the comments made by Mr Rich-Phillips and Mr Barber that this bill will be referred to the Public Accounts and Estimates Committee (PAEC), which I think is unfortunate for a number of reasons. This debate avoids an issue which has been fully addressed. Referring the bill to PAEC is purely a delaying tactic which is more about resolving internal disputes in the Liberal Party than about any serious discussion on this bill.

Firstly, let us go to exactly what is being addressed here. The government embarked on a process where the Department of Treasury and Finance, under the leadership of my colleague the Minister for Finance, WorkCover and the Transport Accident Commission, Mr Holding, sought to find out how to make government more transparent. It looked at how the government could make the budget process more transparent than it has been and how the government

could bring the budget process into the modern age. They were the objectives.

The government went to the Public Accounts and Estimates Committee saying, 'This is our work program'. We set up a reference group which included, among other people, Roger Hallam, a former member of this house and a former Minister for Finance and member of The Nationals. The reference group looked at how the process could be bipartisan and how further scrutiny and transparency could be applied to government. It was a long project. The reference group worked on it and the members of the Public Accounts and Estimates Committee went on an overseas trip as part of their inquiries. PAEC presented a report to Parliament which did not include a minority report covering any concerns or considerations as to what might be wrong. The report was signed and then went to the Legislative Assembly. Let us be absolutely frank; opposition members of the Public Accounts and Estimates Committee faced some difficulty from their shadow cabinet and party room. That is fine; that is how the democratic process works.

Basically a couple of members had some concerns around the edges of this. During the debate in the Legislative Assembly those concerns were probably best articulated by Robert Clark, the member for Box Hill in the Assembly. The finance minister made an effort to have a dialogue with the opposition parties to try to resolve these issues over a period of time, but that dialogue did not reach a satisfactory conclusion for either the opposition or the government. We now have a proposal in this house to refer it back to the Public Accounts and Estimates Committee, which signed off on the principle in the first place. I accept Mr Hall's point — PAEC did not sign off on the detail, it signed off on the principle. However, there were no alarm bells ringing.

The irony of all this is that during the committee stage of the budget — which was about five weeks ago — member after member called for more transparency. Yet a number of those members who are here in the house today — members who called for more transparency then — are in effect voting to not extend that transparency.

There is a proposal here which has genuinely gone about as far as it could in government to get buy-in from the Public Accounts and Estimates Committee, and this came from a former finance minister in a party that is now in opposition. There was a worldwide trip by PAEC members, which they all signed off on. Suddenly now, at the 11th hour and 59th minute, they say, 'Let's send it back to PAEC', which three years ago started this process.

What will PAEC do with the matter over the next two weeks? Presumably it will look at it, as it did before. There are a couple of matters with which the member for Box Hill in the other place, Robert Clark, has issues that none of the rest of the opposition members seem to have. We then have Mr Rich-Phillips saying, 'Send it to PAEC for a few weeks', and Mr Barber saying, 'Let's send it to PAEC because the government really has not talked to me'. As I said to Mr Barber before, the government tried to talk to Mr Barber through his office about whether or not there were any issues, but he did not come back to us, and in the chamber today we hear there is a series of issues that need to be addressed.

In the end the numbers — the 21:19 rule or vote in this place — will presumably prevail, and the bill will be referred to PAEC, which will undoubtedly look at it. The round table discussion may happen again between here and PAEC. But fundamentally these issues are about greater transparency in government buy-in across the board for the way we get this done. It has been a historical opportunity that reduces the options for government to be flexible, which it has been over a period of time. It makes it more transparent, makes it more accountable to the Parliament and brings in modern accounting practices. But the opposition and the Greens are suddenly saying, 'We don't think we want this; there are more questions to be answered'.

I would have hoped that during the overseas trip that PAEC members happily went on they would have asked those questions; that somewhere in the process with the reference group headed by Mr Roger Hallam they would have asked those questions; that somewhere during the process they would have done it. But if the 21:19 rule prevails and the bill is sent to PAEC and it comes back here with a PAEC report in two or three weeks time I would certainly hope the opposition and the Greens would use this as an opportunity to deal with the issues that they have been part of for the last three years and I have tried to resolve, and not find it as an excuse to reject this bill because the shadow cabinet cannot quite resolve a process where the member for Box Hill, Mr Robert Clark, does not like what the shadow Treasurer thinks.

Motion agreed to.

Read second time.

Referral to committee

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:

> That the contents of this bill be referred to the Public Accounts and Estimates Committee for consideration and report by 31 August 2010.

In responding to the Treasurer's concluding remarks in his second-reading debate contribution, I have a very different understanding of the process that took place between the Department of Treasury and Finance and the Public Accounts and Estimates Committee. If the Treasurer is of the view that that was an iterative process that involved dialogue between the DTF and PAEC, he is wrong, because that is not how the department undertook its work on this legislation, and ultimately it was not how PAEC developed its report on this matter.

I have to say that as a member of the committee through that period, without ascribing a committee view to this, I found the relations between the committee and the department particularly frustrating. That included leading up to the committee's overseas investigations of this matter. I was not a participant in that trip but I certainly took part in the briefings before the committee travelled. The interaction with DTF was next to useless; it was not forthcoming in terms of engaging with the committee in the development process.

It is a similar story with the presentation of the bill before the house. The committee did not see an exposure draft of this bill; it did not see the bill until after it had been presented to the Parliament, and I believe that is also the case with a number of the key government agencies that are affected by this legislation. While the Treasurer would like to present this — and he used the phrase 'refer it back to PAEC' — as such, the reality is that this bill has never been before PAEC because the government, through its process, chose not to engage with the committee in the development of the legislation and there was not the interactive process that the Treasurer would make out was the case.

In moving the motion I believe it is appropriate, given that the committee has undertaken an inquiry into the rewrite of the Financial Management Act and has produced a report with 44 recommendations, the majority of which do not seem to have been taken up in the bill in a substantive way, that the committee has the opportunity to consider the bill before this house considers it in its final stages, and to seek evidence from key public bodies that will be affected by it, if it sees fit to do so, before the house ultimately votes on it.

The motion I have moved requires the committee to report by 31 August, which is the sitting week after the next week, which will not materially delay the legislation. Ms Huppert has circulated amendments in the Treasurer's name which seek to postpone the operative date on this legislation until 2012, so I do not believe that having PAEC look at this bill over the next fortnight before it comes back to the house will in any way unnecessarily delay the legislation. I would urge members of the house to support this referral to PAEC in August.

Mr LENDERS (Treasurer) — As outlined, the government will not be supporting this procedural motion.

Mr D. DAVIS (Southern Metropolitan) — I want to support the motion moved by Mr Gordon Rich-Phillips. It is a very moderate motion. It is true that this is an important foundational bill, but it is a bill that we need to get right. The Public Accounts and Estimates Committee looked at these matters and produced a report a while ago, and the government has produced this legislation — and I pay tribute to the work of Roger Hallam and others — but that is not to say that this cannot be made much better.

There are concerns. Recently the Auditor-General reported to this Parliament on the problematic nature of government reporting in the budget output measures. He pointed out that huge amounts of money were spent without proper controls and a proper understanding of those controls. Frankly, it is quite important to get this right. We have a duty, a responsibility, to the people of Victoria to get these matters right.

The motion by Mr Rich-Phillips is extremely reasonable. It will give the Public Accounts and Estimates Committee the opportunity and the time to look at this matter, to call whatever witnesses it needs and to inform the chamber of matters surrounding that before the chamber proceeds to a committee stage. It is a sensible and grounded motion.

It would not be for a long period of time. The Public Accounts and Estimates Committee is the correct committee to look at this. It is a government-controlled committee, so it is not as though the opposition is trying to send the bill to some committee where the government cannot put its point of view in an eloquent and reasonable fashion. The committee will be in a position to test the government's assertions in these areas and to report helpfully to the chamber in a way

that will improve this important foundational legislation. There is every reason to believe that if we do not get it right, the Parliament and the people of Victoria will be the poorer for a long time.

House divided on motion:

Ayes, 20

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

Noes, 18

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

Pair

O'Donohue, Mr	Jennings, Mr

Motion agreed to.

ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL

Second reading

Debate resumed from 24 June; motion of Mr LENDERS (Treasurer).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to speak on the Electoral Amendment (Electoral Participation) Bill 2010. This is a bill to authorise the Victorian Electoral Commission to enrol voters based on information obtained by the VEC, to allow unenrolled voters to enrol and vote on election day and to make other changes to electoral law. It is a bill with which the coalition parties have a number of concerns as to its practical implications, and we will be seeking to refer in the first instance to the Legislation Committee for more detailed consideration at the conclusion of the second-reading debate.

The purpose of the bill is to authorise the Victorian Electoral Commission on its own initiative to give a notice to a person entitled to enrol, who turns 18 without enrolling, based on information obtained by the VEC using its existing powers to obtain information from various bodies. That relates to a person aged 17 who is eligible to enrol but has not enrolled once they come of age. The bill requires the Victorian Electoral Commission, after such a notice is given, to enrol the person, unless the person within a period specified in the notice, being not less than 14 days, advises the VEC why the person is not entitled to enrol or that the proposed enrolment details are incorrect.

The bill requires that if a person goes back to the VEC, the VEC will enrol the person with any necessary corrections to the enrolment information that is on the notice sent to the person, unless the VEC is satisfied that the person has a valid reason not to enrol. So even if the person responds to the VEC indicating they do not wish to be enrolled, the VEC will enrol them unless it is satisfied that there is a valid reason not to enrol them.

The bill provides that if the VEC gives a notice proposing to enrol a person, the VEC then cannot prosecute that person for failing to enrol. In effect it exempts anyone who has come to the attention of the VEC and to whom it has subsequently sent a notice. They are then exempt from the penalty for not enrolling. It creates a two-tier system between those who have received notices from the VEC and those who have not received notices. If you fall into the first cohort you are effectively exempt from the requirement to enrol because no penalty will be imposed.

The bill removes the requirement that for a person to vote the address at which the voter is enrolled must have been the voter's principal place of residence during the three months leading up to the election. This is a provision that was inserted by way of amendment, as I recall, in the Electoral Act, in 2002 and is now being removed. The bill allows postal votes postmarked on the Sunday following an election to be counted provided the declaration by the witness when a postal vote is made provided that declaration is signed on or before polling day. It allows a person to cast a provisional vote on polling day at a voting place if they claim to be entitled to vote and their name cannot be found on the roll; if they complete an enrolment form at the polling place they are entitled to make a provisional vote if they provide appropriate identification. The bill broadens the list of voters who can vote electronically to include those with motor impairments or insufficient literacy skills and provides for auditory assistance and touch screens for electronic voting.

It allows Legislative Council candidate groups to amend their group voting ticket at any time before noon on the day prior to final nomination day, which of

course is something of considerable interest to members in this place. It makes it mandatory for Legislative Council candidate groups to lodge voting tickets; under the current legislation that is an optional provision.

The bill will also require the VEC to publish copies of how-to-vote cards on its website and it makes some minor changes with respect to the authorisation requirements for electoral material, providing that it will not be necessary to put an authorisation on a letter or card that bears the name of the sender if that document does not represent a how-to-vote card.

The bill provides that the various provisions will come into effect on proclamation or no later than 1 July 2011. I raise that simply because of the way the bill is proposed to commence. There is considerable latitude for the government to determine which sections of this legislation it brings into effect prior to the election in November, which is one area of concern. If the Parliament elects to pass this suite of changes — as I have said, we have a number of concerns that I will go into shortly — it is our view that they should all be enacted prior to the commencement of the election. The government should not be given discretion to choose which of the particular provisions it brings into force prior to the election to the advantage of its electoral fortunes as it sees fit.

The key areas of concern with this bill for the coalition relate primarily to the provision that will allow the VEC to enrol young people automatically based on information to which the VEC has access. I thank the Electoral Commissioner for his briefing of the shadow Attorney-General, Robert Clark, the member for Box Hill in the Assembly, on this next matter. The VEC has indicated that if this legislation is passed it will access information held by the Victorian Curriculum and Assessment Authority (VCAA) which essentially relates to senior secondary students, and use that information to issue notices to people who have turned 18, advising that they are eligible to be enrolled, and they will be enrolled automatically.

One of our primary concerns with this is that it will discriminate against any young person who is not in education or who is not known to the VCAA. It will effectively create two classes of young people — those who are students and those who are not. If you are a student known to the VCAA, a notice will be sent and you will automatically be enrolled, and because a notice has been sent you will not be fined for failing to enrol. If you happen to be a young person who is not a student known to the VCAA, your existing obligations to enrol remain; you will not have the benefit of being automatically enrolled. If you fail to enrol, you will be subject to the penalty for failing to enrol as all voters currently are.

The bill is arbitrarily creating two classes of people and we know, only because of advice from the Electoral Commissioner, that the only cohort identified at this stage that will be picked up under this provision is those identified to the VCAA. This is not something set out in the legislation so we simply have a case that because the Electoral Commissioner has determined that he will have access to that data and can use that data, the division is now between those who are students and those who are not. It seems completely incongruous in legislation that is supposed to make voting available to all who are eligible and to make the voting process smooth and credible that we would have a situation where we create two classes of would-be voters — those who are students and those who are not — through this automatic enrolment mechanism.

We have seen voting fail in well-established democracies due to deficiencies with either electoral rolls or voting mechanisms. We need only look at the United States presidential election in 2000 which became a debacle because of failures of the voting systems in certain states. The US has the bizarre circumstance in which its presidential election is based on separate voting systems determined by each state individually, allowing possibly completely different voting systems and eligibility, depending on which state you are voting in. That was a highly contested election in terms of outcome because of perceived irregularities in the voting, which was a very regrettable situation and one we would not want to see replicated here in Australia.

We have been very fortunate at both a state and commonwealth level that the integrity of our voting systems and our electoral rolls have been more or less regarded as beyond reproach. It would be regrettable to pass legislation that would be to the detriment of the current standing of our electoral roll. We are concerned that a provision that allows for automatic enrolment of some eligible citizens, but not all, is a step down that path.

In the general election in the United Kingdom only a couple of months ago we saw that there were problems with the electoral roll, with the enrolment of voters at polling places on polling day and people not being able to vote before the close of polls because of a backlog associated with that process. That occurred in the home of Westminster democracy. It should not happen there, and we should not put in place legislation that could allow such deficiencies to occur in our rolls.

Our primary concern is the way in which the bill will create two classes of potential enrollee based on whether they are known to the Victorian Curriculum and Assessment Authority or not. We believe that discriminates against those who are not in education, as well as those in country areas who may be less likely to be in education. Whether one is in education or not seems to be a fairly poor basis on which to enrol potential voters.

One of our further concerns with that provision relates to privacy. When people become associated with the VCAA and go through the process of having their details recorded with the VCAA, or any other government agency that may later be brought within the ambit of this provision, they do so for a specific purpose. In this case it is for their participation in education, and they know when they fill in the requisite forms for that purpose that they do so in association with their education. They do not expect at some time in the future to turn up on a public electoral roll as a consequence of being known to the VCAA.

This raises concerns for people where, regrettably, families may be split, young people at 17 or 18 years of age may be alienated from a parent or parents, they may have been subjected to domestic violence and may not want to be on a public electoral roll where their presence may become known simply because they have been enrolled as students with the VCAA. It is of great concern to us on this side of the house that this provision will mean that a person who has been protecting their anonymity and may have removed themselves from a violent or dangerous home situation may unwittingly become accessible to the people from whom they have effectively escaped because the Electoral Commissioner will have the capacity to put them on an electoral roll, possibly without their knowledge. It is clear the way the legislation will work is that if the Victorian Electoral Commission sends a notice to a young person of the intention to enrol that person, and that notice is not responded to, gets lost in the mail or is received but then lost or not acted upon, the VEC will enrol that young person.

There could be a situation where the mail goes missing and the young person never knows that they are being put on the public electoral roll. The first they may know about it is when they are fined for not voting in an election, when they did not even know they were on the roll, or worse, when a person with whom they wish to have no contact is able to track them down because they have suddenly appeared on the public electoral roll.

That raises the issue of silent enrolments. A young person could be a member of a household where, for very good reason, all the other people in that household are silent enrollees. Under these provisions they could end up on a public electoral roll by virtue of having been automatically enrolled because they have an association with the VCAA. The Electoral Commissioner has given undertakings with respect to the concern that when a person is in a household where the other occupants are silent enrollees, the option would also be made available for a person to be enrolled automatically. The reality is, though, there are no guarantees in the legislation to ensure that will be honoured, and we can only accept the word of the current Electoral Commissioner. We do not have the legislation to rely on to give us reassurance with respect to that provision.

One of our other concerns relates to the acceptability of automatic enrollees for the commonwealth electoral roll. One of the things we have been generally fortunate to have in Australia is a commonly accepted state and commonwealth electoral roll. While separate electoral rolls are maintained at each government level, basically eligibility for and enrolment on one electoral roll has ensured eligibility for and enrolment on the other electoral roll. That now seems to be put in doubt with certain provisions related to automatic enrolment. We may have a situation where, under this provision, people who are automatically enrolled under the state electoral roll and have received a notification from the VEC that they will be enrolled on the state electoral roll will find that they are not enrolled on the commonwealth electoral roll because they do not meet eligibility criteria, yet they understandably believe, having received a note from the VEC saying that they will be enrolled, that they are on both electoral rolls. The capacity for confusion about automatic enrolment on the state electoral roll and not the commonwealth roll is an area of concern.

We have concerns also about how this legislation will operate in relation to amendments that were made to the commonwealth electoral legislation immediately prior to the proroguing of the commonwealth Parliament earlier in the month. What is clear from the timing of this legislation is that this bill precedes those amendments to the commonwealth legislation and it is not clear whether consequential amendments are required to this legislation as a consequence of those commonwealth changes. A referral of this bill to the Legislation Committee will allow that matter to be considered in detail.

A couple of our other concerns about the bill relate to the capacity for people to enrol and vote on polling day.

The first concern is about the capacity for people to use false identification to enrol and vote on polling day. The legislation will require them to provide either a drivers licence or some other form of identification from a service provider such as a utility company. My understanding is that only those people enrolled based on the drivers licence identification and not those enrolled based on the identity document associated with a service provider will be eligible to be entered on the commonwealth roll. Again, there could be a situation where people, believing they have enrolled on both rolls on a state election day at a polling booth by using a document that is acceptable for identifying them to be enrolled on the state roll, will find themselves not enrolled on the commonwealth electoral roll because they have not met the identity requirements for that roll.

The other concern relates to identity fraud in enrolment on polling day. As everyone knows, particularly members in this chamber and the other chamber, given that most members in both chambers have spent more than their fair share of time in various roles in them, polling places are busy places. The prospect of having not only the workload currently associated with polling places — obviously the issuing of ordinary votes and of provisional votes for people voting outside their area — but also people coming to enrol on polling day and the management of that process will create logistical problems. We saw that in the United Kingdom election, which was a debacle in some areas. We would not want to see that replicated there. There is also the prospect of identity fraud being committed and not identified because of the workload that would be associated with people enrolling en masse on polling day.

Allied to that are issues surrounding the redrawing of boundaries, which we know is undertaken by the Electoral Boundaries Commission based on enrolment data. The bill creates the prospect of people choosing not to enrol until they reach a polling place on election day. You could have a whole cohort of people, often younger people and more mobile people — arguably you would expect them to be in the inner city seats of Melbourne and so forth — who choose not to enrol until they go to a polling place on polling day. As a consequence of that, those people will not be identified by the Electoral Boundaries Commission when it comes to redraw electoral boundaries. They will not appear on electoral rolls from election to election. There will be a situation of boundaries being redrawn between elections. I understand we can expect a new electoral boundaries determination after the election this year. This provision raises the prospect that the commission will be doing its job with incomplete data, and it would seem that the most affected areas would be the inner city electorates, where the population is likely to be of younger and more mobile people. You could have whole cohorts of people who are simply not counted in redistribution calculations because they choose to delay their enrolment until a polling day.

We have a number of concerns about the practical operation of this legislation. We believe those concerns have not been adequately addressed by the government. This bill has laid over between houses for a month or longer. These concerns were raised with the government in the Legislative Assembly. To date they have not been addressed. It is the view of the coalition that the appropriate course of action is that this bill be referred to the Legislation Committee, where those matters can be more fully prosecuted and responded to by the government. Failing that, coalition members have a number of amendments that we would seek to move in the committee stage to address the concerns outlined.

We believe it is important that the integrity of our electoral roll and electoral system be maintained at the highest level. We are concerned that this bill has the potential to undermine that. I urge members of the house to support the referral of this bill to the Legislation Committee for detailed consideration.

Mr BARBER (Northern Metropolitan) — The Greens will support this legislation in toto. As part of its inquiry into voter participation, the Electoral Matters Committee was informed that 235 000 eligible voters in Victoria may not be correctly enrolled, that at the 2006 election 66 000 people had their votes rejected because their details were not recorded on the electoral roll correctly or at all and that of the 18 to 25-year-olds eligible to enrol, only 76 per cent actually voted. Those figures are obviously concerning and they represent the rationale for this piece of legislation.

I will go to the various measures separately. On automatic enrolments, the bill gives the VEC (Victorian Electoral Commission) the power to enrol eligible 18-year-olds on its own initiative and based on information obtained from sources listed in section 26(4) of the Electoral Act. The relevant information includes the name, address, age and gender of the person. The power to request information already exists under the act.

In New South Wales, automatic enrolment was introduced recently by the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act of 2009. As I go through, I will talk about why I do not support what the coalition has said about its concerns. I am not sure if coalition members are turning those concerns into amendments. I will note here that the

New South W+ales bill was not opposed in either house of Parliament by members of the Liberal-National coalition.

It just goes to show that you cannot always rely on the Liberal Party to be consistent. As Mr Lenders found out with the last bill, even when you think you have all the Liberals lined up, you have not necessarily got them all. The same applies with this bill: they voted for the New South Wales bill but they will not vote for this bill down here.

The great difficulty with the Labor Party's climate change policy is that it thought it could rely on the Liberal Party but it could not. However, it can rely on the Greens because our policy is quite consistent and we stick together. There is a lesson to be learnt there in relation to legislation.

An honourable member interjected.

Mr BARBER — You know? The commonwealth is considering submissions on automatic enrolment for federal elections as part of its electoral reform green paper process. The Australian Electoral Commission in its submission supports recommendations to permit the automatic enrolment of new citizens. The Democratic Audit of Australia project, which is comprised of a whole bunch of political scientists and law academics, also endorsed automatic enrolment particularly for eligible 18-year-olds.

However, a part of the strong area for concern of the Greens is the issue of privacy. We have given this aspect of the bill quite a bit of attention. The Victorian Electoral Commission already has the power to request information from various bodies. The bill relates to its power to use that information to enrol eligible 18-year-olds. The use of personal information by the VEC engages the right to privacy. The Attorney-General argued in the other house that this is for:

> … the important public purpose of facilitating the right to participate in public affairs —

and to —

> assist eligible Victorians to fulfil their obligation under the act to enrol to vote.

The VEC will use data from the Victorian Curriculum and Assessment Authority for the purpose of enrolling eligible students for the coming election as part of the first trial of this automatic enrolment scheme. The VEC already uses information from the VCAA to contact eligible students to encourage them to enrol to vote.

The coalition has raised concerns about people's details, particularly their addresses becoming publicly available on the roll because they had been enrolled by the VEC without their knowledge. This is particularly a problem for those who perhaps could be at risk of domestic violence or have their own reasons as to why they do not want their address to be made public. It is fair to expect this concern could be overcome by alerting eligible voters of their right to register as silent voters. It is our understanding the VEC is taking steps to educate people about becoming silent voters, particularly those young people whose parents are silent voters. The Greens would support those measures.

The VEC has told us — and I can ask the minister when he is at the table to confirm this — it will not directly enrol an 18-year-old who lives at an address where there is a registered silent voter; it will simply write to them advising them of their entitlement to enrol and how to register as a silent voter. We think that is an appropriately cautious approach. In any event the VEC will not register a person on the roll without first giving that person a written notice of its intention to use their personal information to do that. The VEC is required to give the person 14 days from the date of the notice to correct any enrolment details. If the person fails to respond within 14 days, the VEC must register the person but it must notify the person in writing that they have been registered as such. If the person objects to the enrolment for the reason they are not entitled to be enrolled, the VEC must advise the person whether or not it considers their reason to be valid — that is, above and beyond the capacity for that person to be enrolled as a silent voter, which is at their discretion. If not, it must advise the person it intends to register them.

When we look at the legislation, we can see what appears to be the main valid reasons for this — that is, the person is not 17 or 18 years of age, they are not an Australian citizen or they have been convicted of treason. I do not think there are too many people who have been convicted of treason, but who knows what legislation we will see next? It may become easier to be convicted of treason.

If they are in jail, we are not going there again. The Victorian constitution deals with whether or not people in jail get to vote. If anybody asks me any questions about what our view is on that issue, I say, 'Our view is go and read the Constitution Act 1975'.

If I am of unsound mind, it would be questionable as to how I would write to the VEC to convince it I am of an unsound mind because I would have to have a fairly sound mind to at least make a rational argument. But there you go! It is open to you. There would be various

ways you could prove it, I suppose, if you were that convinced you did not want to be on the roll.

In relation to being incapable of understanding the nature and significance of enrolment and voting, it is slightly circular as to how you would disprove that by writing a letter to the VEC. But there you go!

This method of enrolment operates as an opt-out scheme. Amendments proposed by the coalition would instead create an opt-in scheme where the VEC uses the data to which it has access to create and send a pre-filled form. But for the good policy reasons I have mentioned, we are not supporting that particular direction. If a person does not object to the enrolment or seek to correct the details, they are enrolled automatically whereas, under the coalition's proposed enrolment policy, a person would remain enrolled if they do not return the form. Obviously that requires a whole degree of activity. If the coalition were the government, it could do that and see whether it was effective. But for the reasons I have previously been describing, we are prepared to move to this particular method right now because the Greens recognise that young people are among the most adversely affected by the current enrolment process. The Greens support measures such as automatic enrolment because they will lower the barriers to franchise for those who have recently turned 18. A Greens senator, Sarah Hanson-Young, has recently called for that at the federal level.

It is important that — and Mr Rich-Phillips attempted to bring this into his argument — the information that is used does not indiscriminately differentiate between different classes of eligible voters. Solely using information from the VCAA, for example, will mean young people who are not in secondary education would miss out. But the Greens hope that in addition to the particular measures of this bill and with that support, the VEC will then be in a better position to track down other groups who fall through other types of cracks that we all may be able to point out.

On the question of same-day enrolment, the VEC, like the Australian Electoral Commission (AEC), has kept up with the times when it comes to making sure that the existing details on the roll are accurate. It electronically crosschecks its data with other sources and it removes names when people move, as it is legally required to do. The most it is required to do, which it does, is send a letter advising those people that they are entitled to enrol. The bill enables voters who would otherwise be turned away or have their votes rejected to enrol on election day by providing a drivers licence or the name of a prescribed service provider, such as a rates notice or electricity bill — the same things you have to provide when you enrol prior to polling day.

The coalition thinks those proof of enrolment requirements are too lax and could lead to electoral fraud. There would be easier ways to fraudulently enrol someone than to do it at a polling booth on election day. I am not suggesting that I have sat around thinking about ways to do it, but I am sure that if I turned my mind to it, I could devise some. If that has been happening, if there has been electoral fraud by that or any other method, I would like to see examples. In the absence of those examples it is worth noting the support that same-day enrolment has received from democracy groups such as Fair Vote in the US, which has called for its adoption in other states. It is already in place in Canada and several states of the US.

Electoral fraud is something to be taken very seriously. It is worth noting that its incidence is overstated, and has been by the coalition for purposes that I do not support. The amendments of the former federal Howard government to close the electoral roll on the evening of the date that writs are issued was pushed under that same argument. Think back to a week or so ago when the Prime Minister, Julia Gillard, called the election with reasonably short notice. The AEC had to open offices on a Sunday, and people had to rush in and enrol by the end of Monday.

Interestingly, there is a little online democracy project for young people running on YouTube, which assists people to upload videos about the election. When I was looking at it the other night, I saw there was a whole video devoted to the question of the deadline for enrolment. The makers of the video actually went down to Casselden Place and filmed the queue of people seeking to enrol — people were lined up out the door — and interviewed people about why they were there and how they had come to be there. Some of the interviewees said it was quite a scramble for them to do it on that day, that a friend had told them they had to do it, that they had to rearrange their work, their study or their movements on the day to get there, but that they were very keen to do so. Unfortunately I have forgotten the name of the YouTube channel that is doing this, but it was a really useful video.

There was one notable case of electoral fraud which was the subject of the 2001 Shepherdson inquiry in Queensland. I am sure some people's sensitivities are such that they would rather I did not mention this. This case related to preselection ballots within a particular party. The report noted that:

> No evidence, however, was revealed indicating that the tactic had been generally used to influence the outcome of public elections.

A comprehensive review of the roll by the Australian National Audit Office in 2002 concluded that:

> … overall, the Australian electoral roll is one of high integrity, and that it can be relied upon for electoral purposes.

We believe the alleged risks of same-day enrolment are manageable through the implementation of a robust verification process by the VEC. The advantages of same-day enrolment outweigh the risks. Same-day enrolment allows people to exercise their right to vote and facilitates the principle of compulsory voting. It is for those voters who would otherwise be turned away or have their votes rejected.

The New South Wales Electoral Commissioner, Colin Barry, stated that the people who would benefit from election-day enrolment are those who already turn up expecting that they will be able to vote but are unable to because either they are incorrectly enrolled or they have been knocked off the roll without being aware that has happened.

The AEC made a submission to the federal committee on the New South Wales bill and supported it, and Democratic Audit of Australia supported it. To quote from the report of the federal committee, 'roll completeness is also a fundamental element of roll integrity'. It is easy enough to argue that the roll should be completely accurate, but it could be accurate without being complete, and both factors are important.

On the abolition of the three-month rule, which this bill takes care of, currently a person is only entitled to vote if they are enrolled in respect of their principal place of residence and that place was their principal place of residence for the three months prior to the election. A person is eligible to register their principal place of residence after one month of living there. In other words, if a person has moved within the three months immediately prior to election and their new details are not on the electoral roll, they are unable to vote. This is based on the principle that only people who live in an electorate should be able to vote for candidates for that electorate. According to my information the rule does not exist in any other jurisdiction in Australia. The VEC says its modernised practices have ameliorated the need for the rule. Its report on the 2006 election suggested two options: either completely abolish the rule or restrict its operation to people who have moved to another electorate. Option 1 is administratively less burdensome, and it frees up the VEC to do some of the other important things it has to do. The coalition is going with option 2 with its proposed amendment, but I am supporting option 1.

The coalition, if I can summarise its argument, is again concerned that this could lead to electoral fraud: people moving into marginal seats, when they have not lived there before, for the purposes of adding their vote to a particular side. Again this is a rather slow and cumbersome way of stacking up your own vote. Given that the effort involved for the class of persons who apparently may engage in this activity would be reasonably high, you would think it would be easier for that same group of committed people, who want to swing the seat to the Liberal Party or the Labor Party or whoever they are, would be better off spending their time out canvassing for votes rather than lugging their furniture and fridge and everything else across town so that they can move to and live in a marginal seat.

Ms Pulford interjected.

Mr BARBER — Say no more. Furthermore, in a refereed paper, Norm Kelly from the Australian National University cited an audit of the South Australian roll conducted by the AEC following the 2001 federal election to see whether people had voted fraudulently in various electorates. Of the over 1 million names, only two cases were identified where people moved before the calling of the election and then moved back out after the vote. Upon further investigation these cases were not found to be for fraudulent reasons; there were perfectly good explanations as to why those people had done it. I find that fact quite amazing, given the degree of mobility and problems that people often have with their living arrangements.

We were concerned about inconsistency with the federal electoral roll if this bill were put in place prior to the federal election. We would have an ongoing concern, too, in coming years, but there certainly would have been a concern if this bill had been enacted prior to the calling of the federal election — which has now been called, and in fact the electoral roll has closed. The concerns relate to proof of identification for the same-day enrolment and the fact that the requirements could be different for the federal and state levels. The VEC believes that the number of voters enrolling on the day who do not have a drivers licence will be small and therefore it is only that group who could become inconsistent. We are told the VEC plans to provide those details to the AEC, which can then follow up with the voters and advise them of the need to update their details for the purpose of enrolment.

It is true that 18-year-old voters automatically enrolled by the VEC will not be registered on the federal roll; they must still fill in and submit the AEC's enrolment form. It would have been a disaster if they had received an official-looking letter saying they were enrolled prior to the federal election. We need to get more information from the government, if it can provide it on behalf of the VEC, about how it plans to address that issue on an ongoing basis. I hope that the commonwealth legislation will be changed, but that outcome will be up to the next federal government. In the absence of commonwealth legislation providing for that, the AEC and the New South Wales Electoral Commission, as well as a federal parliamentary committee, have recognised that as a risk in New South Wales. However, that risk has now abated and the New South Wales election is in fact much later than ours. I will ask the minister at the table to confirm the dates of the implementation of some of these matters so that we can be sure that we will not have this problem.

Further provisions of the bill include the publishing of how-to-vote cards on the internet. I am sure that will lead to even more fun and frolics but, in any case, they have to be registered in Victoria so they should be made available, and not just at a physical office.

The bill expands the availability of electronic voting to a wider group of electors who cannot vote without assistance because of a visual impairment, motor impairment or insufficient literacy skills. This will only be available at prepoll stations, and I think that is fair enough. If we were talking about widespread electronic voting we would be having a very serious look at it.

The bill allows postal votes to be counted if the declaration was witnessed on or before election day and is postmarked Sunday, which will bring the legislation into alignment with current VEC practice. On the subject of postal voting, there is one amendment I would have liked to move which unfortunately is outside the scope of the bill, and that is one that would have prohibited political parties from interposing themselves in the process of people applying for a postal ballot. This was contained in the VEC's report under recommendations for legislative consideration, when it stated:

> A high number of people applied for a postal vote on a party application, and then, while waiting for their material to arrive, cast an early vote. The VEC believes this was largely due to the fact that postal vote applications were distributed by the parties prior to the publication of early voting centre details. In future, many of these people will be encouraged to attend an early voting centre, as opposed to applying for a postal vote.

Personally, I think it is a real worry that that application for a postal vote goes out via a political party, because it should be something that happens entirely between the VEC and the citizen. The commission's recommendation was:

> To avoid elector confusion and to ensure applications are distributed and received within the legislative time line, the act should be amended so that only the electoral commission can distribute postal vote applications.

Unfortunately, for reasons I am not clear about, the government has not picked up that measure and put it into its bill. Therefore I would have liked to move an amendment to achieve that; however, it is outside the scope of the bill. That will be a matter for another time and I will be supporting the bill.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Ms PULFORD (Western Victoria) — I am pleased to speak in support of the Electoral Amendment (Electoral Participation) Bill 2010. A few days ago Andrew Bolt tweeted — and this is a newish phenomenon to me, one that I have become disturbingly fascinated by — the following:

> Women. You give them the vote and they rush off and irresponsibly vote for an irresponsible woman. Take their vote away, I say.

I am hoping he was being a little tongue-in-cheek, and needless to say I disagree with that sentiment. I imagine it was said with a fair dose of irony, but it provides an example of the colour and movement, and sometimes silliness and seriousness, of the federal election campaign in which we find ourselves while we are debating this important legislation.

There has been the great budgie smuggler distraction and a variety of other examples of election season madness, but importantly there have been discussions about what kind of country we want Australia to be in the future, what sort of population is sustainable for Australia in the future, how we deal with the very difficult question of processing people who come to our shores seeking asylum, how families are supported in managing their parenting responsibilities, what sort of public health system we have, how best to respond to an international economic crisis, where and how we want to have employment opportunities shaped for people in coming years and how we tackle climate change and do it in a way that garners a broad level of support for strategies across the Australian community.

Here we are in the 2010 federal election campaign, and when talking about these issues we can reflect that it is a great thing to be living in a democracy; it is a

fabulous thing that in Australia we have such a high level of participation in our political processes. I am always perplexed when we look at election results from around the globe and see much lower levels of participation in elections than we are used to here. Australian democracy is underwritten by a requirement that people are enrolled to vote and that when the election comes around they go and do just that. Our system of compulsory voting has held us in very good stead as a nation for a very long time.

Unlike the 40 or so political junkies who are in this chamber during the course of a day, or our colleagues in the other place, a lot of people do not think about politics and government all day, every day; it is not in their every waking thought. It is in the final moments of an election campaign, on polling day, that people consider the options that are before them. During their stints at polling booths at past elections members of this place would have encountered questions about policies or issues from people who are making up their mind as they walk into the polling booth; people who make up their mind when they have the how-to-vote cards in their hands.

We should not delude ourselves that people are always engaged in these things in a day-to-day sense, as we are. When the federal election was called only a few days ago, we all saw on the news the sight of people queuing up to confirm and finalise their enrolment arrangements. The election was called on a Saturday, so by the end of Monday people who were unsure about their enrolment — those who had moved or who had become eligible to vote since the last election — turned up in enormous numbers to make sure that their enrolment was correct. For many months there has been a great deal of speculation in the media about the date of the election. There could not have been anyone in the country who failed to take notice of federal politics when Julia Gillard became Prime Minister one month ago.

We have a compulsory voting system and we have a very high level of participation of voting in this country, but this legislation seeks to remedy the situation where a great many people miss out on the opportunity to express their choice of government at election time. There were 66 000 votes excluded in the last Victorian state election, where people who went to cast their vote and who completed a declaration stating their eligibility were ultimately excluded. By my reckoning that is about one and a half electorates. As recently as 1999 we have had election results where the votes of one and a half electorates would have made a real difference. In many elections 66 000 people in the right combination and in the right seats could alter the course of political history.

Some of the matters that are dealt with in this bill have arisen as a result of the work of the Electoral Matters Committee. Mr Somyurek, who is a member of that committee, will make a few brief comments about some of the details of those deliberations.

The bill seeks to provide an opportunity for people who are not on the roll to confirm their electoral enrolment on election day. The bill seeks to abolish the three-month rule, which uses a person's address three months prior to election day as the principal place of residence. This will capture a great many people who, for any number of reasons, may have recently moved. The three-month rule applies only in Victoria. The government seeks to abolish this rule because it wants to provide the right to vote to as many people as possible.

The bill will also streamline enrolment procedures, where the Victorian Electoral Commission (VEC) will have the power to enrol people on its own initiative based on information it has obtained. Previous speakers have specifically spoken about educational enrolment information. This information is currently used by the Victorian Electoral Commission, which writes a birthday card to 17-year-olds informing them that they can now provisionally enrol to vote. However, the experience of the Victorian voting system has been that the take-up from this has been very low. We also know that young voters are more likely to not be enrolled. People lead busy lives. A great many people turn 18 in the year that they are completing their high school studies. Everybody who knows or has lived with somebody undertaking their year 12 studies understands that this is a year of particular focus for those students, to the exclusion of a whole lot of other things in their lives. It is an important year.

The bill also provides for the publication of registered how-to-vote cards on the VEC website and makes a number of reforms that have been recommended by the Victorian Electoral Commissioner, including an extension of electronic voting to assist a relatively small number of voters who find it difficult to vote because they suffer from an impairment. At the last election this was trialled for people with a visual impairment. The bill will enable an extension of that trial, though to date the use of electronic voting has affected only a very small number of people.

When this legislation was before the Legislative Assembly the opposition moved amendments, including the removal of aspects that relate to

enrolment on election day, streamlined or automatic enrolment and the abolition of the three-month rule. These are some of the most significant aspects of the bill. I note Mr Rich-Phillips indicated in his earlier contribution that the Liberal Party is seeking to refer this question to the Legislation Committee. He then went on to try to justify opposition to measures seeking to ensure that the greatest number of Victorians are able to vote come election time — in effect, much sooner rather than later with the state election now only four months away.

During the debate Liberal Party members suggested that there is some form of discrimination against young people who are not in the education system. To this I would say that the government is committed to working with the commonwealth and other jurisdictions to ensure that our electoral enrolment arrangements are harmonised wherever possible to create the greatest certainty, integrity and participation on the Australian electoral roll.

If that were the case, perhaps in future a similar measure could be taken to use information about those in workplaces as well as those in education. Information being reliably and readily sourced about those enrolled in education does not justify excluding a whole lot of 18-year-olds from the democratic process.

In its opposition to the legislation the opposition has been attempting to justify some pretty unjustifiable things. Last Monday night at my electorate office people were lining up around the street as the roll closed. The Liberal Party's media release of 6 June indicates that half of the 66 000 votes could have altered the government of Victoria at the last state election and suggests that John Brumby is seeking to:

> … forcibly enrol people on the electoral rolls …

It goes on to say that the civic balance between citizen and government is being fundamentally changed and that for the government to enrol citizens to vote is:

> fundamentally undemocratic and an abrogation of the long-held civic rights of individuals.

These fired-up words of Mr David Davis in the media release give us an indication of what the Liberal Party really thinks about a whole lot of additional people being included in the electoral roll. I, for one, think that compulsory voting is an essential aspect of Victorian democracy, and part of compulsory voting is making it as easy as possible for as many people as possible to be on the roll and to participate in the decision-making process. As people who have been entrusted by the Victorian people to legislate on their behalf, no less, it is incumbent on all of us to ensure that principles of democratic participation are upheld at every opportunity. I commend the bill to the house.

Mr FINN (Western Metropolitan) — I briefly join this debate this evening to express a couple of points of view which may or may not be heard in this Parliament at this time. It distresses me enormously as a member of Parliament and a participant in political life for pushing 40 years — would you believe it? It is a very long time — when I see the whole range of areas and what might be described as criteria for the people, whether they be young people or old people, whom ignorance cuts across. It could be age, it could be gender or it could be geographic configurations — a whole range of areas. They are people who just do not know anything about the political process and do not want to know anything about the political process. They would not know a senator from a sheep; they would not know a communist from a comrade. They just do not know what is going on in the parliaments of Australia. They do not know what is going on in areas that decide their lives. These places make decisions that will direct them as to how they live and, quite often, where they live. It distresses me enormously when I speak to people who are totally ignorant of how our government runs.

We as a nation have a fair bit to answer for because our schools have failed a number of generations in this area. The sooner we start to teach some real civics — if that is the classification — in schools so that young people understand what the system is about, the sooner we will be doing our country and ourselves a huge favour.

I was pleased to hear the previous speaker talk about compulsory voting in her last few words. I do not believe in automatic enrolment because I do not believe in compulsory voting. I believe the most important reform this Parliament could make in the area of voting is the abolition of compulsory voting. I believe that forcing somebody to the ballot box under the threat of a fine is a blight on democracy. It is about time we as parliamentarians took that on board. If we have a right to vote we should also have a right not to vote. We see that in the United States of America, we see that in Great Britain — we see that in so many of the major democracies around the world, where people — —

Mr Barber — You have a right; you do have that right.

Mr FINN — I know what Mr Barber is getting at. We are not compelled to vote; we are compelled to either show up at the polling booth on election day or in some other way have our name struck off the roll

during the course of an election. I know what Mr Barber is saying.

Mr Barber — Fifteen minutes every four years.

Mr FINN — I know it is 15 minutes every four years. If I could do it more than once I would, believe me, but I do not.

Mr Barber interjected.

Mr FINN — Some of your mates, Mr Barber — or should I say Minister Barber? — perhaps vote more than once, but that is something that I will not go into.

The ACTING PRESIDENT (**Mrs Peulich**) — Order! The member will address Mr Barber by his correct title.

Mr FINN — I am sorry, Acting President; I am just getting in early. I am feeling a bit clairvoyant tonight and am just getting ahead of myself. I am concerned that people who are compelled — —

Mr Barber interjected.

Mr FINN — What are you talking about, Mr Barber?

The ACTING PRESIDENT (**Mrs Peulich**) — Order! Through the Chair.

Mr FINN — Certainly, Acting President. The minister over there is taking my attention.

The ACTING PRESIDENT (**Mrs Peulich**) — Order! Mr Finn is flouting the direction of the Chair.

Mr FINN — I apologise. I believe it is an attack on human rights to force people to do something that they have no interest in and no knowledge of. It is not just an attack on human rights — quite frankly, it is dangerous. We have all seen people — and those of us who have stood at polling booths for hour after hour on election day have seen them — who roll up at about 5 minutes to 6 in the evening and who have perhaps been at a hotel throughout the course of the afternoon and really do not have a clue about what they are doing or where they are. They show up purely to avoid the fine. We have all seen these people. They might draw a bit of a chuckle from us — until we sit back and realise: these people can decide elections. These people can decide who the Premier is, who the Prime Minister is, who will govern us for the next three or four years — and that is not funny. That is very dangerous.

We owe it to ourselves, to our families, to our state and to our country to ensure that only those who are interested and motivated enough to get up and go out to vote should be allowed to do so. We should not force people who do not want to vote, or who do not know what they are doing, to go to a polling booth and fill out a ballot paper. It is the equivalent of, for example, your car breaking down in the street, you going into the nearest pub and pulling a drunk off a bar stool and saying, 'Come and fix my car', refusing to listen to the drunk saying, 'But I know nothing about fixing cars', and you saying, 'Well, fix it anyway'. Except on this particular occasion we are not talking about fixing just a car; we are talking about who runs our country or who runs our state — something that is far more important.

I believe the violation of human rights that is compulsory voting has to go. I believe that is something that should be a priority of any government. To the argument put forward by some that nobody will vote, I say: if that is the case, so be it. If they get a government that they do not like, they will certainly vote the next time, and they will be voting for the right reasons. It will not be because they are forced to a polling booth under the threat of a fine; they will be voting because they want to vote; they will be voting because they are informed; they will be voting because they are motivated to vote. These are the reasons people should be voting — not because they are going to get a $50 or $100 fine or however much it may be.

As I said to the house before, this is a serious matter. I believe it is something that should be addressed as a matter of urgency by the next government, whether it be a Liberal-National coalition or a Labor-Greens coalition government, and whoever might be ministers in that government. I close my remarks there. I just wanted to make the point that compulsory voting is wrong. I believe it is evil. I believe it is counterproductive, and I believe the sooner we get rid of it, the better it will be for all of us — for our country, for our state and for those of us who live in it.

Mr SOMYUREK (South Eastern Metropolitan) — It is a pleasure to rise to speak on the Electoral Amendment (Electoral Participation) Bill 2010. As was mentioned previously, a number of the reforms implement the recommendations of the Electoral Matters Committee's report on the inquiry into voter participation and informal voting, of which I was the chair at the time. The EMC made 28 recommendations on the following categories: harmonisation of electoral laws with the commonwealth, electoral enrolments in Victoria, voter turnout, informal voting, youth electoral enrolment, electoral engagement and education, voting systems, electronic voting, compulsory voting and voting enforcements.

In summary, this bill provides for election day enrolment procedures for those electors not on the roll; the abolition of the three-month rule, which uses the elector's principal place of residence three months prior to election day as a measure of the elector's entitlement to vote; a streamlined enrolment procedure whereby the Victorian Electoral Commission will have the power to enrol people on its own initiative based on information obtained from reliable sources under section 26(4) of the act; the publication of registered how-to-vote cards on the VEC website; and additional reforms recommended by the Victorian Electoral Commission, including the extension of electronic voting.

Recommendations in the report directed towards increasing electoral participation have informed the development of provisions in the bill relating to streamlined enrolment, election day enrolments, abolition of the three-month rule, and electronic voting. Therefore I will confine my contribution tonight to electoral participation in general.

Encouraging voter participation is currently a major concern worldwide. Research shows a trend towards declining voter participation in many countries with established democracies, including Canada, the United States of America and the United Kingdom. All these countries are comparator countries to Australia. While they do not have a compulsory voting system like that of Australia, election results from those countries help put the issue of declining voter participation in context. For instance, in 2008 the voter turnout for the 40th Canadian general election was 59.4 per cent. Whilst the committee was in Canada we were informed that this was the lowest rate ever recorded at a Canadian general election. In the United Kingdom the voter turnout was at the third lowest rate since the turn of the 20th century and the third lowest since 1847. I must add that that is not the last election; obviously I refer to the general election prior to the most recent UK election. In the United States, while voter turnout rates have improved in recent years, during this inquiry the committee learnt that there are still major impediments to full participation in the electoral process based on ethnicity, educational attainments and voter registration practices.

Australia has a long history of fair and free elections. The voter turnout rates for the Australian federal elections are amongst the highest in the world. The average voter turnout rate for Victorian state elections since 1976 has been 93.38 per cent. At this level Victoria has also one of the highest voter turnout rates for periodic elections worldwide. Victoria's enrolment rate has consistently been above the national average, ranking third or fourth among states and territories. However, while all Australians and Victorians should be proud of our democratic heritage, during the inquiry we learnt that Victorians cannot afford to be complacent. As is the case worldwide, Victoria is facing a number of challenges to ensure that all eligible Victorians participate in the electoral process. Statistics from recent Victorian state elections suggest there are a number of undesirable trends to Victoria's democratic performance. That needs to be addressed, and this has been the focus of this bill.

While it is true that Victoria has one of the highest rates of electoral enrolment in Australia, during the inquiry we learnt that 250 000 — a large number indeed — eligible Victorians are not on the electoral roll and are not participating in the electoral process. At the 2006 Victorian state election as many as 66 000 eligible Victorians attempted to vote but had their ballots rejected simply because they were not on the electoral roll. In addition, a significant number of Victorians are enrolled but do not participate in elections. At the 2006 Victorian state elections the Victorian Electoral Commission issued 146 474 apparent failure-to-vote notices to eligible Victorians. With that I commend the bill to the house.

Mr KAVANAGH (Western Victoria) — Tonight's debate on the Electoral Amendment (Electoral Participation) Bill 2010 seems to have become a debate on compulsory voting. Two or three days ago I happened to be reading from a website from the United States that talks about voting procedures and policies. According to this website there are 23 jurisdictions around the world that require people to vote, but only a very small proportion of those jurisdictions actually enforce their rule for compulsory voting. Out of 200 countries, 23 or so of them demand that people vote, but only a small proportion of those do anything to enforce the rule. Among those Australia is a very prominent example, and much of this American website was devoted to analysing compulsory voting in Australia.

The realities of it were described pretty well by Mr Finn, who said that when you are giving out how-to-vote cards you often get people rushing in, often at the last moment, who are very angry that they have to go through this ritual of turning up at a polling station and going through the motions of voting — whether they actually vote or not is a different matter.

If you are giving out how-to-vote cards for the Democratic Labor Party you will see worse behaviour than that by some of the people who are most hostile to voting and who I suppose probably vote for the ALP on the whole. Some of them are very upset, and they abuse

you for their having to turn up. 'What a waste of time this is, turning up to vote', they will say. They seem to regard it as the fault of the people giving out how-to-vote cards that they are there and under threat of a fine if they do not vote.

To me, in a democracy and a country or political system that is devoted to freedom, it is very important that people are not made to do things that are not absolutely essential. In a free society the government tries to restrict its compulsion of people to avoiding things that harm other people directly. A free society does not make people do anything unless absolutely necessary. One thing that is not absolutely necessary is for people to vote. I think if people decide not to vote, they are simply letting other people decide for them. That is fair enough. We might decide to do that quite often in life. We let other people exercise choice on our behalf. I think compulsory voting is injurious to the freedom of any society that aspires to liberty, and it is better avoided.

I would say that a useful political reform in Australia would be the abolition of compulsory voting. Although the reason for compulsory voting has been forgotten over the 88 years since its introduction in Australia, it was actually the result of pressure from the Country Party, which was very concerned that farmers would not go to the effort of travelling so far to polling booths in order to vote for their choice, which more often than not was the Country Party. In short, I believe in freedom. The requirement that people vote is an affront to freedom, and I would like to see it removed from our laws.

Motion agreed to.

Read second time.

Referral to committee

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:

> That the Electoral Amendment (Electoral Participation) Bill 2010 be referred to the Legislation Committee.

In moving that motion I simply reiterate the points I made in the second-reading debate. We believe there are a number of substantial flaws in this legislation that have the potential to undermine the integrity of the Victorian electoral roll, not to mention the potential to create conflicts with the commonwealth electoral roll. We believe the best place for these to be resolved would be through a hearing of the Legislation Committee where departmental officers and the relevant minister would have the opportunity to address these particular concerns. This bill does not need to be passed this week, and we believe it would be appropriate for the Legislation Committee to meet next week to consider this matter and then return it to the Parliament in the subsequent sitting week. The intention is to refer the bill to the Legislation Committee to have these matters dealt with in greater depth.

Mr LENDERS (Treasurer) — The government does not support the motion to refer this bill to the Legislation Committee. There are a couple of areas where there is a policy differential between the government and the opposition on this issue, and they were essentially touched upon in the minority report of the Electoral Matters Committee. These matters have been thoroughly canvassed, and the committee stage is a good opportunity for questions and discussion on the issues raised by Mr Rich-Phillips as well as his proposed amendments. The committee stage could adequately deal with these this evening or later this week.

Mr HALL (Eastern Victoria) — I argue in support of the motion moved by Mr Rich-Phillips to refer this to the Legislation Committee of the Legislative Council for consideration in detail of some aspects of this legislation.

I listened to contributions during the course of the second-reading debate, and there were some very strong arguments advanced in terms of the need to harmonise some of the provisions in this legislation with those that apply federally, because when people choose to enrol to vote at an election it is the carryover provision that means they enjoy the ability to vote in elections at both state and federal levels.

Mr Rich-Phillips's request to the Council is a very moderate one. It is not a delaying tactic insofar as the timing of this bill is concerned. There is no great urgency, and a referral to the Legislation Committee of the upper house certainly would not in any way delay a commencement date for this legislation. The Legislation Committee was established for the purposes of this chamber being able to consider legislation in detail, to call witnesses if necessary, to invite ministers to appear before the committee to explain in full some of the provisions and how they might harmonise with federal legislation.

This is not a delaying tactic by any means. It is purely the use of a properly constituted mechanism agreed to by this house to allow a thorough and further examination of the provisions in this legislation. That is why I stand here tonight in support of the motion

moved by Mr Rich-Phillips, and I urge other members of the chamber to support the motion.

House divided on motion:

Ayes, 17

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

Noes, 21

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

Pair

O'Donohue, Mr	Pakula, Mr

Motion negatived.

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

The DEPUTY PRESIDENT — Order! Mr Rich-Phillips's amendment 1 invites the committee to vote against this clause. In my opinion this amendment is directly linked to and a test of his further amendments 2 and 3, which would subsequently invite members to vote against clauses 4 and 5. I regard it as a test also for amendment 9, which inserts a new clause. In speaking to his amendment 1 and inviting the committee to vote against clause 3, Mr Rich-Phillips might wish to canvass matters in regard to those other clauses I have mentioned.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I invite members to vote against this clause. The subject of amendments 1, 2, 3 and 9 is the removal of the provisions that would include automatic enrolment of young people who had been identified by the Victorian Electoral Commission by the mechanism laid out in the legislation — that is, by sending a form to target young people and enrolling them if the electoral commission does not receive a response or does not deem a response rejecting the enrolment to be satisfactory.

It is proposed in place of that mechanism to insert a new clause, set out in amendment 9, which would allow the Electoral Commissioner to use the same information that is proposed under the government's legislation to be used by the electoral commission. However, rather than the Electoral Commissioner automatically enrolling a young person through the use of that information, it provides for the Electoral Commissioner to send out a pre-filled enrolment form and requires that the young person send that back to the Electoral Commissioner before the enrolment can take place. Essentially it still allows the Electoral Commissioner to seek to make unsolicited contact with young people who become known to the electoral commission. However it does not allow them to be enrolled without their having actually signed an electoral form.

We believe this is a good halfway measure. It allows proactive activity on the part of the electoral commission in seeking to identify young people and get them on the roll, but it does not allow them to be put on the roll without their knowledge. I urge the house to vote against the clause.

Mr LENDERS (Treasurer) — The government supports the bill in its current form and does not support Mr Rich-Phillips's attempt to remove clause 3 by his invitation to vote against the clause or the alternative proposed clause.

The reason for that is quite simple. The purpose of this legislation is to increase the number of young people on the Victorian electoral roll. The mechanism proposed by Mr Rich-Phillips is currently within the power of the Electoral Commissioner, if he chooses to use it. The government is seeking to find a more direct way of getting those thousands of young Victorians who, for administrative as much as any other reasons, are not on the electoral roll; it seeks to broaden participation. We consider the bill provides a superior means of achieving that than what is proposed by the opposition in its amendments. We are seeking that this legislation go through because our underlying and guiding principle is encouraging young people to be on the roll. We consider that this bill provides a sound way of doing so. It will broaden the franchise, has sufficient checks and balances and ultimately will strengthen our democracy by enabling those 18-year-olds in particular, who currently are in small numbers, to be on the roll in

numbers more akin to those of the rest of the population.

Committee divided on clause:

Ayes, 22

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

Noes, 16

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
Dalla-Riva, Mr (*Teller*)	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	Petrovich, Mrs
Drum, Mr (*Teller*)	Peulich, Mrs
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Vogels, Mr

Pair

Smith, Mr	O'Donohue, Mr

Clause agreed to.

The DEPUTY PRESIDENT — Order! I have already indicated to the committee that I regard proposed amendment 1 as a test for amendments 2 and 3, so Mr Rich-Phillips will not be pursuing those two amendments.

Clauses 4 to 9 agreed to.

Clause 10

The DEPUTY PRESIDENT — Order! Mr Rich-Phillips's proposed amendment 4 is directly linked to and a test of his further amendments 5, 6 and 8 which would result in the omission of clauses 11, 12 and 15 if the amendments were passed. It would also impact on amendment 10, which proposes the insertion of a new clause. When formally moving amendment 4, Mr Rich-Phillips may want to canvass those other amendments I have discussed.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — When thinking about moving amendment 4, I must say I had a different understanding of the consequential impacts of it.

The DEPUTY PRESIDENT — Order! Mr Rich-Phillips may raise those issues if he wishes.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I understood that amendment 4 would impact on amendments 5 and 7, that amendment 7 is the substantive amendment and that amendments 4 and 5 are consequential amendments relating to the matter of enrolling to vote on polling day.

The DEPUTY PRESIDENT — Order! The advice we have had from parliamentary counsel is that there is a link between amendments 5, 6 and 8. Amendment 7 is seen as a stand-alone amendment which would omit clause 14. We can see that amendment 7 could be pursued irrespective of the other amendments.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I invite members to vote against clause 10. I do that on the basis that it relates to amended section 108 in clause 14 of the bill which relates to enrolling to vote on polling day. It is the coalition's view that this provision, which will allow voters to turn up to a polling place and enrol on polling day, is not an appropriate provision for a couple of reasons.

Firstly, with respect to electoral boundary redivisions, as noted in the second-reading speech, the Electoral Boundaries Commission is periodically required to undertake a review of electoral boundaries. That review is undertaken based on the number of people enrolled in electoral divisions and the number of divisions that vary by more than 10 per cent from the mean.

It is the view of the coalition that having this provision which would allow enrolment on polling day would create a situation where a large number of people would not seek to enrol, as they are entitled to, until polling day, which would mean the electoral rolls upon which redivisions were based would underreport regarding electorates. We believe this would be the case particularly in the inner metropolitan electorates where there is a younger and more mobile population. The fact that people would not enrol until polling day would mean the rolls upon which divisions are undertaken would be inaccurate and lead to a potentially large proportion of voters not being accounted for for redivision purposes, particularly in those inner city areas.

We also have concerns about the identification requirements which are imposed with respect to enrolling to vote on polling day and whether the resources of polling places will be adequate for the Victorian Electoral Commission to undertake the widespread enrolling of would-be voters in an election day setting. We have all seen, particularly as members of Parliament and as candidates, how busy polling

places are on election day. We believe adding the additional function of enrolling new voters to the mix on election day is inappropriate and will give scope for errors to be made and identity fraud to be committed in the hustle and bustle of what is always a very busy time.

Additionally, from the perspective of candidates, we believe it is appropriate that candidates be given copies of the electoral roll, as is currently the case. They should have access to the people from whom they are seeking support. Creating a scenario where a large number of people can enrol on polling day would deny candidates access to a complete roll of electors from whom they will be seeking support. We believe there are a number of flaws in the model that allows enrolment on polling day. The intent of this amendment and subsequent amendments is to remove that provision from the bill.

Mr LENDERS (Treasurer) — Mr Rich-Phillips essentially prosecuted three arguments for why the proposal in the bill should not be put in place. I will deal with them in reverse chronological order.

The first argument was that if you allowed enrolment on polling day, it would mean that candidates would have less information on who they were seeking votes from. As a starting point, that issue is well worth pursuing in a discussion, but there are two reasons why the government will not support that. The first is that the starting point for us is that a fair system needs to have as many eligible citizens as possible being able to vote. On one side the competing argument is that a candidate would have more difficulty getting in touch with electors under this proposal. That is a legitimate issue. However, the greater question is whether you are stopping a person from voting.

I would also say to Mr Rich-Phillips, who used the example of the current federal election campaign, that candidates have now been campaigning for votes for a week and a half since the election was called, the rolls closed late last week and even under the existing system candidates will not have rolls listing all the people who might be voting for them. The overwhelming priority to get more people on the roll should prevail.

Mr Rich-Phillips says the second issue is that of the resources available to polling officials on polling day. Let us look at the proposition that is before us. The 70 000-odd people who went into polling booths at the last election in Victoria and sought to vote were given what is called a declaration vote under the various sections of the Electoral Act. Each one of those 70 000-odd people who went to polling booths were — 'interrogated' is the wrong term — asked questions by an electoral official. They filled in a declaration form and were issued with a ballot paper, and the ballot paper was put into an envelope, which was then put aside.

The only administrative difference with this proposal would be that in addition to that — and normally this is done anyway — such people would be asked for a form of identification, most often a drivers licence, which is a higher form of identification than that normally required for enrolment. As far as the electoral commission's administration goes, each of these people would already be filling in a form with all their details as they seek to get the vote that most of them are denied. The Electoral Commissioner is comfortable with this proposed procedure, so the argument about greater administration on the day does not stand.

The third point Mr Rich-Phillips raised was how electoral boundaries can be drawn based on an equal number of voters if you are not sure of exact enrolment numbers. Again in principle I understand where Mr Rich-Phillips is coming from, but the practicality is to the contrary. On 27 November we will have had three elections for the Legislative Assembly and two for the Legislative Council contested under the current boundaries.

Mr Barber interjected.

Mr LENDERS — Exactly, Mr Barber; if you are on the roll, you are on the roll. Those boundaries were determined during the life of the 54th Parliament, and for the 55th, 56th and 57th, in the case of the Assembly, those boundaries will have essentially been the same, apart from the grouping of 11 electorates in the Council. Firstly, the proposition is that we do boundaries periodically, but secondly, redistributions are normally done quite swiftly after a general election, so all these unenrolled people will become enrolled and be statistics for these purposes after a general election. The roll will be more refreshed, more up-to-date, than it has ever been. For those reasons and particularly the underpinning reason that this allows more citizens who would otherwise be disenfranchised the right to be enfranchised, the government supports the bill in its current form and will not support the opposition's amendments.

Mr BARBER (Northern Metropolitan) — Mr Rich-Phillips drew attention to the inner city as a place where his thesis might operate. I have to say I watch with quite a bit of interest enrolment in the federal seat of Melbourne. If any electorate was going

to suffer from the phenomenon that Mr Rich-Phillips described, it would be the federal seat of Melbourne, because it has the combination of high mobility in its population, many young people and a fast-growing population. It is for those reasons that the number of people enrolled in the federal seat of Melbourne is more volatile than just about any other seat I have looked at — certainly more volatile than any other federal seat in Victoria.

The argument that we would not be able to accurately assess the roll for the purposes of a redistribution in this instance is as true now as it would be after this bill is passed. This bill, or the particular clause with which Mr Rich-Phillips takes issue, could ensure that the right number of people are enrolled at a different part of the electoral cycle. Under the current situation the number of people enrolled in the inner city declines when there is no electoral activity and when the Victorian Electoral Commission or the Australian Electoral Commission does a roll review, increases during an election period and increases and reaches a high just after an election. These are the observed numbers over a period of many elections. It is the case that immediately after the election the electoral roll for the inner city is likely to be as accurate as it is going to get, and the particular clause with which we are dealing cannot change that in any way.

The DEPUTY PRESIDENT — Order! During Mr Barber's contribution to the amendment discussion Mr Rich-Phillips approached me to discuss further amendments that he has and what he believes is a stand-alone amendment in amendment 6, which would test a different proposition to that which he regards is tested by amendment 4.

Having listened to the explanations from Mr Rich-Phillips as to why he sees amendment 6 standing separately, I am prepared to accept his proposition and allow him to pursue amendment 6 as a separate amendment. The import of that at this stage is simply that I have advised the committee that I regard amendment 4 as a test of amendments 5, 6 and 8 as well as amendment 10. Following my discussion with Mr Rich-Phillips I now advise the committee that I regard this amendment as a test of amendments 5 and 8 definitely, as well as amendment 10.

Mr Rich-Phillips tells me he is also prepared to accept that amendment 7 is tested by amendment 4 in terms of its principle. Therefore at this stage we are only voting on amendment 4. As the committee is aware, Mr Rich-Phillips's proposition by way of amendment 4 is to have the committee vote against clause 10 standing part of the bill. I will put that question to the test.

Committee divided on clause:

Ayes, 21

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

Noes, 17

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

Pair

Smith, Mr	O'Donohue, Mr

Clause agreed to.

Clause 11 agreed to.

Clause 12

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I invite the committee to vote against this clause. The subject matter of this proposed amendment relates to the removal of the requirement for an elector to have resided for three months at the address at which they are enrolled as their principal place of residence. This was a provision that was inserted in, as I recall, 2002 with the rewrite of the Electoral Act. It is the view of this side of the house that it is appropriate that that provision be maintained.

If this amendment is accepted, we have a further amendment that would remove the three-month principal place of residence requirement where the new address and the old address for an elector are in the same electoral district. But save and except for the occurrence where a new address would not put an elector in a new electoral district, we believe it is appropriate that the current three-month principal place of residence requirement be met. The purpose of this amendment is to maintain that current provision.

Mr LENDERS (Treasurer) — The government supports the bill as presented and does not support the amendment of Mr Rich-Phillips for a couple of reasons. Our principal position remains; we are seeking to

broaden the number of people eligible to vote. The principle behind this is that with more people voting, democracy is stronger. This bill provides checks and balances which will broaden the franchise, which is what all government amendments seek to do. The opposition's amendments seek to narrow the franchise somewhat. There is also an inherent contradiction in what Mr Rich-Phillips is proposing. This is an anomaly which he is seeking to improve.

Particularly as members of the Legislative Council we can look to where Mr Rich-Phillip's amendment is coming from and use my electorate of Southern Metropolitan Region as an example. I live about 100 metres north of the border with the Caulfield electorate in the Oakleigh electorate. Mr Rich-Phillips is proposing that if I moved within the Oakleigh electorate, from one part of Carnegie to another, I would maintain my right to vote, but if I moved 100 metres south over the border into Caulfield, I would lose my right to vote. Mr Rich-Phillips is proposing a very Assembly-centric solution where it would not be okay to move within the Southern Metropolitan Region, which elected me. If I move 100 metres south, I lose my right to vote, but if I move 100 metres north, I maintain my right to vote, even though I am still in the Southern Metropolitan Region.

In principle the government's position is that we are seeking to broaden the franchise. Mr Rich-Phillips is proposing we narrow the franchise; not only that, but this is a very Assembly-centric solution, discriminating on the basis of which Assembly seat you live in rather than as the grand house of reform that we are in.

Mr BARBER (Northern Metropolitan) — As I said during the second-reading debate, it is our information that this is a provision that does not exist in other electoral acts. I am not quite sure why it was introduced in 2002, but if the effect of the bill as it stands is to remove it, then we are supporting that option.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — All I would say to the minister's suggestion that we are seeking to narrow the franchise is that this amendment merely seeks to preserve the status quo. I remind the minister that it was his government that introduced this provision in the first place in 2002.

Mr LENDERS (Treasurer) — I thank Mr Rich-Phillips for his further comment. For the information of the house I advise that the Electoral Commissioner is recommending this amendment. As Mr Barber said, this will make the situation in Victoria consistent with all other jurisdictions.

The DEPUTY PRESIDENT — Order! The question is that clause 12 stand part of the bill, and Mr Rich-Phillip's amendment invites the committee to vote against that clause.

Committee divided on clause:

Ayes, 22

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

Noes, 16

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms (*Teller*)
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Vogels, Mr (*Teller*)

Pair

Smith, Mr	O'Donohue, Mr

Clause agreed to.

The DEPUTY PRESIDENT — Order! It is my understanding that there are no other amendments to clauses required. Mr Rich-Phillips's various amendments have been tested by those on which we have voted. Therefore I propose to test clauses 13 to 19.

Clauses 13 to 19 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Mr LENDERS (Treasurer) — I move:

That the bill be now read a third time.

In doing so I would like to thank the house for taking the bill to this point. I would urge a speedy passage because I believe this bill is a profound piece of legislation that will enhance democracy in the state of Victoria.

The PRESIDENT — Order! The question is:

That the bill be now read a third time and that the bill do pass.

House divided on question:

Ayes, 21

Barber, Mr	Murphy, Mr
Broad, Ms (*Teller*)	Pakula, Mr
Darveniza, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Smith, Mr
Huppert, Ms	Somyurek, Mr
Kavanagh, Mr	Tee, Mr
Leane, Mr	Tierney, Ms (*Teller*)
Lenders, Mr	Viney, Mr
Mikakos, Ms	

Noes, 15

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs (*Teller*)
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P.	Peulich, Mrs
Drum, Mr	Rich-Phillips, Mr
Finn, Mr (*Teller*)	Vogels, Mr
Guy, Mr	

Pairs

Jennings, Mr	Hall, Mr
Madden, Mr	O'Donohue, Mr

Question agreed to.

Read third time.

STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION: DRAFT REPORT

The PRESIDENT — Order! I have received a letter from the Leader of the Government regarding an article in the *Age* of 22 July 2010 which appears to detail the contents of a confidential draft report of the Standing Committee on Finance and Public Administration on its inquiry into Victorian government decision making, consultation and approval processes.

I want to draw members' attention to the provisions of standing order 24.11, which states:

> Select committee deliberations will always be conducted in private.

Further, standing order 24.13(4) states:

> Evidence … taken in public and any documents, papers and submissions received by the committee which have not been authorised for publication will not be disclosed unless they have been reported to the Council.

I cannot state more strongly that it is absolutely essential for the efficient and proper operation of any parliamentary committee that the confidentiality of draft committee reports, and indeed committee deliberations and committee files, is preserved. Failure to adhere to this can interfere with a report's proper consideration when it is ultimately tabled.

I remind members that the leaking of a parliamentary committee report prior to its tabling is a serious breach of privilege and may be dealt with by the Council as a contempt.

I believe that in accordance with practice, the committee in question should move to investigate the matter to try to ascertain the source or sources of the leak and to consider whether the leaking of the draft report has caused or is likely to cause substantial interference with its work on this particular inquiry, and convey the results of the investigation to the Council for further consideration and action, if any.

TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL

Dispute resolution

Message received from Assembly returning bill seeking Council's agreement thereto.

Ordered to be considered next day.

CONTROL OF WEAPONS AMENDMENT BILL

Second reading

Debate resumed from 24 June; motion of Mr LENDERS (Treasurer).

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased to rise to make a brief contribution, hopefully before the 10 o'clock cut-off, on the Control of Weapons Amendment Bill 2010. I understand it is a bill designed to amend the Control of Weapons Act 1990.

It has been after a period that the government has responded with this bill. A press release headed 'No more excuses on crime — Dangerous knives to be banned in Labor's anti-crime strategy' says:

> Today's first new solution on crime by Labor is to control the possession and use of knives and all dangerous weapons.

It says it will:

> ban the sale and display of knives and other weapons that have no legitimate occupational, ceremonial or sporting occupation;

> ban the sale of knives to 16-year-olds or under;

and that there will be:

> enhanced powers to search for and confiscate weapons.

It also says it will introduce:

> tougher penalties for the carriage of knives and weapons in a public place, on public transport, entertainment venues …

and so on.

The problem is that the press release by Labor was dated 18 March 1999.

Mr Finn — It is 11 years ago.

Mr DALLA-RIVA — It is 11 years ago, Mr Finn, but the Labor Party is working hard. Labor members are hard at work, but there is more to be done.

Mr Finn — What have they been doing for 11 years?

Mr DALLA-RIVA — I am glad Mr Finn asked, because on 21 March 2000 they issued a press release headed 'Bracks government unveils tough new knife laws'. They issued another press release on 21 November 2000 headed 'Haermeyer' — I think he was then the Minister for Police and Emergency Services, now somewhere else — 'commissions knives study'. Then there was another press release — they must have been busy that week — on 29 November 2000. It is headed 'Tough weapons laws start soon — Haermeyer'. Then there was a release dated 25 October 2001 which is headed 'Knives, CBD focus of new crime fight — Haermeyer'.

That is 10, 11, 8 — how many years do you want to make it? All these press releases indicate a government that has really had no focus on the issue of knives. It has been all about the spin. This is a government that over 11 years has been about the spin. A press release by Labor, then in opposition, said that it was going to do it — and it was made by the present Premier, Mr Brumby — 11 years ago, on 18 March 1999. As I said, the press release states 'No more excuses on crime — Dangerous knives to be banned in Labor's anti-crime strategy'. It has taken 11 years to get there. That is amazing. We know that over that period of time this government has been more focused on spin and rhetoric than on dealing with the issues.

I can go on with a whole range of things, whether it be the transport system and how that has just been ignored and forgotten and delayed, and the problems that are now facing Victorians as a result. We see it today, we see it every day. We see it with the myki ticketing system and the problems and delays, the road congestion, the lack of planning processes and the confusion about population growth — the list goes on and on. There are an enormous number of problems. The hospital system is one — I notice the shadow Minister for Health is in the chamber. There is a whole raft of issues.

The violence and lawlessness that has been derided by this government is symbolic of the fact that we have a bill before the chamber that has taken it 11 years to produce. You can imagine how long everything else will take it. Today there was an announcement of a 20 per cent carbon emission cut by 2020. It is something the government knows it will never achieve. It is like the exports target. The government never achieved it, so it just changed the definition. This government is more focused on spin. We saw what happened in Footscray, where the people were forgotten. It was more about the media strategy than it was about ensuring that proper process was delivered in those circumstances.

But it does not matter. The government put out a press release on 4 March 2010 entitled 'Australia's toughest knife search and seizure laws'. So there was the original process of the government back on 18 March 1999, and almost 11 years later, short by a couple of weeks, on 4 March 2010 it said it now has the toughest knife search and seizure laws.

Again this is from the Premier — the same person who 11 years ago was promising it would be done. It has taken him 11 years. There are many outstanding issues that we will need to deal with when we form government. This is a demonstration of the government's lack of concern and its focus on spin.

As opposition members know, we have been out there providing policies. We have been very clear about a range of issues, such as our policy announcement that we will add another 1600 police to the front line in Victoria. We know the government had to alter its budget papers after 21 days and come up with a policy to match our policy because it knew it was hit hard. That is what the government did, but it did not match our transport safety policy. We will commit 940 Victoria Police protective services officers into service across Victoria's transport system, because we understand that the issue of violence and knife culture crosses into various areas.

The transport system is a classic area. Time and again we see concerns raised by commuters travelling to and from work or on the weekends where they are consistently and constantly confronted by violence.

There are no police on the transport system and there are no police on our streets. The government is literally allowing a lawless environment to occur. We are saying enough is enough. This is an example of where the government has been finally pushed into making a policy decision after 11 years. We know the election is coming, so the government wants to appear to be tough. The government is not tough on law and order; if anything it has been delaying and avoiding its responsibilities as a government. The issue has been raised time and again. It is an ongoing sore that the government wants to spin its way out of.

The bill amends the Control of Weapons Act 1990 to basically ban the sale of prohibited weapons to children under the age of 18. It believes that is where the problems lie. The problems the opposition has with some of the issues around this bill have been raised by the shadow Minister for Police and Emergency Services in the other place, Peter Ryan. I do not wish to go through those; they have been extensively covered.

However, some retailers and other organisations have raised concerns about the definition of knives. It appears the sale of a prohibited weapon knowingly to a child is a serious offence and would result in a fine of 240 penalty units or imprisonment for two years. That sounds reasonable in the sense of the legislation. But then you start to consider the practical applications. Say, for example, I asked my 16-year-old son to go down to Coles. We are having a barbecue and I would like him to get some plastic cutlery. It is pretty simple — just some plastic knives and forks. He walks into Coles — —

Hon. J. M. Madden — It is hard to get a 16-year-old to do anything.

Mr DALLA-RIVA — The minister is probably right. I will say it is a 12-year-old, because there is an incentive to get some lollies or something else as well. Or it could be a 14-year-old. I have got three boys at those different ages, but I will pick the 12-year-old. The 12-year-old walks into the store and wants to get some cutlery, as well as a packet of lollies or chewies. Under this legislation Coles could be fined 240 penalty units, which I think is $24 000 or thereabouts, and the person responsible could be imprisoned for two years because the 12-year-old or 14-year-old wants to buy some plastic knives. That just does not make sense. During the committee stage we will be seeking to amend clause 6 to make it very clear that a controlled weapon does not apply to plastic cutlery or cutlery that is being bought or sold as part of a cutlery or picnic set. It is nonsensical to think that a child cannot have cutlery such as a plastic knife. Think of takeaway food — and I will use the 16-year-old, because he likes Chinese food. He goes in, and he needs a plastic knife and fork. He cannot use it. Can the retailer sell it? Can the retailer give him that knife? No.

Mr Tee — Yes.

Mr DALLA-RIVA — Mr Tee says he can; maybe he might want to declare it. We want to make sure that plastic cutlery is excluded from the provisions of this bill. We will be moving to support industry, we will be moving to support retailers and we will be moving to support organisations that need to have those as part of a normal sale. It would be nonsensical for this government to assume that there is violence on our streets because a 12-year-old, a 14-year old, a 16-year-old or a 17-year-old is walking around with a packet of plastic knives that he just picked up from Kmart, Coles, Woolworths or Big W. I do not believe that is the intention of the government, and it would be ludicrous to charge either a retailer, an individual or a child for possession of such an article.

Any judgement made on that basis would be viewed with some disgust, because it is not what we believe to be the intention. We look towards the government to support that amendment. We are not saying we should get rid of all knives. We are making a point about plastic cutlery. We know the government is not on the ball. We understand that it is worried more about the spin doctors than about supporting jobs and industry retailers. However, the facts are that every time you walk past the cutlery section in the supermarket you need to be careful, because you might be deemed to be a criminal by this government.

That is just a really stupid piece of legislation that has not been thought out. It is a demonstration that the government does not think. This was more about the 4 March 2010 spin. It must have the same spin doctors who did the transport plan the other day. They were more focused on the spin and making sure the Premier looked good than they were on the details — as they have done with this. We saw some legislation referred off today, because we do not trust the government: we do not know whether what it is putting forward is adequate.

On this particular occasion we have had representation that, for example, Coles and Woolworths do not believe plastic knives pose a risk. They think they should be exempt from the laws, and we agree with that. I understand that the South Australian government had similar legislation, and Coles provided the government with arguments for an exemption for plastic knives during the consultation process. It is fair to say that in

our view the legislation needs to have some minor alterations.

The other point we need to debate — and we are seeking something from the government in the remaining minutes this evening — is adequate time to implement the changes and enable team members to have an opportunity to be trained adequately in these new laws so that appropriate IT system changes can be implemented to ensure ongoing compliance. Something the government should have been aware of is that retailers would like to have a start date six months after the transition — that is, a start date of January 2011. It is a reasonable request, and it would be good if the government were sympathetic to allowing this compliance start date.

I look to the government for an assurance that it understands that while it might be easier for small organisations, some large retailers need a process in terms of change. The government should understand that from the way it has buggered up the IT systems in this state. Thankfully, the private operators seem to have a better grasp of how they can manage it. They only need six months, unlike the mob opposite that needs years and millions of dollars to still stuff it up; but I digress.

As I said at the outset, the main provisions are the sale of prohibited and controlled weapons to children, issuing infringement notices for possession of a controlled weapon and, declarations of unplanned and planned searches for weapons, which I am sure Ms Pennicuik will raise, as she will the rules for strip searches. I predict she may raise that quite extensively and may have amendments. I was going to be a mind-reader, but I could see no future in it.

Ms Pennicuik — You are very prescient, Mr Dalla-Riva.

Mr DALLA-RIVA — That is right. It is a serious bill and these are serious issues. We believe there needs to be appropriate representation to understand the complexities of applying something that was designed more for the press and the spin. Eleven years later, save for a couple of weeks, what a fantastic outcome this is for a government that is really focused on its agenda! It makes a mockery of everything that it does, including with its statement of government intentions, or whatever it is called. We know this is a government that is more about spin than it is about substance, and we will be moving amendments to the bill. We will not be opposing the bill, but we look forward to the government supporting industry, saving real jobs and not creating more media spin doctors.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Peter Ross-Edwards Causeway: safety

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Roads and Ports regarding road safety conditions on the Peter Ross-Edwards Causeway, a section of the Midland Highway between Shepparton and Mooroopna. My request of the minister is that he urgently install lighting along the entire stretch of the Peter Ross-Edwards Causeway and that he investigate the feasibility of an upgrade to the road that would provide a New Jersey barrier with lighting in the centre of the road and safety barriers to the outside edges, which drop away up to 3 metres in some places.

Safety on the causeway has been a community concern for many years, and my memory of the road is marred by a number of fatalities and serious accidents. The issue has been particularly controversial throughout the past decade, and a VicRoads planning study completed in 2002 made eight recommendations to the government for the upgrade of the causeway. Seven of the eight recommendations included lighting for the entire length of the causeway. Unfortunately the recommendation chosen by the government was the basic upgrade that would bring the road up to bare minimum safety standards but does not include lighting for the entire section of the road or a centre divide, which was also recommended by the study.

Regrettably, this government missed an opportunity to provide the community of Greater Shepparton with a safer road that would service the community into the future. I have raised this issue in Parliament many times, but for the minister's information this busy stretch of highway is significant because it connects the populations of Shepparton and Mooroopna and is the major connection to Shepparton for nearby townships, including Tatura, Toolamba and Kyabram.

Due to the winding nature of the road there are several sharp turns at the approaches to the causeway's six bridges. Over the years this has led to damage to the guardrails of the bridges when motorists were caught unaware. Due to the surrounding bushland this section of road is very dark at night and is desperately in need of lighting to improve safety conditions at night. Two weeks ago a three-car accident occurred at night at the

Mooroopna end of the causeway, and sadly a four-year-old boy, Jason Hanley, died and his mother, Julie Commisso, was seriously injured in the accident.

While we may never know whether lighting would have made a difference in that situation, there have been many other incidents where it would have made a difference. Local paramedics are outraged and say that anywhere in Melbourne a 3-kilometre stretch of four-lane highway, like the causeway, would be fully lit and would have a centre divide to prevent vehicles from veering into the front of oncoming traffic.

The causeway planning study identified the cost of providing lighting as part of other upgrade works at only $370 000. In 2005 I received a letter from the minister advising that the cost would be closer to $600 000. Because the state government has dragged its heels on this issue, the cost of installing the lights today may be significantly more, but there is still a good cause for lighting to be installed to improve safety for the 23 000 or more motorists who use the causeway each day.

Consumer affairs: door-to-door marketing

Mr DRUM (Northern Victoria) — My matter for the adjournment is for the attention of the Minister for Consumer Affairs, Mr Robinson, and it has to do with door-to-door sales. I recently had a complaint from a young, single mother who lives in the Arnold region around Bridgewater, Inglewood and Wedderburn. She lives on an isolated rural property, by herself with a young son. There was a situation when a couple of young door-to-door salesmen knocked on her door at a few minutes before 8 o'clock at night. Because it is a very isolated rural property she did not want to answer the door and told whoever was outside to go away, but they refused to go away. She telephoned the landlord who lives 400 metres away and he came down and hurried the salesmen away. They were salesmen from an electricity company and were trying to offer this lady a better deal.

The current legislation provides that salesmen can conduct this type of work through to 8.00 p.m. throughout the course of the year, despite it being a time when many rural properties and even many urban properties are quite dark. It is inappropriate to expect people to answer the door late at night, particularly when some people are already in bed, but these salesmen can still knock on the door and insist that people should answer the door.

The action I seek is for the minister to undertake an investigation into the appropriateness of the current legislation and the rules surrounding door-to-door salesmen being able to work up to 8.00 p.m. even in the dead of winter. This means that for almost 2½ hours after dark salesmen can work and ask people to answer the door. Those residents may include aged or frail people, single mothers and other vulnerable people who have to answer the door to total strangers when they may not want to answer the door in the dark.

Perhaps these rules should be revisited. This can be a very scary situation, as it was when the door-to-door salesmen refused to leave until the door was opened to them, even though the lady told them to go away. They would not go away and they did not leave the property until the landlord drove almost half a kilometre and told them to leave. This is an issue that could easily be fixed if the minister would conduct an investigation to see whether it is appropriate for these people to work up to 8.00 p.m. throughout the dead of winter.

Bayswater Football Club: facilities

Mr LEANE (Eastern Metropolitan) — My matter for the adjournment is for the attention of the Minister for Sport, Recreation and Youth Affairs, James Merlino, and the action I seek is for the minister to support the Eastern Football League to establish a district or state-level football ground at the Bayswater Football Club on which to hold first division finals. Most major football leagues in Victoria have access to a district or state-level football ground. Unfortunately the Victorian Football League, which is the biggest football league in the country as far as participation and the number of clubs are concerned, does not have access to a ground with standards of this condition. There is an opportunity now that the Bayswater Football Ground has reached an agreement with the VFL that the first division finals will be played at that ground for the next five years.

To bring the ground up to the standard needed to accommodate about 15 000 people who go to the first division final, there are certain things that the ground needs, such as more permanent seating, increased access points to the ground for pedestrians and cars, a couple of separated coaches boxes and provision for water and power around the ground so that on finals days it can be linked to temporary toilets, marquees and other such facilities. My request of the minister is to require his department to work with the VFL, especially its board chair, Graham Halbish, and the chief executive officer, Rob Sharpe, to ascertain what funding streams they may have access to, to fulfil the desire to bring this ground up to the standards needed to conduct those high-level events every year.

Western Victoria: community consultation

Mr KOCH (Western Victoria) — My matter is for the Premier and relates to the lack of community consultation that has become a hallmark of this government. Many residents throughout western Victoria, and indeed in other parts of Victoria, are concerned that they are being taken for granted and being deceived by community consultation sessions that have no bearing on the actual outcome being addressed.

During 2005 and 2006 a number of community consultation sessions were held with the Barwon Heads community to source ideas and views about the placement of a new bridge linking the town with nearby Ocean Grove. The criteria for the new bridge were addressed and a location was decided upon by the government and VicRoads. Despite the earlier established guidelines the government pursued the building of two bridges at the site. Only one bridge was ever suggested during the community consultation process.

The Labor member for South Barwon in the Assembly, Michael Crutchfield, refused to support the wishes of his constituents and fully endorsed the government's two-bridge plan. This close-knit seaside community remains perplexed by this result and feels cheated by a government that continues to push its own agenda with a sleight of hand. This is not a one-off instance. Examples are rife throughout the state. Ignoring community opinion has become a legacy of Labor's style of government and its 'my way or no way' mentality.

Similarly earlier this year residents of East Geelong were surprised to see a fence erected around the old East Geelong Technical School site in Moorabool Street. Signage on the fence indicated 94 units and a series of shops would be built on the site. The development was approved by the Minister for Planning, Justin Madden, and it avoided the stringent community consultation process and denied the City of Greater Geelong's planning guidelines and community consideration. After widespread outrage at the planning approval, a mock community consultation process was hastily organised to give the appearance that concerns were being listened to. However, the deal between the government and developer had already been finalised and signed off.

The government's contempt for directly addressing community concerns was highlighted recently by the Assembly member for South Barwon when he told parents concerned about education facilities in Torquay that although he had listened to their concerns his government had already reached its decision.

The lack of consultation regarding section 4C of the Geelong bypass has alarmed many residents of Grovedale. The community is left wondering what other deceptive methods the Brumby government will use to hoodwink people.

The action I seek is for the Premier to inform the public as to when, after failing to act on earlier assurances of consultation and transparency, his government will be prepared to engage with locals in a meaningful way on issues that affect them directly.

City of Banyule: street lighting

Mrs KRONBERG (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Local Government, Richard Wynne. The matter has been brought to my attention by the mayor and councillors of the Banyule City Council, and it centres on the issue of the current SP AusNet T5 rollout of street lighting. The rollout involves replacement of 80-watt mercury vapour lighting bulbs with twin 14-watt T5 fluorescents on minor residential streets within the city. Apparently T5 globes use about 68 per cent less electricity per light while producing similar illumination.

There are some assumptions that form the basis of the Banyule City Council's case for a grant from the state government. These are that there are an estimated 3328 streetlights to replace, the estimated total cost per replacement is $327 and the suggested SP AusNet contribution per replacement is $72. Overall the contribution required for all the lights would be: from SP AusNet, $239 616, or 22 per cent; Banyule council, $350 804, representing 32 per cent; a proposed state government contribution of $499 200, representing 46 per cent; and a total of state government and/or council contribution of $850 004.

The Banyule council is keen to have the minister consider two methods of funding: firstly, in the form of a no-interest loan, with the council making the repayments through the expected cost savings in street lighting over the period; alternatively, the state government may prefer to provide a grant for 46 per cent of the rollout cost, as referred to previously.

My request of the minister is that he examine closely the funding model that Banyule City Council proposes, with a view to ensuring that the council is able to effectively and efficiently participate in the upcoming cycle of renewal. This opportunity will not be available again for another eight years because of the cyclic

nature of SP AusNet's program of rollouts. Clearly the council wishes to reduce its electricity usage and therefore make inroads into Victoria's contribution to carbon emission reduction and thus provide leadership to the community at this time. The Banyule council wishes to highlight the fact that a one-off street lighting grant for a pilot rollout was secured for the adjoining Nillumbik Shire Council in 2009.

Road safety: Buninyong

Mr VOGELS (Western Victoria) — I rise tonight to raise for the attention of the Minister for Roads and Ports, Tim Pallas, a matter regarding road safety and speed zones in Buninyong. Recently I was invited by Ballarat city councillor Ben Taylor, who is also the Liberal candidate for Ballarat East, to meet with members of the Buninyong progress association — Lyn Lea, Jim Clementson and John Emery. Ballarat East residents are excited to have such an enthusiastic, fresh and helpful candidate. These Buninyong community leaders raised with me their concerns about high vehicle speeds and near-miss accidents experienced at the intersection of Midland Highway and Ballarat-Buninyong Road.

Anyone who knows Buninyong will realise that this intersection is at the heart of the community. The major problem is with traffic coming from the Geelong, Meredith and Lal Lal direction at great speed. Vehicles approaching the roundabout from the Meredith direction are currently required to decelerate from 100 kilometres per hour down to 60 kilometres per hour while travelling down a steep hill. This is a very steep hill. A lot of braking is required to get down to 60 kilometres per hour, especially for heavy vehicle operators. As the police know, this intersection is a speed camera goldmine.

The members of the Buninyong progress association report that many drivers fail to slow down at the intersection, creating a very dangerous environment. Added to the mix is a busy school crossing. In the past six months there has been a case where the driver of a vehicle lost control and ploughed into the median strip fence. There have been numerous tail-end crashes when cars have failed to stop in time.

The residents have been requesting for some time that this section of the Midland Highway and Ballarat-Buninyong Road become a 50-kilometre-per-hour zone and that the school crossing become a 40-kilometre-per-hour zone during school hours. This seems a reasonable request, long denied by the government.

The action I seek from the minister is that he reconsider the safety issues at the Midland Highway and Ballarat-Buninyong Road intersection and install a 50-kilometre-per-hour speed zone as well as a 40-kilometre-per-hour school zone at the Midland Highway pedestrian crossing opposite the old Buninyong town hall during school hours.

Members of the progress association have been told that VicRoads is not prepared to sanction another speed restriction zone in this area. I find that absolutely unbelievable, because I have no doubt that putting these speed restrictions in place will save lives. I ask the minister to check the veracity of these claims that VicRoads is not prepared to put another speed zone in this area, because I do not believe that would be true.

Mordialloc Creek: dredging

Mrs PEULICH (South Eastern Metropolitan) — Through the minister at the table, the Minister for Planning, I would like to raise a matter for the attention of Minister Pallas in his capacity as the Minister for Roads and Ports. It is in relation to a rally that is to be held from 11 o'clock until 12 o'clock this Saturday at Mordialloc Creek. The rally is being put together to draw attention to the neglect of the creek and the unwillingness of the Minister for Water to come to its aid and honour his obligation to look after our waterways.

The disaggregation of policy has meant that this stretch of water has become very dangerous for boat users. It is suffering from significant neglect and deterioration. Clearly the regular dredging that should take place has not been done. According to council reports, $7.5 million to $8 million is required merely to make safe the stretch of Mordialloc Creek from its mouth to the railway line. At the moment there is less than half a metre depth available and boaties are blogging and advising other boaties not to go there, because it is dangerous.

Some time ago Minister Pallas came along and joined two local Assembly members, the Speaker and member for Carrum, Ms Jenny Lindell, and the member for Mordialloc, Ms Janice Munt, in renaming the bridge over the Mordialloc Creek the Pompei Bridge. Jack Pompei came from a very well-respected family and was a very well-respected boat maker in the area. The minister and the local members were very keen to cut the ribbon and be photographed at the renaming of the bridge.

If Jack were alive, he would say to Minister Pallas, 'Come back and finish the job. Forget about the

ribbons, bring the chequebook, fix the creek and, better still, come along at 11 o'clock on Saturday. There'll be about 1000 boaties. Come and speak to them, bring your chequebook and make it a good day for them'.

It is a shame that the two local members, Ms Jenny Lindell and Ms Janice Munt, have failed to do anything about this for 10 years. The depth of neglect is deplorable. Action is long overdue and this has now become a very serious safety issue. One of the problems is that policy is disaggregated. The Minister for Water has responsibility for the waterways; Parks Victoria for the sides; Marine Safety Victoria, under the Minister for Roads and Ports, for safety; and of course the council has some responsibilities there. It is a policy failure. Our waterways, certainly in my region, are a disgrace. The Mordialloc Creek, which should be the pride of the bay, has been left to rot.

I call on Minister Pallas to join the community and make a commitment. Jack would say to Minister Pallas, 'Come back and finish the job'.

Southern Metropolitan Region: youth facilities

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Sport, Recreation and Youth Affairs, James Merlino. Across the Southern Metropolitan Region we have young people who are basically really good kids and they need things to do. They are too sophisticated for a lot of the things that are on offer, but they are not old enough to participate in activities for older people. The problem with a lot of those young kids is they get bored, and they therefore succumb to the thinking that becoming a graffiti artist is smart. We know that leads to a downward spiral. It is important that we think about some activities that are appropriate for those young people, activities that they will want to participate in and that are not imposed upon them by adults.

I was interested to get a thoughtful email from a constituent who made the following suggestion:

> I would like to see a purpose-built sports centre (not at the Albert Park Lake …) to replace Olympic Park but not suitable … a huge sporting centre in the burbs … where kids can replace alcohol, graffiti — with nothing to do … replace with sports, skate rinks … a huge complex with great facilities, cafes, shops, can use for band venue et cetera … basketball … kids decorate it … Ideally — a race track to replace the grand prix —

in Albert Park. She talks about Albert Park, and she thinks it is important for kids to learn about safe driving and to give them a whole range of great activities that are targeted to their age group, that they think are fun and that they are willing to engage with. That can be set up for this age group. I think this is a good idea.

My adjournment matter this evening is to ask the minister to meet as a matter of urgency with parents, community groups and young people in the Albert Park area to particularly discuss the feasibility of a purpose-built activity centre and relevant activity centre for young people in Elwood which would service the areas beyond.

Kathleen Syme Centre: future

Mr GUY (Northern Metropolitan) — My adjournment issue tonight is for the Minister for Health and concerns the future of the Kathleen Syme Centre in Carlton.

Carlton is a suburb that houses many people from varied backgrounds. It has a major hospital, a major university, a major tourist precinct and many businesses are based there, but incredibly Carlton does not have that basic community element that many other established suburbs have — that is, a municipal hall. Carlton residents believe they have found the solution to this absence of a dedicated community meeting space in the suburb — namely, the Kathleen Syme Centre on the corner of Faraday Street and Cardigan Street; it is one block back from Lygon Street and a block back the other way from Swanston Street.

As I have stated, Carlton does not have a town hall or municipal hall, so for the thousands of people who call one of our oldest suburbs home, there is no central focal point for community activities or community interaction. The presence of a community space or a community hall — members can call it a town hall if they like — would be a terrific asset for a suburb whose population is rapidly changing and growing. The mix of long-term residents, new residents and the growing number of families, Victorian students and overseas students creates a huge mix in the local population base. A community meeting space would serve this community well.

The Kathleen Syme Centre is a beautiful building. It is perfectly located and was the first primary school in Carlton. It was ceded to the Department of Health in 1972 and will become available again in 2011, thus presenting an opportunity to acquire this building for our community for the future.

Importantly, the City of Melbourne has thrice stated it wants to acquire the building for this specific use as well as for a new library in the belief that a tool library, toy library, visitor centre, business incubator, arts

incubator, meeting space and space for child and maternal health as well as mothers' groups could all happen at this location. Credit goes to Cr Peter Clark from the City of Melbourne for again moving a motion on 27 April this year to again reaffirm council's determination to provide a community space for Carlton.

Unfortunately there is one road block, and it is big. It is called the Brumby Labor government. Despite previous promises to provide a town hall for Carlton, Labor has done a Scoresby and backflipped. Despite the community wanting the site, the obvious demand and need for it and the council offering to pay the recurrent costs of its upkeep, Labor steadfastly refuses to come to the party. It is a potent symbol of Labor's ongoing neglect of the inner city. It is a potent reminder to all residents of Carlton that Labor takes the inner suburbs for granted. It is a reminder to all inner city Melburnians that if you want to be heard, Labor is not listening.

Tonight I call upon the Minister for Health to do the right thing and begin the process of managing the transfer of ownership this site to the City of Melbourne.

Werribee Secondary College: International Baccalaureate

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Education. It concerns some correspondence I have received this evening from Sheridan Ingram, who is contesting the seat of Lalor for the Liberal Party in the forthcoming federal election. What an outstanding member of Parliament she would be. She would be a significant and vast improvement on the incumbent member.

The correspondence I received says:

> I have just learnt that years of work by Steve Butyn, the principal, and staff of Werribee Secondary College to provide world-class education and integrate the school into the international community are to come undone by the inaction of Labor and the state education department.
>
> Werribee Secondary College is a state school that has taken the initiative to improve the education opportunities and experiences of its students by investing time and resources over the last five years to achieve accreditation to offer the International Baccalaureate course. Werribee Secondary College has complied with all requests and guidelines handed down by the education department in relation to gaining the department's approval for offering the course, but left with no response.
>
> After much hard work on the part of the school the International Baccalaureate accreditation was granted last April on the condition that the approval from the educational department would formally follow within 12 months. The approval has not been forthcoming and no explanation has been provided over the duration by the education department. The situation is now critical with the International Baccalaureate organisation left with no other option than to withdraw the accreditation —

this Saturday —

> unless the approval from the education department is forthcoming.
>
> …
>
> The school has until 5.00 p.m. Friday to get the rubber-stamp from the education department to keep the IB accreditation.

Come Saturday it is gone. It would be a huge loss for the people of the western suburbs; it would be a huge loss for the people of Victoria. Sadly the local Labor members, Tim Pallas, the member for Tarneit in the Assembly, and the Prime Minister, Julia Gillard, have taken the lead on handballing the issue between themselves and the education department. What is par for the course, and what we have come to expect from them, is nothing being achieved. We are staring down the barrel, as is Werribee Secondary College, of this dreadful decision on Saturday unless the education department can get its act together over the next couple of days.

I ask the Minister for Education to intervene tomorrow in this matter as a matter of urgency to ensure that Werribee Secondary College is given the necessary support it needs from the education department to keep this most prestigious honour and to ensure that Werribee Secondary College is kept right up there at the forefront of education in this state.

Black Forest Drive: traffic management

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Roads and Ports, Tim Pallas, and relates to Black Forest Drive in the Macedon electorate. The communities of Woodend, Macedon and Mount Macedon have been left in shock by the Brumby government's announcement last Friday which has misled the communities and left the Macedon end of Black Forest Drive in a dangerous and unresolved mess. The communities were quick to take action on this issue when VicRoads, without any consultation with the community or emergency services, reduced a four-lane road to two lanes in spite of black ice and a wildfire management overlay.

Last Friday, at a meeting in Woodend last Friday, Mal Kirsting for VicRoads admitted that they had got it wrong. At the same meeting ALP members tried to muddy the water by raising the furphy that this was about cyclists and their safety. Bruce Mildenhall, a

former Labor member of this Parliament, successfully angered some motorists and residents who now wrongfully blame cyclists for the mess the road is in. Hard-core road cyclists are less than impressed by this and equally unimpressed by being placed even closer to vehicles travelling at 90 kilometres per hour where a metre really does matter.

It is clear that without the coalition's announcement on Friday morning that this road would be returned to four lanes and there would be consultation on safety issues there would not have been any movement from the local member and VicRoads. As it is, the communities have conflicting stories from VicRoads and the local member, who have clearly lost sight of their roles and responsibilities to the community they are paid to serve. Nearly 3000 signatures have been collected on a petition expressing legitimate community concerns, and the Macedon Ranges Shire Council will move a motion tomorrow night in relation to this issue.

The action I seek is that there be ministerial intervention to resolve the issue of Black Forest Drive, which has been mismanaged by VicRoads and the local member. It is now an accident waiting to happen, being left as a single-lane road at the Macedon end and with no certainty as to what the future will be for the northern end towards Woodend.

Small business: retail leases

Mr KAVANAGH (Western Victoria) — My adjournment matter is for the Minister for Small Business, Joe Helper, and relates to the laws that govern leases in shopping centres. I was recently visited in my electorate office by a former lessor of retail premises in a Geelong shopping centre. This businessman in effect had his business and livelihood destroyed by the power of the shopping centre where he had previously leased premises. I use the word 'power' advisedly because there is usually, and there was in this case, a gross power imbalance between the lessors and the lessees in shopping centres.

The businessman and the shopping centre both knew he was being treated unfairly and in a way that constituted a civil wrong. The businessman sued and won an award of damages, which both parties fully expected. The problem is that Victoria's legislation makes it very difficult to obtain an order for costs even if you are initiating unsuccessful litigation. This deficiency in the laws and regulations has contributed, in the opinion of this businessman, to a decision by the shopping centre to appeal. Even if the shopping centre loses, the businessman's net proceeds are likely to almost disappear through his having to bear his own costs.

The action I am seeking from the minister is for him to review the present legislation and regulations that govern shopping centre leases in Victoria with a view to alleviating the power imbalance between shopping centre lessors and lessees. Specifically I ask the minister to consider possible amendments to relevant legislation and regulations which would allow courts to award costs against unsuccessful litigants where it would be just to do so and thereby prevent the use of raw monetary power in ways that are inconsistent with the attainment of justice.

Loch Sport: wastewater treatment

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Water concerning the need for a wastewater treatment scheme for the Gippsland Lakes township of Loch Sport. This picturesque township adjoins the Lakes National Park and Gippsland Lakes Coastal Park and is a stone's throw from Ninety Mile Beach, and yet Loch Sport has tended to be one of Victoria's forgotten places when it comes to the provision of basic infrastructure for its growing population and regular throng of holiday-makers.

The town has a permanent population of around 1000, which multiplies seven or eight times during the summer holidays. Despite its popularity, in 1980 Loch Sport was one of the last towns in Victoria to be connected to the electricity grid, and it is the largest town in the state without a wastewater scheme. There is an urgent need for such a scheme for a number of compelling reasons: the comparatively small size of the town's allotments — most are under 1000 square metres — means it is not possible for residents to treat all their wastewater on site; its position on the Gippsland Lakes, surrounded by national and coastal parks; the need to cater for the large number of holiday-makers, many of whom are regulars and spend an extended stay in the town in the main holiday periods; and to provide a service that will be essential to the town's future growth.

Loch Sport residents have had a long, frustrating wait for a wastewater scheme, which has been the subject of numerous investigations and reports, but to date there has been very little positive action and, may I say, the expenditure of huge amounts of public funds, which by now could almost have built a wastewater scheme. However, the Shire of Wellington has recently supported the recommendations of another environmental consultant that the town would be best served by a reticulated septic tank system operating as either a gravity-fed system or one using pumps. The shire's endorsement is now with Gippsland Water, and

undoubtedly the Minister for Water will have been made aware that the wastewater plan is now well advanced.

I ask that the minister act with immediacy to examine the options and facilitate development of a wastewater scheme for Loch Sport.

Planning: amendment VC67

Mr D. DAVIS (Southern Metropolitan) — My matter this evening is for the attention of the Minister for Planning and concerns the ratification of the Victoria Planning Provisions amendment VC67, which is on the notice paper. To recap very quickly for the house, VC67 is a planning scheme ratification. People will remember that ratifications are devices to adjust the urban growth boundary fundamentally, but I note this has been used along with Melbourne @ 5 Million as a way to introduce changes that will see increased density in the suburbs, in particular in my electorate of Southern Metropolitan Region but elsewhere in Melbourne as well.

These changes will fundamentally change the nature of the city, forcing densification and high-rise, high-density development in general with few rights for local councils and local communities. This will fundamentally alter our suburbs and the nature of life in Melbourne as we know it. There has been great debate in this chamber on this terrible motion, but the action I seek from the minister is that he act to discharge from the notice paper government business order of the day 2 concerning planning amendment VC67, and that he do so as swiftly as possible. His action would remove this terrible mechanism for changing our suburbs that has not had community consultation or the support of local communities in any of the established areas of Melbourne, such as the electorate of Southern Metropolitan Region.

Responses

Hon. J. M. MADDEN (Minister for Planning) — I have written responses to 62 adjournment debate matters raised between 10 September 2008 and 24 June 2010. I lodge those for tabling.

Wendy Lovell raised a matter about the Peter Ross-Edwards Causeway. I will refer her matter to the Minister for Roads and Ports.

Damian Drum raised a matter about door-to-door sales. I will refer that matter to the Minister for Consumer Affairs.

Shaun Leane raised a matter concerning an Eastern Football League district ground. I will refer his matter to the Minister for Sport, Recreation and Youth Affairs.

David Koch raised the matter of community consultation and highlighted a number of projects. Unfortunately Mr Koch has again sought to rewrite history in relation to each one of these projects. I find it very disappointing that even though he has mentioned projects that are nearing completion, such as the Barwon Heads bridge, he still seeks to contribute to division in the community in relation to this project. Mr Koch has shown again that, whether it is in relation to road projects, public housing or critical infrastructure such as bridges, the opposition opposes everything and supports nothing. I feel disappointed that Mr Koch wants to politicise these issues in such a way and in such an environment. I remind Mr Koch that consultation is very important, and government members stand by that statement, but consultation does not necessarily mean that you will always achieve consensus in relation to these projects, and on that basis I believe I have dealt with the matter.

The ACTING PRESIDENT (**Mr Somyurek**) — Order! I remind the minister that any reply by a minister to a matter raised in the adjournment debate should be as brief as possible and should not be subject to debate.

Hon. J. M. MADDEN — I believe I have disposed of the matter.

Jan Kronberg raised the matter of funding for Banyule council's street lighting replacement program. The mayor of Banyule, Wayne Phillips, who is well known to members opposite, presented that matter at a community cabinet recently. His request for funding was well presented and well received by the cabinet, and as such we are conscious of the project and I am happy to refer it to the Minister for Local Government for consideration.

John Vogels raised the matter of Buninyong speed zones. I will refer that matter to the Minister for Roads and Ports.

Inga Peulich raised the matter of the Mordialloc Creek. I will refer the matter to the Minister for Roads and Ports.

Andrea Coote raised the matter of a purpose-built sports facility and other matters. I will refer her matter to the Minister for Sport, Recreation and Youth Affairs.

Matthew Guy raised a matter concerning the Kathleen Syme Centre. I will refer the matter to the Minister for Health.

Bernie Finn raised a matter about the International Baccalaureate certification for Werribee Secondary College. I will refer that matter to the Minister for Education.

Donna Petrovich raised a matter about Black Forest Drive, Macedon. I will refer that matter to the Minister for Roads and Ports.

Peter Kavanagh raised a matter concerning retail business shopping centre leases. I will refer the matter to the Minister for Small Business.

Philip Davis raised the matter of Loch Sport and wastewater treatment, and I will refer this to the Minister for Water.

David Davis raised the matter of planning provision amendment VC67 and related matters, and we will have plenty of opportunities to debate them at a later date.

Mr D. Davis — Are you going to take it off the notice paper immediately?

Hon. J. M. MADDEN — I said we will have plenty of opportunities to debate those matters. As I have mentioned before, we have had extensive discussions with the shadow Minister for Planning, Mr Guy, and I would have thought Mr Davis would have consulted with his shadow minister in relation to these matters. If Mr Davis had sought to receive that information from Mr Guy, he might realise that VC68 is the planning provision amendment that we are eager to progress to resolve the issues that Mr Davis seeks not to endorse.

Mr D. Davis — Are you taking 67 off? When does it come off?

Hon. J. M. MADDEN — As I have said, Mr Davis, we are looking forward to your support on VC68. Once VC68 is determined we will consider withdrawing VC67.

Mr D. Davis — So you are not going to take it off straightaway.

Hon. J. M. MADDEN — If Mr Davis wants, I am happy to have a debate around this, but I want to make a point. I have had lengthy conversations over a number of months with your shadow minister, and if you are not informed about these matters, you need to make yourself informed about them!

The ACTING PRESIDENT (**Mr Somyurek**) — Order! I ask the minister to address his responses through the Chair. I advise Mr Davis that interjecting across the chamber is disorderly.

Hon. J. M. MADDEN — Acting President, I am glad you have brought me back to order on the basis of provocation from the member opposite. I make the point to you, Acting President, that if Mr Davis does not know the position of the opposition that has been presented to us in relation to these matters, he needs to make himself aware of it. We have gone to extensive lengths to present to this chamber an amendment which will satisfy the requirements of the opposition. That has been presented to the house and when — —

Mr D. Davis — You are not going to take the other one off.

Hon. J. M. MADDEN — Acting President, I ask you to allow me to answer Mr Davis, or if he wants to debate the matter, he should move a motion. If he seeks to interrupt me while I am trying to answer his question, I find that rude and arrogant and he should be called back into line.

The ACTING PRESIDENT (**Mr Somyurek**) — Order! Has the minister finished?

Hon. J. M. MADDEN — No, I have not.

The ACTING PRESIDENT (**Mr Somyurek**) — Order! I ask Mr David Davis not to provoke the minister, and I ask the minister not to debate the question and to give his responses through the Chair.

Hon. J. M. MADDEN — As I have said, we have two amendments before the chamber. We are seeking to have only one of those resolved. We will bring on VC68 at the earliest possible time, and once that has been passed there is no need to have VC67 passed at all.

Mr D. Davis — Remove it then; take it off the notice paper now!

Hon. J. M. MADDEN — The point is, Mr Davis, we are not going to take one off until we get the support for the other. It is a very critical component because — —

The ACTING PRESIDENT (**Mr Somyurek**) — Order! Through the Chair!

Hon. J. M. MADDEN — I want to make this point very clear, Acting President. Every opportunity presented in this Parliament for reform in this area,

whether it be the growth area contribution or adjustments to the urban growth boundary, has been blocked or rejected by the opposition. We will not feel confident that the opposition will completely support VC68 until it is actually dealt with by this chamber. Those two amendments will remain on the notice paper until one is passed. We look forward to the opposition's support in relation to VC68. Once VC68 is passed, we will happily withdraw VC67.

The ACTING PRESIDENT (**Mr Somyurek**) — Order! The house now stands adjourned.

House adjourned 10.44 p.m.