PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 31 August 2010

(Extract from book 13)

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By authority of the Victorian Government Printer

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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.

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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.

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

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

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

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Huppert, Ms Jennifer Sue[1]	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles[3]	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William[4]	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

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

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TUESDAY, 31 AUGUST 2010

Tuesday, 31 August 2010

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

CONDOLENCES

Clive Alexander Mitchell

The PRESIDENT — Order! I advise the house of the death on 25 August 2010 of Mr Clive Mitchell, member of the Legislative Council for Western Province from 1968 to 1973.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

Hon. James Harley Kennan, SC

Mr LENDERS (Treasurer) — I move:

> That this house expresses its sincere sorrow at the death on 4 August 2010 of the Honourable James Harley Kennan, SC, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Council for Thomastown Province from 1982 to 1988, a member of the Legislative Assembly for the electoral district of Broadmeadows from 1988 to 1993, Attorney-General from 1983 to 1987 and 1990 to 1992, Minister for Planning and Environment from 1986 to 1987, Minister for Transport from 1987 to 1990, Deputy Premier from 1990 to 1992, Minister for the Arts from 1990 to 1992 and Minister for Major Projects from 1991 to 1992.

Jim Kennan was a man who served in this house for two terms and who was elected for two terms in the Assembly. He was a man who was eloquent, who was very gifted with his words, who used his words wisely, who had a lot to say and who was also quite succinct. In honour of him I will, amongst other things, endeavour to be succinct.

Jim Kennan died at the age of 64, which was an extraordinary loss, as he was a man with the full use of his facilities and a sharp mind, and he was still making an extraordinary contribution to his community. It was a loss, at age 64, that many of us would feel, because he had a lot more to give. But I will talk particularly of Jim Kennan's 11 years as a member of the Victorian Parliament. On Friday, 13 August, the last day we sat, at least four members of this house had the privilege of attending the state memorial service for Jim Kennan at the National Gallery of Victoria. One thing that service did was show the large number of people — people who had been a part of his life or whose lives he had touched — who came to celebrate the life of an extraordinary man.

Jim Kennan was a member of this Parliament for 11 years — as I said earlier, for two terms in this house and one and a bit terms in the other house. For almost all that time he was either a minister or the leader or deputy leader of his party. He served as Attorney-General, and he was a great reformer of the law, with a passion for it. He served as Minister for Transport, Minister for Planning and Environment, Minister for Major Projects and Minister for the Arts. During the 11 years Jim Kennan was in this Parliament he made a contribution in very many ways. In each of those portfolios he left his mark, with reforms in all those areas that have had lasting legacies.

It was interesting for those who either listened to former Premier John Cain speak at the memorial service or read the obituary he wrote in the *Age* that he described a lot about Jim Kennan the man. He described him as someone who, when he spoke in the Parliament, was succinct, who always had a general view, who was always well read, who was always willing to question and who was always a generalist — the sort of person you need in a Parliament, in a cabinet, in a shadow cabinet or in any organisation. He was intelligent, well read, thoughtful, articulate and prepared to make his point.

The speakers at the memorial service talked a lot about Jim Kennan the man and the four great loves of his life. Speakers talked eloquently about Jim's family. Jim's wife, Janet, and children, Laura, Ed and Andrew, were all there and spoke about Jim Kennan the husband and father and their life with him. Often you learn things about people at their funeral that you have not heard during their life. I learnt an amusing thing about Jim Kennan from his children when they talked about him on holidays. As well as his being a great reformer, they described him as a great deceiver. One of his sons spoke about being not that confident a swimmer and said that every summer when the family went to Byron Bay Jim tried to encourage him to go out into the ocean. To do this Jim got him to swim all the way out through the rough water to a sandbar on the promise that if he jumped up high enough he would see America. Jim certainly got his son out there to the sandbar, he certainly got his son jumping and he certainly got his son over his fear of water — but I do not think his son saw America! The family told great tales of a loving father and a great companion — someone who was always interested in their lives.

The second great passion of Jim's life was clearly politics. Jim Kennan joined the Labor Party at a young age. He became very involved in the Labor Party and was passionate about getting involved in Parliament. Jim was elected to this house as the member for Thomastown and then spent 11 years as a member of Parliament contributing to government, to opposition and to the policy formulation that went with both. His legacy and the tales people told of him illustrate Jim's energy, enthusiasm and general knowledge.

Jim Kennan was also a great lover of the law. There were many from the legal profession at the memorial service. Jim would take on cases that were not popular. He did not do it for the money; he did it for the ability to bring about change and make a difference. There were many tales about Jim regarding that.

Finally, Jim was a lover of the arts. The very fact that the memorial service was held in the Great Hall of the National Gallery of Victoria and that there were jazz musicians interspersed throughout the service is again a sign of the man Jim Kennan was.

Jim Kennan was a man with a fine mind. He was an incredibly energetic man. He was a reformer. He was also a generalist in government and in politics — one who could contribute across the board, not just in his portfolio area, not just in a silo. He had a view of making the world a better and fairer place. Jim aimed to bring out the curiosity, hope, intelligence and energy in people.

Jim Kennan has passed. He worked right up until the day his illness took over. His is a sad loss at age 64. We have enjoyed 64 great years with Jim Kennan. One of the true sadnesses of his passing is that he had many more years to give. We on this side of the house offer our condolences to Jim's family and remember a life very well spent.

Mr D. DAVIS (Southern Metropolitan) — I too would like to be associated with this condolence motion and in so doing pay tribute to James Harley Kennan, the life that he lived and the contribution he made.

Jim Kennan was born on 25 February 1946 and was married on 25 August 1969. He was educated at Scotch College and Melbourne University. Jim was called to the bar in 1971. He was involved with the Fabian Society and groups of Labor lawyers. His contribution to various aspects of the law over many years is something that the community can be proud of. I have no doubt that that is sincerely believed by everyone here and also much more broadly.

As the Leader of the Government said, his contribution to the arts ensures that his record and memory are held in high esteem. Jim Kennan was Attorney-General from 1983 to 1987, Minister for Planning and Environment from 1986 to 1987, Minister for Transport from 1987 to 1990, Deputy Premier from 1990 to 1992, Minister for the Arts from 1990 to 1992, Minister for Major Projects from 1991 to 1992 and Deputy Leader of the Opposition after the election loss in October 1992 through to March 1993. He was Leader of the Opposition and shadow Minister for Women's Affairs from March 1993 to June 1993. He also held the post of shadow Minister for Industrial Relations and Industry.

The breadth of his parliamentary experience was considerable. His contribution to both the Parliament and the community is something that I think all would recognise. On behalf of opposition members I place on record our condolences to his family and to those who knew and supported him. From the meetings that I had with him on occasions I can relay his quick wit, as the Leader of the Government has pointed to, and his generous spirit. He was a person of political talent and also considerable warmth.

In marking his passing I join with the government in expressing our best wishes to his family.

Mr HALL (Eastern Victoria) — I want to associate the Nationals with this condolence motion and join with the government and the opposition in expressing our sincere sorrow at the passing of Jim Kennan. As has already been said by others, he had a very distinguished parliamentary service record in this Parliament in both the upper house and the lower house — in the upper house between 1982 and 1988 and in the lower house as the member for Broadmeadows between 1988 and 1993.

On looking through the parliamentary record of Jim Kennan, one of the first things I noted was that he was elected in 1982 and became the Attorney-General in 1983. Virtually before he got his feet under the desk and became acclimatised to public life, he was put into a position of great responsibility in this state. As the Leader of the Government said, throughout the 11 years that he served in this Parliament he held positions of high standing: as the Attorney-General, in various ministerial positions, for a period as the Deputy Premier and finally as Leader of the Opposition.

Despite Jim Kennan and me serving some mutual time in Parliament — that being between 1988 and 1993 — I did not get to know him personally very well. That is the nature of things, probably, in this Parliament, that often we do not get to meet, converse and talk with those who serve in the other house and get to know them well. One thing I do know about Jim Kennan is that he was a formidable political opponent and was highly regarded and respected by those in the opposition. His skills were evident in the way he conducted himself in those many positions of responsibility and in his achievements and the contribution he made to the history of this place, as the Leader of the Government has outlined in his contribution to this debate.

Jim Kennan was an astute politician, but of course he meant much more to his family and friends. It is those people we particularly acknowledge today. While the loss of Jim Kennan will be felt by the public of Victoria, it will be deeply felt by those closest to him — his family and his friends. It is to those people in particular — his wife, Janet, and his children and their extended families — that the Nationals extend our sincerest condolences.

Ms PENNICUIK (Southern Metropolitan) — On behalf of my Greens parliamentary colleagues and other members of the Greens I would like to extend our condolences to the family, friends and colleagues of the late Honourable James Harley Kennan, SC. Jim Kennan was universally admired as a person of formidable intellect, great integrity and compassion and as a champion of social justice. He loved the arts and he had a great sense of humour. I did not know him personally, but many members of the Greens did. He was a passionate advocate for human rights and often spoke out on human rights issues.

Jim Kennan was an MP from 1982 to 1993. He served as Attorney-General and as Minister for Planning and Environment, had responsibility for corrections and Aboriginal affairs, was minister for transport, major projects and the arts and the Leader of the Opposition in 1993, before his retirement from Parliament. As environment minister, he worked for the establishment of national parks.

After he retired from Parliament Jim was chairperson of the Australia-India Council — he had a passion for India — and coordinator of the Global Foundation's Asia-Pacific Round Table in Washington in 2000. As a Senior Counsel he was involved in some high-profile court cases, including the retrial of Jack Thomas on terrorism charges and the inquest into the death of Jaidyn Leskie. He was also involved in the hearings of the Australian Wheat Board royal commission and the 2009 Victorian Bushfires Royal Commission. He was involved with the Benbrika trial and raised the issue of the inhumane treatment of the 12 accused, which led Justice Bongiorno to order improvements in the conditions of their custody.

Jim Kennan had a profound and positive influence in a wide range of public policy areas. On behalf of the Greens I attended the state memorial service for Jim Kennan and was amazed at the breadth of his interests and activities. I extend our condolences to his family, his friends and his colleagues.

Mr KAVANAGH (Western Victoria) — I would also like to pay tribute to James Harley Kennan and to acknowledge the many services he gave to the people of Victoria, including as an MLC for Thomastown Province, an MLA for Broadmeadows, Attorney-General, Minister for Planning and Environment, Minister for Transport, Deputy Premier, Minister for the Arts, Minister for Major Projects, a shadow minister and Leader of the Opposition. As has been noted by previous speakers, the late Honourable James Harley Kennan died at the age of 64. These days 64 is not really a ripe old age. No doubt part of the loss for the people of Victoria is the relatively young age at which James Kennan died.

On behalf of the Democratic Labor Party I would like to express sincere sympathy to his children, to his family and friends and to all those who loved him. I support the condolence motion.

Mr JENNINGS (Minister for Environment and Climate Change) — In the last year I have had some cause to think about mortality, and I can say to members that when confronted with the death of Jim Kennan at the beginning of August 2010 at the age of 64 I was saddened deeply. My sadness was commensurate with my despair at seeing footage of Jim Kennan appearing before the 2009 Victorian Bushfires Royal Commission some months earlier with great stoicism and determination, demonstrating his commitment to an active working life in which he pursued with vigour and great determination his desire to achieve justice in every sense. At the same time it was pretty clear from that footage that he had suffered the great rigours of his cancer; it was pretty obvious for all in the community to witness.

At the beginning of August when I heard that he had unfortunately passed away as a consequence of his illness and that the suffering he had gone through was over, I was looking for some consolation. As one of the many people who went on 11 August to the

memorial service, which filled the Great Hall at the National Gallery of Victoria to overflowing, I found that consolation in the contribution of his three children, Laura, Ed and Andrew. They were able to stand with pride as they discussed the great balancing act their father had performed during the course of his professional life to acquit his responsibilities as a lawyer, as an elected representative of the people in the Parliament of Victoria and as a committed and loving dad to his children. They attested to their great love and affection for their father, which was mutually shared and which provided them with great hope and aspirations for the future and with great encouragement for them to achieve their potential. They attested before all of us that from their vantage point he had lived three lives in his short 64 years, and I found a great degree of consolation in that. I certainly took away from that event an encouragement to do my best to acquit myself of those responsibilities in a similar manner. I am not a lawyer, so I will not be doing one part of it, but the other parts I am pretty dedicated to achieving.

I have been in Parliament for 11 years, Jim Kennan was in the Parliament for 11 years and I know that you can do your best to work productively in this place each and every day and still have a life afterwards. He obviously did. He continued to have a very successful life after leaving Parliament, where he had been a member for 11 years. As other speakers have said in their contributions this afternoon, he had a great, unswerving determination to support people in our community by helping them to achieve some degree of dignity and respect before the law in terms of supporting community development. He also supported people in their cultural and artistic endeavours to live full and engaging lives with all citizens in our community and citizens of other parts of the world to enable them to live up to their potential. That is a very powerful message we can take as we reflect on the life of Jim Kennan. We can thank him for it and for his outstanding contribution to public life.

I think it is quite extraordinary that a man who pursued a professional course that is adversarial by its nature — in terms of both the law and the Parliament — was not a man of opposition: he clearly demonstrated he was not a man of opposition. He was a very positive, proactive person who wanted to use his talents in the most productive and constructive way. That was consistent with the trajectory he took after his 11 years in Parliament, where he chose to pursue a positive agenda rather than a reactive one. This is not me commenting on my personal viewing of that subject — given that we are nearly at the end of an electoral cycle — and that is not necessarily my trajectory, but I indicate to the chamber that Jim Kennan found a very positive path. That is a great encouragement to us all and will be one of his many great legacies.

Hon. M. P. PAKULA (Minister for Public Transport) — I also want to associate myself with this motion. When preparing to make the contribution I was struck by some of the continuities that exist in this Parliament. It is well known that when Jim Kennan left the Parliament his seat of Broadmeadows was taken by the current Premier. When Jim entered the Parliament as the member for Thomastown he replaced Dolph Eddy. Dolph's son David is someone well known and a great friend to many of us on this side of the house.

Jim was a giant of the Parliament. One only needs to look at his inaugural speech to understand his passions and the things that drove him not just while he was an MP but during his whole working life — that is, the rights of individuals as against vested interests; gun control; and the administration of justice more generally. Jim Kennan remained true to all of those convictions and passions throughout his parliamentary career and, importantly, in his post-parliamentary career as well. Anyone who was at the memorial service and heard the contributions, particularly those of John Cain, Michael Duffy and Dyson Hore-Lacy, would know that Jim Kennan's views on those matters, his convictions and his principles never wavered, even after he left the Parliament.

Jim Kennan also served his party much more substantially than most of us have done or will do. He played an integral role in the reform of the Victorian branch of the ALP in the 1970s. He served as a minister and he served as Leader of the Opposition at a very difficult time for the ALP after the 1992 election. He also served the state, as has been pointed out by other speakers, as Attorney-General, Minister for Planning and Environment, Minister for the Arts, Minister for Major Projects, Minister for Transport and Deputy Premier. Jim's contribution to his party, the Parliament and the state was enormous.

Judging by the contributions made by his friends, former colleagues and family, most particularly by his children, at the memorial service, it is easy to correctly draw the conclusion that Jim Kennan was not only a great parliamentarian and a great servant of the state but also a fantastic family man and a very good man. I add my condolences to his family and wish them all the best.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

The PRESIDENT — The proceedings of the house will now be suspended as a mark of respect. I will resume the chair in 1 hour.

Sitting suspended 2.32 p.m. until 3.37 p.m.

ROYAL ASSENT

Messages read advising royal assent to:

17 August

Domestic Animals Amendment (Dangerous Dogs) Act
Transport Legislation Amendment (Ports Integration) Act

24 August

Associations Incorporation Amendment Act
Civil Procedure Act
Primary Industries Legislation Amendment Act
Supported Residential Services (Private Proprietors) Act
Water Amendment (Victorian Environmental Water Holder) Act
Working with Children Amendment Act.

QUESTIONS WITHOUT NOTICE

Public transport: safety

Mr ATKINSON (Eastern Metropolitan) — I address my question without notice to the Minister for Public Transport, Mr Pakula. I refer to the robbery at Melbourne Central railway station at 9.50 p.m. on Saturday, 28 August, when a Metro Trains Melbourne staff member was forced into the booking office and made to hand over cash. I ask the minister: will Victorians have to wait until a Metro staff member is shot, killed or injured before there is some attempt by the government to take action to improve night-time security at railway stations?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Atkinson for his question, although I am disappointed by it. The fact is, as I have indicated in this place on numerous occasions, the government has taken a whole suite of measures to improve safety and security on the public transport system. What we have is a multipronged, multifaceted approach that includes the upgrading of CCTV (closed-circuit television). When we talk about incidents at railway stations, to give one example, there was an affray at a city railway station a number of weeks ago in which the CCTV imagery was so good that, once that imagery had been published, the alleged offenders in fact handed themselves in to police.

We have increased the number of transit police on the network to 250. We have announced an increase in the number of premium stations and Metro has announced an increase in the number of staffed stations so that when that is completed something like two-thirds of all stations will be staffed. We have an intelligence-based deployment model. All those things have helped, as the Auditor-General indicated in his recent report, to drive down the level of crime on public transport.

Having said that, it is clearly in the opposition's interest to play up danger on the public transport network, and it has been shameless in doing so. When we are talking about the kind of crime — an armed hold-up — that was committed the other night, as I am sure Mr Atkinson well knows, the only protection that would deal with that kind of offence is that offered by Victoria Police. In those circumstances it is an increase in police numbers and an increase in the number of transit police that will have the greatest impact in reducing that kind of offence on our public transport network, or indeed anywhere else.

Supplementary question

Mr ATKINSON (Eastern Metropolitan) — I thank the minister for quite a constructive answer. I join with him in saying that nobody wants to see criminal activity on railway stations or people's lives being endangered or threatened in any way on our railway stations. It is not the opposition talking it up, it is residents and voters who are talking to me about these sorts of issues. In the constructive vein in which the minister sought to answer that question, can he advise the house of how many Metro staff have reported incidents of attacks or threats on the network in the past two years?

Hon. M. P. PAKULA (Minister for Public Transport) — In response to Mr Atkinson's question, I do not have the exact numbers with me in the chamber. However, there is a whole range of reports, and Metro staff do report all incidents, but those incidents vary greatly. They vary from the kind of incident that Mr Atkinson referred to in his

substantive question through to people acting aggressively, people acting boorishly, people acting in a threatening way and people behaving in a drunken or loutish way.

When we are talking about incidents, there is a whole range of incidents that vary from what you might call the most minor to the sort of incident described by Mr Atkinson in his substantive question. What is indisputable — and these figures have been confirmed by the Auditor-General — is that the number of crimes committed on the public transport network is something like 33 per million trips, and of those crimes against the person make up something like 17 per cent; so the figure is something like five to six offences against the person per million trips.

Every incident on the public transport network, whether it makes a member of the public feel uncomfortable or whether it makes a member of the Metro staff feel threatened, is an incident too many. It is important that there is an appropriate and proportionate response and, as the government has indicated, a multifaceted response which involves intelligence-based deployment, more police, more transit police, more staffed stations and station staff who have the ability to assist passengers, to assist in reliability, to assist in punctuality and to assist in the effective running of the metropolitan rail network. That is the approach the government is adopting. In deference to the constructive nature of Mr Atkinson's question, I will leave it at that.

Bushfires: royal commission recommendations

Ms PULFORD (Western Victoria) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister outline to the house how the Brumby Labor government is taking action on major bushfire reforms stemming from recommendations of the royal commission?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Ms Pulford for her question and the opportunity to outline to the chamber at the earliest opportunity the response of the Victorian government to the recommendations in *2009 Victorian Bushfires Royal Commission — Final Report*, an important piece of work that was carried out by Commissioner Teague and his fellow members of the royal commission.

In the last parliamentary sitting week on behalf of the government I indicated that it was our intention to respond quickly to these recommendations, and indeed we have responded to them not only quickly but fulsomely. We have adopted in full or in part 66 of the 67 recommendations of the commission, making it incumbent on us to take a variety of actions to support our community in terms of its understanding and appreciation of these issues, the planning that is required to support communities into the future and the preparation in relation to equipping our emergency response agencies and establishing the accountability frameworks that this community would expect and that certainly the commission made comment on.

In a quick snapshot, the recommendations include establishing a fire services commissioner to oversee and direct activities in such an emergency; providing additional resources in relation to our firefighting effort, for both our professional firefighters and the volunteers whom we rely upon as a community; adding to our armoury of information services that we can use to assist us in planning decisions in terms of risk-reduction strategies and providing emergency advice and warnings to our citizens in the case of an emergency — that material is essential so that people can take wise actions into the future — and additional funding and support for more neighbourhood safer places and other places of safety in public spaces for the Victorian community right throughout regional Victoria in particular and also at the interface of the metropolitan area. There is also a recognition of the need to enhance our capability, particularly in relation to the maintenance of electricity assets across the state, and the commission made recommendations about the way in which those assets could or should be managed into the future. The commission recognised that the scope of these activities was extremely ambitious if it was read down to mean that all of those assets need to be reconfigured. Other recommendations made by the commission include the introduction of a property-based levy regime that would be applied to Victorian citizens to replace the fire services levy, which is subject to further work by my colleague the Treasurer and greater community education.

The government recognises the breadth of activity that is incumbent upon it to undertake to respond to this challenge now and into the future. We also recognise the significant resource allocation that is required to support this effort. The Premier, the Treasurer and the relevant ministers, including me, announced last week an additional investment of $867 million in these new programs, the cumulative effect of which will be to make sure that we are better equipped to deal with these issues in the future. The

government estimates that at this point in time somewhere in the order of $1.4 billion in total has been allocated to programs since the fires of January and February 2009 to make our community safer into the future.

The headline figures in relation to that budget allocation are $105 million for a variety of measures under the bushfire safety policy; $120 million in relation to incident response and incident capability; $197 million for fire ground capability, including new Country Fire Authority, Metropolitan Fire Brigade and Department of Sustainability and Environment officers to undertake emergency efforts; $403 million to support land and fire management, which includes a significant contribution to my agency, DSE, in terms of the fuel reduction effort that we will be engaged in into the future; additional funds to deal with new coordination infrastructure required to support planning decisions and the new fire structures, including the creation of the fire services commissioner; and more than $1 million in terms of the accountability framework.

The members of this government understand the importance of these issues and the respect and regard we should give not only to the families of people who have been affected by the bushfires of 2009 but also to the integrity of the recommendations of the commission and certainly, subsequent to that, the views of the Victorian community. Ours is a government that wants to keep all of the stakeholders and all aspects of the community in an inclusive framework of decision making and accountability as we go forward together as a community. We are committed to that; we are committed to backing it up with resource allocation that is costed.

We know the limits of the financial contribution of our citizens to respond to the recommendations of the commission, and we will implement the recommendations with surety in the years to come and with the participation of our agencies and our community as we go forward to make our state fire safe into the future.

Metro Trains Melbourne: staff bonus scheme

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Public Transport. I refer to previous reports of Metro Trains Melbourne's staff bonus scheme. Are the Metro staff at the Metrol train control centre who record the details of late and cancelled trains receiving or in line to receive these bonuses?

Hon. M. P. PAKULA (Minister for Public Transport) — Let me say that that is scurrilous even by Mr Davis's standards. It is interesting that Mr Davis never asked that question in the months when Metro Trains Melbourne's performance was at 80 per cent or 82 per cent or 84 per cent reliability. Now that Metro's performance has improved and confirmed the statements I have made previously — that we are starting to see some pleasing improvements — Mr Davis has asked a question seeking to impugn the reliability of the figures. The fact is that those figures — —

Mr D. Davis — And you are not denying it!

Hon. M. P. PAKULA — Can I say to Mr Davis that who Metro pays a bonus to is a matter for Metro. Metro has entered into a scheme with its employees to provide them with an incentive to improve performance, and I would have thought that members of the opposition would welcome that. I would have thought that members of the opposition would welcome the fact that the operator, using its own resources, is prepared to provide an incentive for its staff to improve the reliability and the efficiency of the service it offers to Melburnians and commuters more generally.

Who Metro deigns to include in its bonus scheme is a matter for it. It is scurrilous in the extreme that now we are starting to see an improvement in figures — figures that the opposition has never questioned in the past; in fact figures that the opposition has relied upon to criticise the government and to criticise the operator month after month — the opposition, and Mr Davis in particular, seeks to impugn those figures in the same way that the opposition came to this chamber and impugned the integrity of the Auditor-General when his figures in regard to crime did not suit the narrative of the opposition.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I thank the minister for his answer, but I note that he did not actually want to answer the question directly and squarely. I therefore ask: does the minister accept that there is a potential conflict of interest in staff being paid bonuses where their remuneration is directly impacted on by the report they make?

Hon. M. P. PAKULA (Minister for Public Transport) — Unlike Mr Davis, I am not going to get up in this chamber and impugn the integrity of people who go to work every day and just do their job. Metrol staff are just as entitled to respect from the

opposition as they are to respect from me as the minister.

I have got to say that this question coming from the opposition, when it is read in conjunction with the comments made yesterday by the shadow Minister for Public Transport, Mr Mulder, the member for Polwarth in the Assembly, starts to betray a pattern of behaviour from the opposition. Yesterday — —

Mr D. Davis — On a point of order, President, the minister well knows that his question time task is to answer the question, not to attack the opposition.

The PRESIDENT — Order! One of the prerequisites for answering questions is to stay relevant to the question asked. I suggest to the minister that referring to comments made yesterday by the shadow Minister for Public Transport is not relevant to the question he has been asked.

Hon. M. P. PAKULA — Thank you, President. Mr Davis says that my job is to answer the question. I am doing that. I have said I have absolutely no reason to question the integrity of Metrol officers, and as I pointed out in my substantive answer, nobody opposite questioned these figures in any regard whilst the figures confirmed the narrative of the opposition. Whilst those figures showed that reliability was not what we would have wanted, the opposition was very quick to rely on those figures — —

Mr Viney interjected.

Hon. M. P. PAKULA — It was crowing, Mr Viney, and was very quick to rely on those figures. As a result of a number of operational changes, as a result of putting on more services and as a result of the fact that we have got 11 new trains in service, what we have seen is reliability and punctuality begin to improve. Rather than celebrating that, rather than giving credit where credit is due, the opposition's response is to impugn those figures. I have to say, President, I am not surprised, given that this is the same opposition that in today's paper is reported as threatening to sack the CEO of Metro because he dared to express an opinion different from that of the opposition.

Bushfires: fuel reduction

Ms BROAD (Northern Victoria) — My question is to the Minister for Environment and Climate Change. Following on from the minister's response to an earlier question on the major bushfire reforms the Brumby Labor government has committed to action, can the minister detail to the house what this will mean for Victoria's fuel reduction program?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Ms Broad for her question and her encouragement for me to outline to the chamber — building upon the answer I have already given about the government's response in support of the recommendations of the 2009 Victorian Bushfires Royal Commission — on the particular matter of fuel reduction burning, the program the government will embark upon to acquit the multiplicity of recommendations that have been made by the commission in this space. I will outline the importance of this program in reducing not only the fuel load across public land in Victoria but very importantly the fire risk that may be associated with it for Victorian communities.

The recommendations of the commission were very complete. Not only did it set a very high aspiration for the hectares that could be burnt across Victoria — —

Honourable members interjecting.

Mr JENNINGS — Totally consistent with the view of the opposition, which does not want to listen to the Victorian community, its members do not want to listen to the Victorian government's response to the commission. They did not want to listen to any considered point of view in relation to these matters on what the cost or implementation issues may be. There is disinterest. There is a cacophony demonstrating indifference.

Honourable members interjecting.

The PRESIDENT — Order! It is clear to me that Hansard in particular is struggling to record the minister's answers. I ask the house to settle and let Hansard do its job.

Mr JENNINGS — President, I appreciate your support, because there has been a bit of disrespect shown by the opposition to the commission, to the views of the Victorian community and to the expectations of the commission and the community in relation to fuel reduction burning. The government of Victoria has responded by the additional allocation of $382 million to my agency, the Department of Sustainability and Environment, in the coming years to deal with our fire suppression effort and our fuel reduction burning program, a program in which we have exceeded our targets over the last three years. Each and every year we have exceeded our program set out in the budget papers. For the last three budgets

we committed to achieve 130 000 hectares, and in each of those last three years we have exceeded that target. Despite the cacophony, we have been committed to growing the program and will continue to do so.

In the spring and autumn burnings that will occur in this financial year, the government has committed to increase the program to 200 000 hectares; in the following financial year, to 225 000 hectares; the following year, to 250 000 hectares; and by 2014, to 275 000 hectares. That is a significant growth in this program that is commensurate with the ambition of the commission to associate itself with a target of 5 per cent of public land. The 275 000 hectares is our estimate of what 5 per cent of the treatable landmass of the state of Victoria is.

Honourable members interjecting.

Mr JENNINGS — Some parts of the community and some ignorant people ignore the challenge of acquitting the maintenance of ecological values such as biodiversity and vegetation types across the Victorian landscape in favour of large-scale burning that actually obliterates those values now and into the future. This ignores the community engagement and the participation of our citizens by having a view about the intensity, appropriateness and timing of those burns and the planning for them in the future so that people can get about community life, people who operate vineyards can go about their business and people in the apiary industry can keep bees. There are a variety of interests across the Victorian landscape. People with asthma will want to have some confidence that we are not obliterating the atmosphere at critical times of the year and causing our citizens respiratory problems. All these issues need to be addressed simultaneously.

At the end of the 2014 period we will be undertaking the assessment of the effectiveness of the program I have outlined to the chamber and its impact across the Victorian landscape and within the Victorian community and economy with the intention of scaling up the program within the next two years to a target of 385 000 hectares — a significant undertaking that has been funded and costed and allowed for in future budgets by the Victorian government.

This is something I think people on the other side of the chamber will have great difficulty coming to terms with, because some people know the cost or the value of nothing. Some people live in ivory towers and do not know the value of what is important to a community and certainly do not know how to cost it. That is incumbent on a government and those who seek to be part of a government — you need to know how to put these elements together, how to bring a community with you, how to acquit the science and the responsibility and how to fund it. If you do not have a clue how to do any of those things, you will never be fit for government.

Planning: regional rail project

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Planning. I refer to the government's regional rail project and the information revealed today in a secret document prepared by Freehills law firm for the Department of Transport. The document says the department's 'preference would be to avoid' an environment effects statement (EES), and I therefore ask: will the minister assure the house that a full environment effects statement process will be undertaken and that no environmental shortcuts will be employed by the Brumby Labor government?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Davis's question, I welcome the fact that I think it took him three questions into question time to ask this sort of conspiracy theory question and I welcome the fact that he has dug deep into his sources and got his question from the front page of today's *Age*. I am just surprised it has taken him three questions in to use the source of his question. No doubt his research on these matters is consistent: more often than not the sources for his questions are the front pages as well as the back pages or the middle pages of the respective daily newspapers.

It is interesting that Mr Davis has asked this question, because I would think he would and should understand the environment effects process. I suggest that if he does not understand the environment effects process, he should go to the Department of Sustainability and Environment's website and look at the document I am holding. This is the colour copy — with lots of pictures and big print for Mr Davis, because I know he will need both of those — of the *Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978*. I suggest that he have a look at this document because it explains how the EES process works.

One of the things it suggests is that it would be prudent of an applicant to work out whether they might need to undertake an environment effects statement process. If you are a proponent, it would be good project delivery to work through whether or not

you need to prepare an environment effects statement. The proponent of this project, the Department of Transport, will no doubt make an application based on the advice it receives, and any proponent should seek relevant advice. It would be diligent of it to seek advice, and I would expect that the regional rail team would seek advice as to whether or not it needs one.

Mr Guy interjected.

Hon. J. M. MADDEN — I advise Mr Guy that, given that I have not received a request to make a determination on the environment effects statement for this project — whether one is needed or not — I would welcome that request. I look forward to receiving a request by the proponent in relation to these matters.

However, I want to make this very clear: any proponent would have to consider whether or not they have to undertake an environment effects statement process. In many ways this is no different from the situation with any other proponent, private or public. Any determination or decision that I might make would be made on the advice of the planning department. If Mr Davis refers to the section of the document that explains how the EES process works, he will see that there are three possible outcomes. They are that the decision could be yes, an EES is required; no, it is not required; or no, an EES is not required, but conditions must be met.

I also refer Mr Davis to a number of other major projects. Sometimes an EES has been required, sometimes it has not been required and sometimes it has not been required but very stringent conditions have been placed on the project.

I suggest to Mr Davis that he should not believe everything he reads in the paper — maybe he believes it before he reads it — and he should not pre-empt my decisions, because when he pre-empts my decisions he basically falls into the trap of many others who might want to do so, particularly when I have yet to receive an application in relation to this matter.

I look forward to receiving an application from any proponent on these sorts of matters, I look forward to making a decision and I look forward to making that decision on the advice of my department.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I note the goofy behaviour of reading from his notes from the website, and I ask: will the minister guarantee that any EES process conducted by the government or any other community consultation undertaken prior to the minister making an independent decision will be genuine consultation and not sham consultation like his shameful behaviour at the Windsor Hotel?

The PRESIDENT — Order! I ask Mr Davis to withdraw the 'shameful behaviour' part of his question.

Mr D. Davis — Not the 'goofy' bit? I am happy to withdraw the 'goofy' bit. I withdraw the 'shameful behaviour' reference that I made to the minister's behaviour at the Windsor Hotel.

The PRESIDENT — Order! That was an inappropriate withdrawal. I ask Mr Davis to do it properly.

Mr D. Davis — I withdraw.

Hon. J. M. MADDEN (Minister for Planning) — I have answered this question; I believe it is just a reflection of the answer I gave before. I stand by those previous comments.

Bushfires: royal commission recommendations

Mr SCHEFFER (Eastern Victoria) — My question is to the Minister for Planning, Justin Madden. Can the minister update the house on the Brumby Labor government's decision to reject the retreat and resettlement recommendation in the 2009 Victorian Bushfires Royal Commission report?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Scheffer's interest in these matters because I know that many in his community were affected by the tragic bushfires of Black Saturday. I welcome his interest in these matters particularly as they relate to the small, isolated rural communities and the impact that the retreat and resettlement recommendation of the bushfires royal commission report may have had or could be likely to have had on those fire-affected small communities.

Last week the Brumby Labor government released the $867.3 million package to implement in full or in part 66 of the 67 recommendations from the bushfires royal commission. The one recommendation that was not accepted was the recommendation on retreat and resettlement. We carefully considered this recommendation; we recognised what it was that the bushfires royal commission was seeking to achieve with this recommendation, its intent and the framing of that intent, but I highlight the fact that we do not

believe it would have achieved what the commission was seeking to achieve.

We are determined not to go down this path, because we believe from a practical standpoint that adopting this recommendation would have seen some people remaining in high bushfire risk areas and their neighbours' properties becoming in a sense public land. We may well have found that those who were isolated in some of these small communities would have become more isolated. We also appreciate that often the people who are less prone to want to move from their surroundings and their circumstances are the vulnerable or the aged. This comes as no surprise, because their lifestyle patterns are fairly substantially enmeshed in the way in which they survive and exist, so they do not really want to change those in any dramatic way. That was also a consideration in the way in which we related to these recommendations. We could well have found not only that individuals became more isolated but that the types of individuals who became more isolated would have been at a greater risk from bushfires in these areas.

The unintended consequence was that potentially we would have been increasing the fire risk for those who chose to stay in a given location while others left, and in a sense what we would have ended up with is potentially a domino effect across a number of localities by hollowing out some of these communities.

The other important aspect is that potentially some of the critical mass would be lost that provides the day-to-day community support services for many of the people in these locations. These were all major considerations in relation to the recommendations of the bushfires royal commission.

What we must work on is giving people a suite of safety measures and options best able to protect human life from the threat of bushfires. In a sense the social and economic impacts of acquiring small parcels of land in these locations are quite substantial too and worth remembering. The policy as suggested by the royal commission could have the potential to undermine the social cohesion of these communities and whittle away the economic viability of these small towns and settlements.

We also investigated the impact of what would happen if we started to depopulate some of the 52 high bushfire risk towns and what effect that would have on local businesses, industries and micro-economies. An independent analysis of the Marysville, Buxton, Narbethong and Taggerty townships highlighted an economic activity of $60 billion per annum in those towns before the fires. These communities depend on their local towns for their workforce, their accommodation and their services from newsagencies, milk bars, supermarkets, bakeries, schools, clinics, kindergartens and libraries — all those are interdependent. What we could end up with is a reduction in the number of people living in these communities and an undermining of the viability of many of these services.

Instead of encouraging people to move away, we need to invest in helping to mitigate those bushfire risks and to implement comprehensive, localised fire management strategies for these communities in order to preserve life and protect property. What is also important is that we firmly believe the funds that could potentially have been used to purchase these properties — and not necessarily guaranteeing the safety of those who remain — would be better spent on more firefighters, better warning systems, increased fuel reduction, as we have heard from the Minister for Environment and Climate Change, and new options for people under immediate threat from fires.

To get an idea of this I will give members a few statistics. More than 2000 homes were lost in the fires of 7 February. The cost of buying back the land on which those houses stood would be in the order of $700 million. There are 54 000 homes in 52 towns, villages or settlements from Cann River to Wye River and from Olinda to Dunkeld that would be in a similar high-risk category, bringing the total cost of implementing this recommendation to the order of $20 billion. There is also the cost of maintaining the land once it is vacated, which is expected to be in the order of $40 million a year. These figures are incredibly pertinent in terms of where you best make your investment around fire mitigation.

The communities that were consulted expressed significant concern about the proposal. People were concerned about the effect of reducing their local population and the impact on their rate base and on their local services. We might well find in some of these communities that we would end up with vacant lots next door to people who are still living in dwellings. What would that do to the property values of those who remained on the land? What would that do to the insurance costs for people who wanted to remain? In some ways these people might end up comprehensively uninsurable.

We have outlined significant new planning and building measures to deal with the risk of bushfires. These are considered more effective as a way to manage many of these issues and, in particular, to enable people to be more informed and to make safer choices about where they live as well as to complement the protection of human life as the primary aim while also allowing these diverse towns and communities across Victoria to continue to grow and thrive well into the future.

Planning: Melbourne 2030

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. I note that Melbourne 2030 is proposed to achieve a growth split of 66 per cent for established areas and 34 per cent for growth areas, and I ask: in the eight-year life of this document, for four years of which the present minister has been Minister for Planning, has this target ever been achieved?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's question on this matter. It is not dissimilar to the sorts of questions Mr Pakula has been asked, in that the figures that Mr Guy would like to see would reflect an argument that he might like to make. If we presented figures that reflected an argument we might like to make, I am sure Mr Guy would not support those figures, nor would he want to see those figures and he would work actively against them.

It is an important component to the broader argument, because in the last three years we have undertaken an audit of Melbourne 2030 and instigated a number of reforms around it based on our Melbourne @ 5 Million projections. If I say the figures are slightly below the figures we have indicated, Mr Guy will say, 'The system is not working'. One of the most important components of making the system work is the support of the opposition for the policy position. However, what we have seen time and again over the last four years — whether it is the development assessment committees, planning scheme amendments, urban growth boundary changes or growth areas infrastructure contributions — is an opposition that is prepared to tell this Parliament what it does not want, and yet on not one occasion has it been prepared to state up front what it wants or what it will do.

Time and again we have seen uniformity from the Liberal-Nationals coalition, as well as from the Greens in this chamber, in that they say, 'We do not want housing growth'. That is basically what the other side of the chamber is saying. The opposition can portray it any way it wants. The opposition parties can make out that they are keen on housing affordability. However, let the record show that when it comes to diverse housing choices and public housing the Liberal-Nationals coalition and the Greens do not support housing growth and housing choices, and they certainly do not support public housing and housing opportunities across Melbourne in a broader sense. Let the record also condemn the opposition for that position.

Supplementary question

Mr GUY (Northern Metropolitan) — I thank the minister for his colourful but vague answer. I note that Melbourne 2030's growth split targets have actually never been met — —

Mr Lenders — Eyes up!

Mr GUY — Has the Treasurer not had his red cordial today? Melbourne 2030's growth split targets have never been met and the minister frequently blames councils and communities in existing suburbs for hindering growth in established areas. I ask: if the government believes so strongly in Melbourne 2030, why has it taken eight years to introduce density targets to achieve it, and is the government's plan to allow density along every tram and bus corridor simply further evidence of a failed plan with a panicked response?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's animated question. I welcome it because we have made our position very clear in Melbourne @ 5 Million. We have made it clear that we need around 600 000 dwellings as we approach Melbourne @ 5 Million. We have made it clear that we need 284 000 homes in our growth areas and we need 316 000 dwellings in our established suburbs. It is very clear.

I know Mr Guy would like to panic people. We know the opposition likes to panic people, whether it be about public transport, housing, roads or anything else. They say, 'Let us panic people', because if you do not have a policy position, panic can work. It is like yelling 'Fire!' in a crowded theatre. People get killed in the rush to get out of the theatre.

A number of opposition members have tried to make out that development along tram corridors is going to be the end of civilisation as we know it. I make this point: when was the last time Mr Guy travelled along Toorak Road between Punt Road and Orrong Road?

When I look at Mrs Coote, I think she might have been down to Toorak Village recently herself.

Honourable members interjecting.

Hon. J. M. MADDEN — Based on the federal election result I could confidently claim it is not our sort of territory down there. But what I can say about Toorak Road between Punt Road and Orrong Road is — —

Mr Guy interjected.

Hon. J. M. MADDEN — The real estate prices are pretty good down there, I understand. If Mr Guy looks at the dwellings along Toorak Road between Punt Road and Orrong Road, what can he see that is common about the development along those roads?

Mrs Coote — There is nothing common about Toorak!

Hon. J. M. MADDEN — What is common, Mrs Coote? I feel like I am a teacher in the classroom. Can Mrs Coote tell me what is common around there? Probably not a lot. However, what is common along Toorak Road between Punt Road and Orrong Road is probably that it is medium density. What is the height of the medium density along Toorak Road? It is about four or five storeys. What is interesting about that is that a lot of people want to live there and a lot of people will pay good money to live there.

I am not saying that is the recipe for every street or every transport corridor; I am not saying that at all. However, what I am saying is the opposition has again showed its elitist attitude to planning — that is, it tries to scare people about medium density along Toorak Road, but at the same time it does not want anybody else to have either that amenity or any of those things. I make the point to Mr Guy that he would love to scare people around medium density. But Mr Guy's criticism goes straight to the heart of the Liberal Party voters who live in Toorak. That is what Mr Guy is saying. He does not want other people to live like the people in Toorak do. We know the opposition's plan for Melbourne is, 'We don't want anybody else to live like the people in Toorak do'. Is that what Mr Guy is saying, because that is the impression I get.

Mr Guy interjected.

Hon. J. M. MADDEN — If that's not the case, Mr Guy, why don't you make the point of putting out a planning policy that announces what you do want? Every time we try to provide housing choice, housing diversity or housing affordability we know what the opposition's position will be in this place: it will be to resist it but not to resist it directly, like the Greens. The Greens political party will resist it directly, but Liberal Party members over there make some technical argument as to why it should not happen — it will be the end of civilisation, but on a technical point, not on the fact that they do not support it.

Whether it is housing choice, housing diversity, public housing or housing affordability their track record will stand up against — —

Mr Guy interjected.

Hon. J. M. MADDEN — Your policy position or lack of policy position on these has no integrity. The opposition has no vision and it has no answers, and at the end of the day, I suspect — you look as if you are about to self-immolate, Mr Guy! Time and again the opposition's lack of response when it comes to policy will be displayed in public at the time of the election, and no doubt people will make their choices accordingly.

Bushfires: royal commission recommendations

Mr VINEY (Eastern Victoria) — My question is also to the Minister for Planning, Justin Madden. In response to the final recommendations of the bushfires royal commission, can the minister explain to the house how the government will further reduce red tape and provide more options to reduce bushfire risk for householders building in bushfire-prone areas?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Viney's interest in these matters because I know the region he represents takes in a number of bushfire-affected communities. Not only are those communities particularly interested in the responses of the planning and building system but Mr Viney has been a strong advocate for taking action in this area.

As mentioned, we have been very committed to making sure that householders rebuild after the bushfires of Black Saturday, but we want to provide more options for reducing bushfire risk. We also want to provide more options for cutting through red tape when it comes to rebuilding, greater freedom for clearing vegetation around homes and also, importantly, allowing for a more detailed mapping of

bushfire risk areas across Victoria for Victorians living in bushfire-prone areas.

On the basis of the announcements made last Friday by the Premier we have sought to introduce additional measures on the back of the recommendations of the royal commission to provide householders with more options to preserve human life and make their homes safer.

A number of key measures have to be introduced, and we have included those in our announcements. They include a dedicated bushfire rebuild facilitation unit within the Department of Planning and Community Development to help complete rebuilding of approximately 500 homes and provide specialist planning advice for people looking to build new developments in bushfire-prone areas. As well as that there will be $19 million over two years for detailed mapping by the Department of Sustainability and Environment and the Department of Planning and Community Development of vegetation and topography in high bushfire risk areas across Victoria to help determine where development and subdivision can be managed safely. DPCD and the Country Fire Authority will work together to investigate new measures to preserve human life on private property, such as improving access and egress arrangements, the removal of vegetation and the installation of items such as sprinklers and bunkers. There will be a single CFA and Building Commission site assessment for bushfire risk which will apply to both planning and building permits.

As well as that we will be investigating measures for requiring public and private landowners, including plantation owners, to reduce fuel loads and increase and maintain buffers. There will be an extension until 1 March 2012 of the 10/30 vegetation removal rule for existing homes to allow new permanent vegetation measures to be developed and adopted. As well as that there will be a guide to retrofitting existing dwellings for bushfire safety published by the Building Commission prior to the start of the bushfire season. There will be a round table with building industry representatives to encourage domestic builders and building product manufacturers to redouble their efforts to assist rebuilding.

We are very conscious that there are significant challenges. I understand that VBRRA (Victorian Bushfire Reconstruction and Recovery Authority) has undertaken more than 1000 consultations and has extensive resources, contacts and advice for people looking to rebuild in bushfire-affected areas.

We are also conscious that people own complex sites or have complex arrangements on their sites. With the help of a dedicated unit within DPCD we will complement the work of VBRRA with specialists from the Building Commission and CFA to work with local councils, building surveyors, architects, fire safety engineers and the bushfire attack level assessors to facilitate rebuilding. The secondary aim will be to provide specialist advice for people who might be anticipating new developments in high bushfire risk areas.

A key measure of all these announcements is to streamline the rebuilding process with a single bushfire attack level assessment system for both planning and building permits, which we believe will certainly assist people. We are conscious that the complexity of the wildfire management overlays and the bushfire attack level assessments has created a little bit of confusion out there, and we want to give clarity around that.

The CFA will publish the agreed required setbacks and defendable space requirements for each bushfire attack level in a new guidebook to provide certainty and transparency for people applying for permits in areas with a wildfire management overlay. The bushfire attack level building requirements were part of a national standard. We would like to and want to see people building to the highest fire safety standards, but we are also concerned that we need to make the system less complex and give more certainty. We believe this can be done through the initiatives we announced last Friday and what I have just relayed.

The PRESIDENT — Order! Mr Barber has had a big week, with great success on Saturday. He has a question today, and it is his birthday.

Honourable members interjecting.

Rail: station toilets

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Public Transport, Mr Pakula. By my estimation and my examination of the data on the Metlink website, two-thirds of Melbourne's train stations do not have a toilet available for customers. The nine railway stations that have more than 10 000 daily validations at them do not have toilets and 40 stations with more than 5000 validations a day on the network do not have toilets. Can the minister tell me if there is any short or long-term plan to re-establish toilet facilities at these railway stations?

Hon. M. P. PAKULA (Minister for Public Transport) — Let me add my congratulations to Mr Barber, not just on the success of his party but indeed on the success of his family. Parliament is becoming a fairly lucrative gig for the Barber-Di Natale clan. In regard to other comments made by Mr Barber in the media in the last week about his desires I simply say to Mr Barber: we should talk.

In regard to the question — —

Mr Guy — Just like you talked in Tasmania and the Australian Capital Territory! Just like you talked to Adam Bandt in Melbourne!

Hon. M. P. PAKULA — If Mr Guy wants to go down that path, we should examine how it was that Mr Bandt was elected.

Mr Guy — Yes, no. 2 on your ticket.

Hon. M. P. PAKULA — On your preferences. Mr Bandt was elected — —

Honourable members interjecting.

The PRESIDENT — Order! I ask the minister to remain relevant to the question asked, and I ask Mr Guy to cease his constant interjections.

Hon. M. P. PAKULA — Returning to the question regarding toilets on stations, I think it is well understood that if there are toilets at unstaffed stations, those toilets are not open, and they are not open for good reason: first of all, for issues of security and for issues of cleanliness and the like. Mr Barber asked about any plans to change that. As I have said to the house previously, as a government we have indicated that we are going to add a further 20 premium stations to the network — convert stations to premium stations — and when a station is converted to premium it has a number of facilities upgraded, including the provision of toilet facilities for customers.

Ms Pennicuik — Passengers.

Hon. M. P. PAKULA — In addition to that, as I have indicated, for Metro passengers — I thank Ms Pennicuik — or Metro commuters, Metro has indicated that it is planning to staff a number of additional stations, up to 22, and that would provide the opportunity for toilets, where they exist, to be open during periods when those stations are staffed.

Supplementary question

Mr BARBER (Northern Metropolitan) — Yes, but a number of stations that are currently staffed, either as premium or host stations, do not have their toilets open even though those stations are staffed. Is the minister telling me that from now on all stations that are staffed will have toilets open when they are staffed?

Hon. M. P. PAKULA (Minister for Public Transport) — What I have indicated is that the government is moving to increase the number of premium stations. Mr Barber's initial question was about what plans we had in place to increase the number of stations where there were toilet facilities available for commuters. As I have indicated, the program to roll out an additional 20 premium stations over the life of the next Parliament provides us with the opportunity to increase the number of stations where toilet facilities are available to commuters.

Bushfires: royal commission recommendations

Ms DARVENIZA (Northern Victoria) — My question is to the Treasurer. Can the Treasurer inform the house about the importance of providing certainty around the expected financial cost of implementing the recommendations of the 2009 Victorian Bushfires Royal Commission?

Mr LENDERS (Treasurer) — I thank Ms Darveniza for her question and her interest in finding solutions in response to the recommendations of the royal commission, in particular with the underlying principle that the solutions need to be costed and they need to be measured both in their ability to be delivered and in the ability of the state of Victoria to deliver them. The government has responded to all 67 recommendations of the royal commission. It has responded in a very measured way after further consultation with the Victorian community, as my colleague Mr Jennings quite clearly outlined in response to an earlier question today. These are questions of balance. One month after receiving the final report of the royal commission the government gave a comprehensive response to the recommendations — comprehensive as to how they would work, how communities would see them working and what the costs to the community would be of both adopting and not adopting some of these recommendations.

In those environments it often becomes challenging to strike a balance and get an objective measure of

whether what you have done is the appropriate response. I think a great analysis of what has happened appeared in the editorial in this morning's *Australian Financial Review*. The editorial went through some of the particular challenges at some length.

Mr Atkinson interjected.

Mr LENDERS — I take up Mr Atkinson's interjection. I often quote from *Australian Financial Review* editorials in this place. In fact I have often quoted the one of 15 January 2003, which said the government was too transparent.

Mr Rich-Phillips interjected.

Mr LENDERS — Mr Rich-Phillips gets a bit excited about that one. Let us look at the editorial in the *Australian Financial Review* today, 31 August 2010. I would suggest that those opposite in particular have a good read of that editorial, because it goes through and analyses, in a measured way, the government's response last Friday to the final report of the royal commission. It says the government made difficult decisions, it made a measured decision, it made a decision looking forward to the future and it made a decision that was balanced and that looked at managing risk. The *Australian Financial Review* states:

> A rush to embrace costly recommendations without thorough cost-benefit analysis could have put a heavy financial burden on taxpayers and power consumers throughout the nation, with little gain to public safety.

It states further:

> … government cannot eliminate fire risk and should not attempt to do so with a blank cheque as opposition leader Ted Baillieu seems to suggest.

What we have is a measured response to 67 recommendations of a royal commission, where 60 were accepted in full, 6 were accepted in part or in principle and 1 was not accepted by the government.

Then we ask, 'How do you actually measure that?'. Yesterday on Melbourne radio a person asked about this said:

> I, I, I, it's, it's not something you can cost in the short term, certainly not from opposition.

That of course was the Leader of the Opposition, who was saying yesterday that you could not cost this from opposition, despite having had one month to consider it and despite having had a year and a half since the opposition said it would support everything the royal commission did, sight unseen — whatever it may recommend. That is what the Leader of the Opposition said yesterday. Then this morning the Leader of The Nationals said something to the contrary — that it would be costed by the time of the election. By late morning the Leader of the Opposition backflipped on where he was yesterday and said no, he would actually do it before the election.

What the *Australian Financial Review* tells us today is that you need to be measured in what you do. If you were trying to deal with risk in the future and going forward — —

Mr Guy interjected.

Mr LENDERS — I suggest that Mr Guy have a little measure of chamomile tea. It might calm him down just a little. What I would say is this: if you want to be in government, you need to cost some things for a change and not be lazy like the opposition has been. If you are talking of billions of dollars of taxpayers money and the complex administration of programs to deal with it, you should at least pay your community the courtesy of putting forward your costings and not just advocating one big, black unmeasured hole, which the Leader of the Opposition is doing.

We stand by the royal commission. We stand by what the *Australian Financial Review* says about how to respond to that royal commission — in a measured, future-focused way where you also tell the Victorian community how much things are going to cost. Otherwise you have no policies and no foundation to deliver them, and you are irresponsible.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 10 170, 10 182, 10 185, 10 325, 10 427, 10 911, 10 926, 10 939, 10 940, 11 370, 11 400, 11 679, 11 818, 11 836, 11 929, 11 933, 11 934, 11 936, 11 938, 11 944, 11 952, 11 966, 11 968, 11 970, 11 988–91, 12 083, 12 105, 12 145, 12 173, 12 174, 12 236, 12 237, 12 244, 12 245, 12 248, 12 249, 12 264–6, 12 273, 12 274, 12 281, 12 282.

RULINGS BY THE CHAIR

Question on notice: reinstatement

The PRESIDENT — Order! Mr Dalla-Riva has written to me seeking my ruling in relation to the answer to question on notice 11 773 provided by the Minister for Community Services. The question seeks certain details relating to the number of notifications involving the sexual abuse of children. In the answer the minister states that all appropriate notifications are forwarded to police after assessment and investigation. However, the minister does not provide any details about the number, as requested by the question. It appears to me that the information sought by Mr Dalla-Riva is fairly straightforward and should be responded to appropriately by the minister. I therefore direct that question on notice 11 773 be reinstated to the notice paper.

PETITIONS

Following petitions presented to house:

Seymour Youth and Fitness Centre

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 we the undersigned express our objection to the proposal that the Seymour Youth and Fitness Centre Inc. located in Alfred Street, Seymour, be moved to the same complex as the Seymour Sports and Aquatic Centre Inc., and we the undersigned support the current concept to expand the existing centre on the current site only under the existing management.

Your petitioners request that the Minister for Local Government review the process around the recommendations made in the Chittick Park master plan for the Seymour Youth and Fitness Centre Inc. to fall under control of the Mitchell Shire Council.

By Mrs PETROVICH (Northern Victoria) (111 signatures).

Laid on table.

Toorak Road, Camberwell: speed zone

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 the undersigned support the implementation of a 40-kilometre-per-hour school speed zone on Toorak Road, Camberwell, around the pedestrian crossing to improve the safety of the many children and families using that crossing every day to access Camberwell South Primary School, St Cecilia's Catholic primary school, Bowen Street Family Centre and St Mary's Anglican Church.

By Ms HUPPERT (Southern Metropolitan) (687 signatures).

Laid on table.

PARTNERSHIPS VICTORIA

Ararat prison project

Hon. J. M. MADDEN (Minister for Planning), by leave, presented project summary.

Laid on table.

RURAL AND REGIONAL COMMITTEE

Positioning the Wimmera–Mallee pipeline region to capitalise on new economic development opportunities

Mr DRUM (Northern Victoria) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr DRUM (Northern Victoria) — I move:

That the Council take note of the report.

The government asked the Rural and Regional Committee to conduct the inquiry at about the same time the committee flagged its intention to conduct an inquiry into rural and regional disadvantage. Therefore the committee decided to start the report process by taking trips to the Wimmera–Mallee pipeline region. We conducted a number of doubled-up hearings.

The committee went into the Wimmera-Mallee region looking for the possibility of there being a range of new industries that would be suitable to be developed and introduced to the pipeline region because it had access to high-quality, secure water. But that is not what the committee found. The committee found that the Wimmera–Mallee pipeline was essentially an emergency pipeline that was instigated by both governments and supported by all governments and farmers of the region as an emergency measure.

Without the Wimmera–Mallee pipeline being put in place, many of the small communities that exist throughout the Wimmera-Mallee region would be in dire straits, and some of them possibly would not exist today. This pipeline project has given a range of smaller communities a real measure of security and has given many of the farming communities throughout the north-west the water they need to conduct their businesses.

One of the areas where we are going to see growth in the region is in the ability for farming communities to restock. That is something that will become evident in years to come once the project takes hold. However, throughout the inquiry we found there was one issue considered to be very pressing in the region, and that was how much the water is going to cost.

In setting up the inquiry and going into the region to find out what the new opportunities were we were in effect stonewalled by the simple fact that there is not going to be any major development in that region until the people who will use the water know how much the water is going to cost. Therefore the no. 1 recommendation in this report deals with the fact that we need the Essential Services Commission and GWMWater to come to a final agreement about the long-term water pricing for the region.

Until the government completes the western region sustainable water strategy and gets it out into the marketplace, the Essential Services Commission and GWMWater will be unable to set the water price for the long term and will not be able to set the water trading regime that will exist within the Wimmera-Mallee region, because this is a closed system. This work has to be done by the government as a matter of urgency. It is our no. 1 recommendation, and we hope that the government gets this work done sooner rather than later because we know we have to give the farmers of that region and the other industries in the region that use this water at the moment security of price. That is absolutely critical.

It is the one threat that is still hanging over the region in that a lot of the farmers are not able to make decisions on restocking. We will not see any major increases in the turnover of existing businesses because of the uncertainty that exists at the moment around pricing. We went to the northern Mallee region to look at what is happening at the northern Mallee pipeline in order to get some correlation, because the two pipeline projects, the Wimmera–Mallee pipeline and the northern Mallee pipeline, are quite similar. Again, we saw the importance of cost being kept at a level which will make farming viable when using the new, better quality water.

How can the government assist in that area? Quite simply the Victorian government needs to ensure that the remaining $50 million that is on the table from the federal government is collected and put toward the project. It needs to make sure that the auspicial body, GWMWater, which built the pipeline, is left with minimal debt associated with this project. It needs to make sure that the channels are decommissioned and firefighting infrastructure is put in place. It needs to make sure that all the work is done and the urban regions around Ouyen and the other small communities have old pipes upgraded so that when all the machinery and pumps are turned on to maximum flow and water starts to flow throughout the region there will not be any substantial debt that will cause the water authority to need to recoup that debt through higher water prices.

That is the critical issue. All the associated projects in this region need to be completed with the use of government money to ensure that when the pipeline project is turned over to be operated on a financially viable business basis with the farming community accessing the quality water — and paying for it, obviously — the water will be sold at a price that will enable people to develop and continue to prosper within their businesses. It is a critical issue for all of this region.

It is also worth mentioning the importance of recreational water within the region. In the months leading up to the breaking of the seasons, which we have just had recently, we were able to get water into Tchum Lake, the Warracknabeal weir pool, Lake Lascelles near Hopetoun and a range of areas that had not had water in them for many years. To see the communities thriving because there was a bit of social activity around water sports is something that this region had not experienced for many years. The return of some wildlife is going to be another critical factor, because throughout the Wimmera-Mallee region we have had filling in of dams. At the moment the farm dam with its birdlife is a thing of the past.

We can see the reintroduction of these things because we will now be able to save a legitimate amount of water. At the worst delivery points on the Wimmera–Mallee pipeline irrigators were losing up to 90 per cent of what they sent down the old open channels. At the better end of the scale, somewhere around 20 per cent or 30 per cent of water was being wasted through evaporation.

Across the whole pipeline structure 40 per cent or 50 per cent of the water that was sent out of the Grampians to the various farmers in all the different locations was never received but was lost to the hungry earth. That is a very important aspect.

Many of the sporting organisations within the region that had previously been able to access poor quality water through open channels nevertheless conserved the water for what they needed. It was very cheap water. Sporting organisations — tennis courts, golf courses, cricket grounds, football grounds, soccer grounds and the like — have been able to keep their fields green because over the previous 15 or 20 years they have been able to access very cheap water. Now that cheap water is no longer going to be available they are going to have to use the more expensive pipeline water. Special consideration needs to be given to some of those organisations, and again the committee has made recommendations relating to that matter.

One opportunity that exists within the region is the potential for an expansion in the abattoir sector. We heard of examples where small pigs are taken from the Geelong region where they are born, transported to places near the Nullawil where they are matured and from there they are sent live into South Australia over to Port Augusta where they are butchered. They are then taken back to Sydney where they are distributed around Australia to various markets. Now that we have access to high-quality water in the north-west and are able to introduce an abattoir into that region, there is no reason we would not be able to cut down dramatically on the food miles that are covered by the pork industry in this state. That is something we would all be in support of if we are able to adopt some of the suggestions that are put forward within the report.

Before I finish I would like to thank my parliamentary colleagues on the committee. The committee was certainly a bit rusty when it started off. There were a couple of blow-ups over the way some of our witnesses were treated; however, we sorted that out. We had a few blues along the way early on, but once the members realised that this project had fantastic community support and that the system was in fact quite a complex system, the committee settled down to put together a very good report.

I would especially like to thank the staff. The Rural and Regional Committee is absolutely blessed with the staff it has. I think I speak for all my colleagues when I offer special thanks to Lilian Topic, our executive officer; Patrick O'Brien, our researcher; Juliette Elfick, who was coopted onto the staff to assist in the writing of this report; and Eleanor Howe, who does a mighty job within the secretariat. We have been very lucky with the quality of the research staff, executive officer and staff in general.

I would also like to offer a special thankyou to all the witnesses who took time away from their busy lives to come before the committee and share with us their experiences in relation to water and what water means to them in the Wimmera-Mallee region. It is an amazingly important issue. Many of these people's lives and their prosperity and future hang on the policy that we adopt in this house. We need to make sure that we give all our water policies due consideration to ensure that we give these people the best chance of creating the wealth they need to live their lives.

When we did this report we were still deep in a 13-year drought. In many of the areas where we went and spoke to people there was still very much a feeling of trepidation. These people had real concerns about how they were going to handle the future. It was a scary process to interview all those people in their local areas and hear how debilitating the impacts of the drought are. It really has been a horrendous disaster for many of the communities throughout western and northern Victoria.

It is a good report. It has taken on board much of the evidence and data that has already been used in other reports. The Wimmera Development Association did some work, and the University of Ballarat has conducted inquiries into opportunities that will arise once the Wimmera–Mallee pipeline has been completed. That work has been accessed as part of our inquiry.

The report reflects on the six different pipeline systems and the potential for further expansion out to the west and possibly the south of the pipeline system itself. It is an expansive system. It has been a tremendous program.

I cannot talk about the Wimmera–Mallee pipeline without mentioning John Forrest from the federal seat of Mallee. If there has been one politician who has fought tooth and nail to make sure that both federal and state funding have come along to match each other, it has been John Forrest. He has done a mighty job, and now at the end of it we have a system of water delivery in place that is going to act as a saviour

for many of these small communities. I want to thank him for the work he has done.

In closing I would like to thank again the other members of the committee who have made the effort to get out into the regions to hear firsthand the experience of the people in the region. We hope water pricing comes in at a level that will enable all of the communities within that region to access water at a price that will allow them to prosper into the future.

Ms TIERNEY (Western Victoria) — I rise to make some comments in regard to the Rural and Regional Committee's report entitled *Inquiry into Positioning the Wimmera–Mallee Pipeline Region to Capitalise on New Economic Development Opportunities*. I begin by thanking the many people who provided verbal and written submissions to the committee. We were blessed by the standard of contributions as we moved through the area. I thank the secretariat staff, whose ongoing hard work and commitment made sure we adhered to our timetable and itinerary so that the report could be submitted here today. I mention in particular Lilian Topic, the executive officer; Juliette Elfick and Patrick O'Brien, research officers; and Eleanor Howe, the secretariat officer.

This inquiry was particularly important because it is not every day that you have a piece of infrastructure as vast as the Wimmera–Mallee pipeline. It is probably important to firstly reflect on the importance of that infrastructure. It just so happened that the terms of reference coincided with the completion of the pipeline. It was officially opened by Premier John Brumby in April 2010. It is one of Australia's most significant water-saving projects. It is a $688 million project, it covers 8800 kilometres and it services 9000 farms and 34 townships across the region, which covers almost 10 per cent of the total geographic area of Victoria from the Grampians to the Murray River. It has provided a sustainable water supply system to meet the needs of the Wimmera-Mallee region for the long term. As we have heard, the old open channel system was unsuitable with more than 8 per cent of the water wasted through seepage and evaporation. Of the up to 120 billion litres of water released from storages in the Grampians each year only 17 billion litres of water reached customers on farms and in towns.

This project will help drive growth in the region and provide a sustainable future for the regional community through the provision of a reliable, high-quality water source for farms, towns and businesses, 24 hours a day, seven days a week; 83 billion litres of water a year to the region's water systems, including the Wimmera River and the Murray River system; 20 billion litres of additional growth water for regional economic development, including 2 billion litres which will service townships around Hamilton; a return in water savings to nominated recreational lakes and other water bodies in the region with high conservation value; and an allocation of water savings for urban, rural and commercial growth opportunities such as on-farm diversification and new industry, which were the areas on which the committee spent a considerable time.

This project provides water to a region that was facing an ongoing dilemma in respect of its agricultural base.

This new infrastructure will not only release much-needed high-quality water but will also provide ongoing life to the north-west of this state, building on this opportunity and securing further opportunities. This will be realised by the simple measures of enticing new investment as well as significant lateral thinking that will bring about new and bold initiatives. Correct policy settings, the right mix of people and skills, ongoing research and of course funding will mean that this region will reap the benefits of the pipeline. Already a number of initiatives have signified great optimism for the area, and I will take great pleasure in observing the gains of this region as it builds on the back of what is an important and, I dare say, groundbreaking piece of infrastructure, which will be well known not just in this state but in this country and beyond the Wimmera–Mallee pipeline.

Mr VOGELS (Western Victoria) — I rise to make a few comments on the Rural and Regional Committee's report on its inquiry into positioning the Wimmera–Mallee pipeline region to capitalise on new economic development opportunities. Like those who have spoken on this report ahead of me, I congratulate the committee's staff, including Lilian Topic, the executive officer; Eleanor Howe, the secretariat officer; and Juliet Elfick and Patrick O'Brien, the research officers, on their fantastic work in putting together the evidence gathered at the hearings and giving it a semblance of order in the report.

As Ms Tierney said, the new pipeline system replaced 17 500 kilometres of open earthen channels with a piped water distribution system about 8800 kilometres long. The pipeline is designed to pipe water to about 2 million hectares and 36 towns

throughout the Wimmera-Mallee region, providing a long-term solution to the Wimmera-Mallee region's water needs.

Although it was a short, sharp inquiry, the outcomes were very interesting. I think most members of the committee knew the facts, but it was interesting to hear them again. Originally the Wimmera–Mallee pipeline was projected to cost $501 million, or at least that is what the community, local government, farmers and the state and federal government expected. However, once tenders were called the cost of the project ended up being $688 million, which is a large overrun. There was a lot of concern amongst farmers and in the communities we met with about the end costs, particularly about who is going to pick up this extra cost. People are concerned about what the final cost will be, and particularly how much the water will cost them when it hits their properties. There is a lot of difference between $501 million, which was to be funded equally by the state and federal governments, farmers and Goulburn-Murray Water, and the final cost of $688 million. Obviously there are some huge concerns, and rightly so.

At most of the hearings we had with farmers the main issue was the cost of the water. If you are a farmer wanting to use the water, you need to know what the price will be when it hits your water tank. Most farmers do not know what the cost will be. Some figures were mentioned — $1000 a megalitre, $1300 a megalitre, $1500 a megalitre; all sorts of prices — but no-one had any understanding of what that water will cost, and the cost will have a huge impact on whether or not farmers will use the water further down the track. I will not go through all the recommendations in the report; people who are interested will be able to read them for themselves.

Obviously you can always do things better. I noted that one of the things hoped for by the people in the Wimmera-Mallee region is that the pipeline would bring business and industry into the Mallee. There are huge concerns that the final pipeline is too small — it is only a 2-inch pipeline. If your property is on the main trunk line close to a town, you will have plenty of water coming through the pipe, but no community wants to have a broiler farm or a pig farm close to the town. There are all sorts of reasons, including regulations made by the Environment Protection Authority, that such industries should be located in more remote areas. The further you are from the towns, the smaller the pipeline progressively becomes. Many concerns were expressed, including the view that people who want to start a new broiler farm or a piggery will find that the water coming from the end of a 2-inch pipeline will not be enough to satisfy the needs of their businesses. That was a concern. I understand why the pipeline is reducing; no doubt it is because of the cost, which is already $688 million. If you are going to put a big trunk line all the way to places far from the source, it is going to cost a lot of money.

People are also concerned about the use of environmental water. They would love to see some of the water savings — and there are going to be a lot of savings with less evaporation and seepage et cetera — used as environmental water and recreational water so the local footy ground can be watered and irrigated and some of the local lakes in these towns can be filled for boating, fishing or whatever. If you live 300 or 400 miles from the coast, it is nice to have a lake that you can take the kids to to do a bit of water sport.

There is an issue around firefighting. There is a bit of a dispute as to who is going to pay for fire hydrants along the pipeline — the local government, the state government or the local communities. Reid Mather explained it well; he said he finds it amazing because he cannot understand why you would need a fire hydrant along the pipeline, as all farms are required to have water tanks and it is not hard to put a Country Fire Authority fitting on a water tank. If there is a fire in the area, the fire truck could pull up and take water straight out of the tank. I do not understand why we need fire hydrants along the road when every farmhouse has a water tank sitting near it and it is simple to put a fire hose fitting on the tank and suck the water straight out of it. That is all I want to say.

It was interesting to travel in the Wimmera-Mallee region, and it would be interesting to go back there now given all the excellent rainfall we have had. No doubt a lot of the lakes would be starting to fill up and environmental flows would be happening in some of the areas already.

In conclusion, it is a worthwhile report. I do not think I have heard anyone in the whole of the Wimmera-Mallee region say they are against the pipeline having been put in, because it has made the whole area much more vibrant. It is a much better place to live; you have water security, which is fantastic. Some things could have been done better, but that is always the case. As the chair of the committee, Mr Drum, said, one of the main issues is that the locals would like to know the cost of the water that will come out of the pipe so they can make informed decisions as to how much they will use, if any.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise to speak to the Rural and Regional Committee's report on its inquiry into the positioning of the Wimmera–Mallee pipeline region to capitalise on new economic development opportunities. I want to start by saying that it was pleasing to hear the chair of the committee, Mr Drum, stand up and support such an important government initiative and put on the record that this important piece of government infrastructure has saved towns along the pipeline area by delivering a clean and reliable supply of water.

I would also like to thank the many people who came to the hearings and gave oral submissions to the inquiry, as well as those who made written submissions. The committee had four public hearings. We heard from 32 witnesses and received something like 11 submissions. It is great that people gave up their time to come along to those hearings and tell us firsthand what their experiences have been and what it has meant to them and their businesses to have a clean, reliable supply of water from the pipeline. I also want to thank those people who made written submissions.

Completion of the Wimmera–Mallee pipeline is six years ahead of schedule. The government recognised that a community that has been through such a long drought — 13 years of drought — and that faced the real prospect of running out of water needed to have a guaranteed water supply, so this project was fast-tracked. Instead of taking 10 years it took 3½ years to complete.

The Wimmera–Mallee pipeline is a fantastic example of how a government can work with the community to achieve the benefits the community needs to achieve rural and regional prosperity. The pipeline project involved the replacement of a 17 000-kilometre leaky old open-channel system with 8800 kilometres of underground pipeline. On average, the pipeline will save 103 billion litres of water every year. A very, very significant amount of water is being saved each year that would have been lost from that open-channel system. The pipeline is providing a continuous water supply to approximately 19 000 farms and 34 townships across the Wimmera-Mallee region and is delivering an economic boost of $637 million.

A number of people from those 34 towns spoke to the committee about what it meant not to have a reliable water supply. There were residents in those towns along the Wimmera–Mallee pipeline who were looking at having to pack up and leave town. In one town there was the story that the only working toilets and showers were those in a caravan park to which water was being carted; that was the only place you could go to have a shower. These were pretty dire circumstances that these people were facing. The government has put in place a pipeline that will ensure a clean and reliable water supply.

There are other benefits that have resulted from the pipeline. There has been an easing of water restrictions for many towns across the region, and there are more fish stocks in the Wimmera River because of additional environmental flows from the pipeline. Local sporting clubs across the Wimmera region now receive water from the pipeline to keep their sportsgrounds running, and this is after many years when people in these communities have worked really hard to keep their sportsgrounds going. It is important for the members of these local communities to have their footy clubs running, to have their netball clubs running and to be able to play tennis. The people in these communities have worked very hard to keep these sporting facilities going by carting water at considerable expense, and it has taken an enormous amount of time to do that. Now they are able to get that water from the pipeline.

Water has been returned to Hopetoun's Lake Lascelles, to Green Lake, to Tchum Lake and to the Warracknabeal Weir Pool. That means that tourists have returned. It has also meant that locals are back at those places for recreational purposes — fishing and boating. The committee heard from a lot of people about the importance to the community of having that water available for recreational purposes. Of course the tourists coming back means there is more money coming into those towns. The return of the water has meant we have seen the return of birdlife and wildlife to those lakes.

This pipeline is a major national project, which attracted $266 million from the Victorian government. It is an important part of Victoria's water grid — a network of pipes, channels and rivers that allows the movement of water within Victoria to where it is needed, when it is needed. It is a fantastic project, and that is certainly what we saw in the submissions and heard from the people who came to the hearings and spoke to the committee.

I too would like to thank Lilian Topic and the committee's secretariat.

Motion agreed to.

LAW REFORM COMMITTEE

Powers of attorney

Mr SCHEFFER (Eastern Victoria) presented report, including appendices and an extract from the proceedings, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr SCHEFFER (Eastern Victoria) — I move:

That the Council take note of the report.

I would like to take this opportunity to make a few remarks. The evidence gathered by the Law Reform Committee in the course of its inquiry into powers of attorney shows that most Victorians do not appear to give sufficient thought to what will happen to them when or if they lose the capacity to make decisions for themselves as a result of an accident or an illness or on the occasion of the onset of old age and an attendant decline. A power of attorney is one way the law helps us to plan for these circumstances, and regrettably too few of us are aware of how to put appropriate powers into the hands of appropriate individuals.

This final report examines general, non-enduring powers of attorney, enduring powers of attorney, financial, and enduring powers of attorney, guardianship. The committee did not consider enduring powers of attorney, medical treatment, because this set of arrangements was outside the terms of reference for the inquiry. The committee found that powers of attorney provide many benefits, including enabling people to have an influence over those who will look after their affairs in the event of them losing capacity to some extent and also how they will be cared for.

The structures provided through powers of attorney arrangements provide a flexible and low-cost way of planning for the future. Power of attorney documents avoid the need for a guardianship or administration order to be made by the courts for a person who has impaired decision-making capacity. They also provide certainty for third parties such as health services and banks about who can make decisions on behalf of a person who is losing or who has lost the ability to fully manage their affairs.

The committee found that power of attorney arrangements are not used as widely as they could be, with only about 11 per cent of Australians having made an enduring power of attorney. The committee found that one reason for this may be that the existing power of attorney laws can be complex and confusing to many people. The committee also found that while most power of attorney arrangements work well, they are sometimes used to perpetuate abuse, particularly financial abuse, against older family members. The evidence suggests that abuse of power of attorney arrangements is rarely detected and rarely reported.

The report makes 90 recommendations that aim to strike a balance between providing better safeguards against abuse and ensuring that power of attorney documents are easier to use. The report recommends a new power of attorney act to provide a streamlined system with simple language and forms to make it easier to create a power of attorney. The committee suggests that a statement of principles to protect and promote the rights of people with impaired decision-making capacity should underpin the proposed new act. Misuse of a power of attorney is sometimes unintentional due to a representative — that is, a person who has the power of attorney — not understanding his or her role. The report recommends that the powers and duties of representatives should be clarified and that more support and guidance should be available to them to enable them to better perform what can be a very demanding role that they in the end voluntarily assume because of their commitment and respect for another human being. The committee recommends that people who make powers of attorney should be allowed to appoint a personal monitor to oversee the actions of their representatives as a further check to ensure that everyone is providing support and doing the right thing.

The committee found in its research that there is widespread debate about the nature of capacity and how and by whom it should be assessed. The committee learned that capacity can fluctuate and that capacity is often situational. We do not usually lose capacity to make decisions over everything in our lives all at once. The report therefore recommends that the new act should contain simple definitions of both capacity and impaired decision-making capacity. Very importantly, the committee felt that we should always presume that a person has capacity and that the onus should be to show that a person has lost or is losing capacity rather than the other way around. The implication of this is that there is a need for stronger decision making by representatives where a principal's capacity is severely impaired, while less intrusive support can be given where a person is still able to make their own decisions.

The report also recommends that criminal offences be created for people who abuse powers of attorney and that the Victorian Civil and Administrative Tribunal should be empowered to award compensation if a power of attorney is abused.

The committee received strong evidence in support of a registration system for powers of attorney, and we recommended a compulsory registration system to assist with the location, verification and validation of enduring power of attorney documents. The report recommends a statewide community education campaign to promote the use and recognition of power of attorney documents.

I would like to thank all of the individuals and organisations that contributed to the inquiry through their thoughtful and considered submissions and their attendance at the many public hearings the committee conducted. The range of individuals and organisations that wrote submissions was very broad, including people with high levels of expertise in health, geriatrics and capacity. We spoke to people from the law and from the courts, we spoke to people representing senior Victorians, and we spoke to people from various non-English-speaking-background communities. It was a wide net of people who made some important contributions to the committee's work.

I would also like to thank my fellow committee members, including the deputy chair, the member for Box Hill in the Assembly, Robert Clark; Jan Kronberg, who is in the chamber today; and Colin Brooks, Luke Donnellan, Martin Foley and Heidi Victoria, the members for Bundoora, Narre Warren North, Albert Park and Bayswater respectively in the Assembly. I also thank the members of the committee's secretariat, who as always did a phenomenal job with this report. The team was led by Kerryn Riseley, and it consisted of Kerry Harrison, who took a big part of the responsibility for this report, Liana Levin, Vathani Shivanandan, Helen Ross-Soden and the committee's legal policy intern, Yardena Lankri.

Victoria's population is ageing. This means that powers of attorney will become increasingly important and these documents and arrangements will benefit many more Victorians in the future. As a committee we believe that the recommendations, if implemented, will empower more Victorians to plan for their future with ease and confidence, and I look forward to the government's response in due course.

Mrs KRONBERG (Eastern Metropolitan) — I have considerable pleasure in rising to speak about the Law Reform Committee's inquiry into powers of attorney. First and foremost I commend the committee's chair, Johan Scheffer, for his skill in that position and the leadership he has shown in taking us through dealing with the submissions and the hearings. This would not have been possible without the professionalism and expertise of the committee's support team led by the executive officer, Kerryn Riseley, and ably supported by research officers Kerry Harrison and Vathani Shivanandan and the committee's erstwhile administrative officer, Helen Ross-Soden. They were supported by Liana Levin and Yardena Lankri. As with past inquiries and reporting processes I have to say that the support staff are always willing, ready and very professional, and I admire them for their ability to synthesise and compile the information they receive with such skill, leaving us with an important report that is easy to understand.

The result of all of this work and the compilation and distillation of the information that came to us from a wide range of people who are experts in the field is that there is now a new framework for powers of attorney in this state.

The committee examined three types of powers of attorney in preparing this report: general or non-enduring powers of attorney; enduring powers of attorney, financial; and enduring powers of attorney, guardianship. It is important for readers of the report to note that the terms of reference did not include powers of attorney, medical treatment.

Powers of attorney have special relevance and increasing importance for those caring for members of the ageing population in Australia. One of the things that alarmed me that we were told of in the hearings and that was referred to in the information made available to us was the incidence of exploitation of disabled and ageing people, people facing the onset of dementia, and so on. There have been terrible examples of exploitation of such people, so the recommendations set out in this report are important and timely.

The report's recommendations encourage more people to go through the process of drawing up powers of attorney because of the considerable benefits of doing so. These include providing a simple, accessible and low-cost means for people to take care of their future and iron out the wrinkles of life so that they can be a bit more relaxed about increasing illness, advancing age and the impact these

can have on an individual. Furthermore, taking out powers of attorney enhances the rights of the individuals — or, to use the term we used in the report, the principals — by empowering them for the future. It removes a lot of stress for people who feel that in the future they may not be able to make important decisions in their life. Powers of attorney can also help avoid the costs of seeking guardianship or administration orders through the courts. Third parties can benefit as well. Powers of attorney allow health providers and financial institutions to have certainty as to who is empowered to make a decision on behalf of a client, in this instance referred to as a principal.

The committee recommended that there be a new powers of attorney act. It also made recommendations to protect people against abuse, which is unfortunately often perpetrated by a family member against the interests of the principal, who is often highly vulnerable and may be suffering from a chronic or terminal condition or dementia.

The committee seeks to increase both the detection and reporting of abuses of powers of attorney, which is something that I energetically support. I see that the recommendations are all-encompassing in this area, and I am sure this is quite comforting.

Assessing the capacity of an individual and being involved in the ensuing debate about what is capacity and how and by whom it should be assessed is an extremely complex exercise. The committee has looked to forge recommendations on the basis of developing a capacity resource so that people involved in making decisions about capacity have an authoritative touchstone and reference point in addressing this aspect of dealing with powers of attorney.

I like the notion that comes through this report that rather than looking at people as infirm, incapacitated, facing a reduced mental capacity or suffering from disability, we should affirm the positive things — we should see their abilities and their capacities in the positive rather than making a calculus of what they do not have available to make decisions for their own wellbeing. It is important to recognise this. This is balanced, perhaps even tempered, by an emphasis on providing strategies to empower individuals wherever possible to make decisions on their own behalf. That is to be applauded.

A compulsory registration system for powers of attorney is recommended in the report. This would apply both when documents are created and when they are revoked. I have a measure of discomfort with the compulsory nature of it, but I am hoping that the fees bases that result from it will be well and truly assured, that they will be kept within fine points of what seems reasonable and that access will not be denied because of the costing regimes.

Finally, I want to commend the role of my parliamentary colleagues in the Assembly — Heidi Victoria, the member for Bayswater; Martin Foley, the member for Albert Park; Luke Donnellan, the member for Narre Warren North; and Colin Brooks, the member for Bundoora — and most especially the calm contributions that our chair, Robert Clark, the member for Box Hill in the Assembly, made throughout this process. He, in terms of his legal training and expertise, brings a very special dimension to any of the committee's deliberations, to the refinement of any important elements in the report and in fact to the workability of the recommendations, so we continue to benefit from his being part of that team.

Finally, it is proof positive of the work and the amount of evidence that was compiled that the committee has been able to put forward 90 recommendations in this report, and I do recommend it.

Motion agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Public Finance and Accountability Bill — further considerations

Ms PENNICUIK (Southern Metropolitan) presented report, including appendices, extracts from proceedings and transcripts of evidence.

Laid on table.

Ordered that report be printed.

Ms PENNICUIK (Southern Metropolitan) — I move:

That the Council take note of the report.

This is the second report from the Public Accounts and Estimates Committee on the Public Finance and Accountability Bill 2009, and it follows an earlier reference to the committee, which was that the committee look at the bill and report back to the Council.

That was a fairly general reference, and members would remember that when that report was tabled in the last sitting week the issue was raised that the non-government members of the committee wished to have the Auditor-General present at the committee to outline his concerns. As that did not occur, the second reference was made to the committee specifically requesting that the committee invite the Auditor-General to attend the committee and present his views on the Public Finance and Accountability Bill 2009. The Auditor-General duly appeared at the committee, as did the secretary and staff of the Department of Treasury and Finance, once again.

This is a fairly simple report. It basically outlines the issues that were discussed at the committee hearing. The hearing was recorded by Hansard, so the bulk of the report is the transcript of evidence that was taken of the Auditor-General's evidence, the Department of Treasury and Finance evidence and the questions and responses from members of the committee.

I think this report will be very helpful in deliberations that will occur during the committee stage of the bill regarding the issues the Auditor-General has raised. I think it was a good move for the Council to have requested the committee to go ahead with the hearing.

I direct readers to the transcript of evidence, which is chapter 3 of the report, where the Auditor-General says he was disappointed not to have been invited to address the bill before the tabling on 11 August of the report on the earlier reference to the committee. Contrary to what some government members were saying — and certainly contrary to my view — he said it was not contrary to section 16(5) of the Audit Act for him to give his views on this bill, because that section of the act only related to audit reports, which was a point that was made by me and other members. He also made the point that this is important legislation and the opportunity to address it is very rare. It is the core business of the audit office, so his views should be taken into account.

I do not want to go into too much detail except to say that the Auditor-General has said there are basically two issues. One is generally about the bill and his views about that. He was happy to say in his overview that generally the issues have been adequately considered and that the office does not see any adverse core changes in the bill. However, the issue that remains is the independence of independent officers of the Parliament. His view is that this is the headline issue, that the interplay of the independence of independent officers with the exercise of executive discretion is clearly the core issue.

I leave it to members to read through the comments of the Auditor-General on that, his responses and the department's responses to questions from members of the committee, and the responses to his comments by the Department of Treasury and Finance.

Once again I thank the committee secretariat, led by Valerie Cheong, who had to deal with this issue at short notice. The matter was referred to the committee twice. The committee had to deal with it while it at the same time was in the throes of finishing off its work program for this year, including a report on the Audit Act. It was an extra workload placed on the secretariat. Again it rose to the occasion with great aplomb, without complaining and with general cheerfulness and helpfulness.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I rise to make a few brief remarks on this second report from the Public Accounts and Estimates Committee (PAEC) on the Public Finance and Accountability Bill. It is regrettable that the committee had to prepare this second report, following a second reference from the Council in the last sitting week, solely as a result of the government members of the committee refusing to take evidence from the Auditor-General with respect to the impact of the Public Finance and Accountability Bill on that office and on other independent offices of the Parliament.

It was very telling that last week, following the order from the Council to take evidence from the Auditor-General, PAEC met and had a hearing with the auditor. He was very frank in his assessment of the impact of the Public Finance and Accountability Bill on his office. In his opening comments the Auditor-General was also understandably critical of the fact that PAEC had prepared that first report and rushed it into Parliament at the behest of the government members on the committee without consulting with the him on matters that had been raised by the Department of Treasury and Finance with respect to the audit office. Those points validate the concern of this house and the decision by this house to resolve to again refer the bill to PAEC for its explicit consideration of the bill with respect to evidence from the Auditor-General.

I do not wish to go into this report at length because I think the debate on the bill will be a better opportunity to canvass these issues. However, the committee's report contains a transcript of evidence that was taken of the Auditor-General and the Secretary of the Department of Treasury and Finance, as distinct from the first report on this bill tabled by

the committee which did not contain transcripts because no transcripts were made of the meetings held with Treasury and Finance representatives. This is the first verbatim record that has been presented to the Parliament with respect to the views of Treasury and the views of the Auditor-General as to the Public Finance and Accountability Bill.

As I said, I will not go through in any detail what the Auditor-General said. Suffice to say that he raised a number of concerns about the potential impact of the Public Finance and Accountability Bill on the operation of the audit office, and they are equally applicable to other independent offices of Parliament. The fact that those concerns were expressed by the Auditor-General vindicates the house's concerns and its decision to refer the matter back to the committee to receive evidence from the Auditor-General.

I encourage all members of the house to consider the report and in particular the transcript attached to it. The format of this report is essentially that of a summary document where the key evidence is contained in the transcripts. As I said, the Auditor-General raised a number of concerns about how this bill will potentially impact upon his office. Those matters should be of concern to all members of this house and to the greater Victorian community. I encourage all members of the house to consider this report before the bill comes back to the house in the committee stage.

In closing, along with Ms Pennicuik I would like to thank the committee secretariat under Valerie Cheong for its work in putting this report together. Because the government had refused to take this step in the first instance, the hearing with the Auditor-General was held at very short notice, which put a lot of pressure on our committee secretariat. It does a fantastic job in putting these hearings together and in turning these reports around very quickly, and I would like to thank the secretariat for that. I commend this report to the house and note that it will be particularly useful in the house's further consideration of the Public Finance and Accountability Bill.

Ms HUPPERT (Southern Metropolitan) — I wish to make a few brief comments regarding this report, which, as Ms Pennicuik pointed out, is really a factual report. It contains a summary of the transcripts attached to it. For that reason we were quite disappointed that the opposition members of the committee chose not to vote to adopt the report. As has been said, it is simply a summary of the evidence that was received from the Auditor-General and from the Department of Treasury and Finance at a public hearing last week. It summarises the matters that were raised by the Auditor-General and the concerns in relation to the Public Finance and Accountability Bill and, quite clearly, the views of the Department of Treasury and Finance, which were that those fears or concerns about the bill are clearly unfounded.

The Department of Treasury and Finance has at great length pointed out, firstly, that a number of factors raised by the Auditor-General as concerns regarding the bill are in fact provisions that already exist in current legislation affecting financial management in this state, and secondly, that the concerns raised by the Auditor-General about the independence of the independent offices of the Parliament were unfounded as this is a general bill which cannot override specific legislation establishing those persons as independent offices of the Parliament.

Having said that, I think it is appropriate that this house now consider this bill through the normal procedures, including the committee stage, and I would have thought that any of the matters that have been raised by members opposite could be most adequately dealt with during that committee process. I look forward to hearing the comments of all members of this house during that process.

Mr DALLA-RIVA (Eastern Metropolitan) — Here we go again in respect of this particular bill. This was our second attempt at getting the Auditor-General to provide evidence — evidence that is important for us in determining whether we allow the bill to proceed through the chamber. We are the house of review, and a house of review has a role in terms of ensuring that legislation is not just thrown at us, as it is in the lower house, and that we do not accept it without some form of scrutiny.

It is interesting to note that there was an earlier resolution of this chamber to refer this bill to the Public Accounts and Estimates Committee for review. PAEC was asked to conduct that review and submit its report by 31 August. It is now 31 August. PAEC was given that time so it would be able to review and report on the legislation in a timely matter, but its report was rushed back to the house; we know it was rushed back. Some members of PAEC put in a minority report to the report that was tabled during the last sitting week, on 10 August in the Assembly and 11 August in the Council.

During the inquiry process we sought information from the original hearing with representatives of the Department of Treasury and Finance, who met us on

5 August as part of our review. The department only submitted its letter to Mr Stensholt, the chair of PAEC and member for Burwood in the Assembly, on 9 August — the very day we were having the bill rammed through the PAEC process.

That letter outlines issues relating to legal advice in relation to the operation of clause 12 of the bill relating to public bodies and whether this bill is going to nobble the Auditor-General. Is it going to nobble the independence of the Electoral Boundaries Commission? Is it going to be that government policy overrides some of those independent statutory authorities, including the Office of Police Integrity and the like? It was good to see the legal advice after we had our report rammed through and voted on. The minority report reflected that.

The letter also mentions the issue of what the budget papers will look like as a result of this bill, and a mock-up of the budget presentation was provided as a Department of Treasury and Finance working draft. That working draft is in the report currently before the chamber. Finally the letter mentions the issue about the status of the Electoral Boundaries Commission under the bill.

We were prevented from calling the Auditor-General, and it is understandable why the Auditor-General was quite annoyed. It was interesting to read what the chair said to the Auditor-General in the hearing on 24 August. To quote the transcript of that hearing, the chair said to the Auditor-General:

> I ask the Auditor-General, who may wish to make some points, to begin. I should note that as chair I will leave it to the Auditor-General in terms of answering questions in a reasonable and lawful manner.

I interjected at that point because I wondered how on earth the chair of the Public Accounts and Estimates Committee could dictate whether the Auditor-General could answer in a lawful manner. Was he nobbling him? I think this indicates he was applying some pressure on the Auditor-General. I tried to give some comfort by showing that there were some people on the committee who were at least trying to protect the Auditor-General's independence.

Mr Pearson went on to make an introductory statement in which he welcomed the opportunity to appear at the hearing and said that he planned to focus directly on the bill. However, in the second paragraph of this introductory statement, on page 2 of the transcript of evidence — which I will put on the record because I think it is important that the chamber understands exactly what processes were undertaken — he goes on to say:

> I have to record that I was surprised that we were not called prior to finalising the 11 August report. On our reading of the report, it is not evident that the information that we provided to the committee was taken into account. More so, we were particularly disappointed that in the report there was a report of a long outstanding reply from VAGO —

which is the Victorian Auditor-General's Office —

> and this issue was not pursued. It appears yet again a comment reflecting adversely on the office has been accepted without testing and nor has procedural fairness been afforded, so I do record that disappointment.

This is the Auditor-General commenting on this government's performance. This is a government that came to office in 1999 and said how bad it was for the Liberal-Nationals coalition to be nobbling the Auditor-General. Yet it is doing worse; it is preventing the Auditor-General from being able to give evidence. It was only through the persistence of this house that we were able to get this process undertaken.

The Auditor-General's comments were interesting; he saw a range of issues and concerns with the legislation. Potentially the legislation will have the impact that any public body, including the Auditor-General's office, could be subject to what the mob on the other side decide is good policy. That is what the legislation is about; it is about nobbling the Auditor-General. This legislation, in whatever guise, is about saying to the Auditor-General, 'We are going to shut you down. We are sick of getting negative reports that come out about us constantly. We do not like it; we cannot control the media'. At the weekend, we heard Mr Linnell, who is a former media director for Victoria Police, say that everything is media controlled, even to the point where police cars are now allocated based on what is a good look rather than what is good for operational needs. The legislation, which is before the chamber, contains a range of issues that the Auditor-General has serious concerns about.

Where does this report, which is the second report in relation to the Public Finance and Accountability Bill, fit in? It contains no analysis. In my view, in the process the chair of the committee has, by definition, failed in his role. If you look at the transcript and the extract of the minutes of the proceedings, you can see that the Liberal-Nationals coalition did not support the report. We believe it is another ramshackle, push-through approach by a government that is out of

control. It is arrogant, and it wants to nobble the Auditor-General.

Mr Wells moved a motion for inclusion in the draft report, which was seconded by Mr Rich-Phillips. It is contained at page 89 of the report and relates to the inclusion of a new paragraph at the end of paragraph 1.3 of chapter 1 of the report in relation to the evidence that was given by the Department of Treasury and Finance — the government's own department — to say that the legislation is the way to go. This is the motion that was moved. It states:

> This is contrary to the DTF evidence given in the original hearing on August 3rd. In the original hearing DTF officials, when asked if the Auditor-General was satisfied with the bill, responded by stating that they had not received a response from a letter that it had sent to the Auditor-General on 9th December 2009. Consequently the committee was left with the impression that as a result of a 'no response' from the December 9th 2009 letter, DTF had formed the view that the Auditor-General was satisfied with the bill. The Auditor-General strongly disputed this claim by DTF in the 24th August hearing.

The Auditor-General is disputing what has been said by the Department of Treasury and Finance, which is led by the Treasurer, who is sitting opposite me. What was the intention of the DTF in providing evidence that was really contradictory to what the Auditor-General has said to us and which is recorded in the transcript? The chair ruled the motion out of order.

A further motion was moved which states:

> The committee expressed its dissent on the chair's ruling of the above motion as out of order.

Even the Greens supported the motion, despite siding with Labor at the weekend. We know the Greens will act appropriately when they see things that are not right in order to achieve procedural fairness, and that was how they voted. But there needed to be a casting vote, because there were equal numbers, and the chair voted against the motion. Again, it shows the arrogance of the process when there is a chair who is hopelessly conflicted and who runs a government agenda to nobble the Auditor-General and keep him silent. That is what the legislation is about. We could not and did not support the motion to support the report. It contains no analysis or understanding of the matter.

You would think that the legal advice we got about whether there was going to be an issue about public bodies would have come from someone independent. The initial advice was that it would come from someone you could say was very closely aligned with the Labor Party. Having fought him on the EastLink case in relation to freedom of information, it was quite noticeable that they wanted to get legal advice. We got legal advice on subclauses 4(1)(a) and (b), which provide that a government can determine what is a public body. We were concerned that this arrogant, out-of-control government could nominate the Auditor-General, the Electoral Boundaries Commission or the Office of Police Integrity. Members know how the government has nobbled the OPI. There have been issues with ministers involved in OPI investigations. We do not know the detail, because we have not been able to get them. We sought in this chamber to get those documents, but we were voted down. That shows exactly how arrogant and out of step this government is.

Interestingly, guess who the legal advice came from? This is no reflection on the person, but the fact is that it was the general counsel from the Department of Treasury and Finance. It was the department telling the department that the legislation is okay and that it will not create a conflict. That is not really independent advice.

On top of that, Mr Grant Hehir, the Secretary of the Department of Treasury and Finance, in his letter dated 9 August — the day after we agreed to table the report which we did not really support — said:

> My department's research has also confirmed that the Electoral Boundaries Commission is not automatically a public body under clause 4(1)(a) of the bill as it is not a body corporate, nor does it control money.

How do we know? How has this been tested? We are relying on a government that says, 'Trust us'. This is a government that has allowed law and order issues to get out of control and public transport to be out of control. This is a good example of where we have to rely on trusting this government.

As I said, we do not support the tabling of this report for the very reason that it really does not have any weight in terms of providing detailed analysis or otherwise of the issues that we raised. The only benefit of this report is that we have now discovered in evidence taken on oath that the Auditor-General has been nobbled by this government. He has put it in black and white, and it is in this document. He has been nobbled fair and square by a government that does not want to hear the truth any more. It is a shame that the chair of the committee, Mr Stensholt, the member for Burwood in the Assembly, did not stand up as he should have done as an independent chair, as many other members have. When Christine Campbell, the member for Pascoe Vale in the

Assembly, was the chair of the committee in a previous Parliament, she stood up independently and she was knifed out of the chair. We know the process of this government: if you do the wrong thing, you are cut out. If the government wins office, Mr Stensholt will probably be looking for the office of Deputy Speaker, depending on whether the government sides with the Greens.

At the end of the day, it is a disappointment that we had a real chance to do some detailed analysis but we were nobbled. Accordingly we voted against the report.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Mr EIDEH (Western Metropolitan) presented *Alert Digest* No. 12 of 2010, including appendices.

Laid on table.

Ordered to be printed.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Approvals process for renewable energy projects in Victoria

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

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 10 August 2010 giving approval to the granting of a lease at Lorne Foreshore Reserve.

Land Acquisition and Compensation Act 1986 — Minister's Certificate of 17 August 2010 pursuant to section 7(4) of the Act.

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

Banyule Planning Scheme — Amendments C67 and C74.

Bass Coast Planning Scheme — Amendments C88 and C101.

Cardinia Planning Scheme — Amendments C143 and C144.

Casey Planning Scheme — Amendments C116, C135 and C138.

Frankston Planning Scheme — Amendment C38.

French Island and Sandstone Island Planning Scheme — Amendment C4.

Glen Eira Planning Scheme — Amendments C68 and C73.

Greater Geelong Planning Scheme — Amendments C60, C159, C178, C201, C227 and C229.

Hume Planning Scheme — Amendments C125, C127, C131 and C140.

Melbourne Planning Scheme — Amendment C166.

Melton Planning Scheme — Amendments C71, C83 and C102.

Monash Planning Scheme — Amendment C101.

Moonee Valley Planning Scheme — Amendment C94.

Moorabool Planning Scheme — Amendment C56.

Moreland Planning Scheme — Amendment C116.

Mount Alexander Planning Scheme — Amendment C43.

Stonnington Planning Scheme — Amendments C91, C101 and C103.

Surf Coast Planning Scheme — Amendments C48 and C62.

Whitehorse Planning Scheme — Amendment C117.

Whittlesea Planning Scheme — Amendment C109.

Wyndham Planning Scheme — Amendments C78, C132, C136, C138 and C139.

Professional Standards Act 2003 — New South Wales Bar Association Scheme.

Statutory Rules under the following Acts of Parliament:

Assisted Reproductive Treatment Act 2008 — No. 74.

Cemeteries and Crematoria Act 2003 — No. 75.

Health Services Act 1988 — No. 76.

Non-Emergency Patient Transport Act 2003 — No. 78.

Public Health and Wellbeing Act 2008 — No. 79.

Residential Tenancies Act 1997 — No. 77.

Road Safety Act 1986 — No. 80.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 46, 74, 75, 76, 77, 78, 79 and 80.

Victorian Broiler Industry Negotiation Committee — Minister's report of receipt of 2009–10 report.

Water Act 1989 —

Abolition of King Parrot Creek Catchment Water Supply Protection Area Order 2010.

Abolition of Yea River Water Catchment Water Supply Protection Area Order 2010.

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

Control of Weapons Amendment Act 2010 — except sections 6 and 22 — 22 August 2010; Section 6 — 1 January 2011 *(Gazette No. G33, 19 August 2010*).

Electoral Amendment (Electoral Participation) Act 2010 — 20 August 2010 *(Gazette No. G33, 19 August 2010).*

Parks and Crown Land Legislation (Mount Buffalo) Act 2010 — Sections 9 to 13 and 16 to 18 — 21 August 2010 *(Gazette No. G33, 19 August 2010).*

Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009 — 20 August 2010 *(Gazette No. G33, 19 August 2010).*

Pharmacy Regulation Act 2010 — except Division 2 of Part 8 — 24 August 2010 *(Gazette No. G32, 12 August 2010).*

NOTICES OF MOTION

Ms HARTLAND having given notice of motion:

Mr Dalla-Riva — On a point of order, President, I note that the notice of motion just read by Ms Hartland is listed on the notice paper as a current notice of motion, so I am wondering how she can give a notice of motion that is already in existence.

The PRESIDENT — Order! In response to Mr Dalla-Riva's point of order, Ms Hartland's previous notice of motion goes off the notice paper today. She is simply bringing the same motion back on.

Further notice of motion given.

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, 1 September 2010:

(1) order of the day no. 4, second reading of the Government (Political) Advertising Bill 2010;

(2) notice of motion no. 103, standing in the name of Mr D. Davis, relating to the production of certain national health-care agreement data documents;

(3) notice of motion no. 107, standing in the name of Mr D. Davis, relating to the production of health services integrated performance documents;

(4) notice of motion given this day by Mr D. Davis demanding the government comply with various orders for the production of documents;

(5) order of the day no. 15, resumption of debate on the motion by Ms Pennicuik, relating to the Peninsula Link project;

(6) notice of motion no. 16, standing in the name of Mr D. Davis, relating to a reference to the Law Reform Committee on memorandums of understanding;

(7) notice of motion no. 105, standing in the name of Ms Pennicuik, relating to human rights abuses in Burma;

(8) notice of motion given this day by Ms Hartland relating to a reference to the Family and Community Development Committee;

(9) order of the day no. 16, resumption of debate on the motion by Mr Dalla-Riva relating to violence on public transport; and

(10) notice of motion no. 110, standing in the name of Mr Rich-Phillips, relating to cost-of-living pressures on Victorians.

Motion agreed to.

MEMBERS STATEMENTS

Kerryn Shade

Mr KOCH (Western Victoria) — Mr Kerryn Shade has been Horsham Rural City Council's chief executive officer since the City of Horsham, the shires of Arapiles and Wimmera and part of the Shire of Kowree were amalgamated in 1995. Since its inception Kerryn has led the council with pride, integrity and common sense. Under his guidance Horsham Rural City Council has become one of Victoria's leading regional inland cities. Kerryn's legacy includes establishing the Horsham Regional Livestock Exchange, the Horsham's aquatic centre, the Horsham City Gardens Estate and the Nexus Youth Resource Centre, there was also the redevelopment of both the regional art gallery and the

Horsham CBD, the Wimmera regional library and the creation of the Horsham Enterprise Park Industrial Estate. Thanks to Kerryn Shade's efforts Horsham has become an important regional centre.

Kerryn has been a great contributor to the region for over 30 years, during which time he served as secretary of the Shire of Arapiles between 1978 and 1986, and the Shire of Warracknabeal during the period 1986 to 1995. It has been an honour and a privilege to know Kerryn during his career with Warracknabeal and Horsham Rural City Council. I have enjoyed Kerryn's company both personally and professionally, and I wish him and his wife, Dawn, the best on his retirement and with his plans for life after council.

Youth Victoria: Ramadan community dinner

Ms HARTLAND (Western Metropolitan) — On Sunday night I had the honour of attending the Ramadan community dinner in Hoppers Crossing. The dinner was organised by Youth Victoria, which is an initiative of the Muslim youth of the Virgin Mary Mosque in Hoppers Crossing. It was a lovely night.

What struck me the most was that they had sent out the invitation to the local community via newspapers, community newsletters and so on, so half the people in the hall were not Muslim. The young people showed a fantastic video that they had made. It was a send-up of tabloid news programs; it was called *The Lame Show* and was on the topic 'Why Ramadan should be banned'. They used humour to defeat the racist, intolerant utterances you often hear on these programs. Youth Victoria has promised to send me a copy of the video, which I am going to post to my Facebook profile so we can all enjoy it.

In talking to other non-Muslims at the dinner I found we all agreed that we had come away with a better understanding of Islam, and we were all impressed with what this group of young people had done to include us.

Kerryn Shade

Ms PULFORD (Western Victoria) — On Monday, 16 August, Horsham Rural City Council farewelled chief executive Kerryn Shade. I concur with everything Mr Koch said earlier — not often do I do that, but on this occasion I absolutely do.

Mr Shade's final council meeting was at Natimuk's council chambers, which is where he attended his first meeting at the Shire of Arapiles in 1978. Mr Shade's departure brings to an end 45 years of service in local government. His greatest achievements were described on this occasion as having led council amalgamation and influencing the government buyback of the rail network with but a single letter that generated the formation of a 50-strong council alliance. Indeed, Mr Shade's service to local government has spanned such a period that he has even worked with multiple generations — Cr David Grimble and his father, Max. Kerryn is to be commended on his commitment to leading an organisation that serves many small communities and a significant regional centre.

Jim McKay

Ms PULFORD — Nearby at West Wimmera Shire Council, Jim McKay will retire from the role of chief executive officer on 1 October. He has held this position for seven and a half years and is retiring after 30 years service to local government. Mr McKay made national headlines in July when he appealed to the federal government for an immigration processing centre to be built in West Wimmera shire. The region is losing a wealth of experience and two great and passionate advocates for regional Victoria. Their replacements will have big shoes to fill.

Leibler Yavneh College: hall and academic centre

Mrs COOTE (Southern Metropolitan) — On 17 August together with several state and federal colleagues I went to the opening of the new college hall and academic centre at the Leibler Yavneh College in Elsternwick in the Southern Metropolitan Region. In his dedication speech the college principal, Roy Steinman, said:

> The inauguration of a new facility such as our college hall and academic centre is a momentous occasion and gives us all much cause for celebration and reflection.

He went on to say:

> Our children are encouraged by a strong sense of Jewish values and ideals, a love and respect for our heritage and a pride in and commitment to the land of Israel — a living education and an education for living: designed for today with an eye on tomorrow.

The co-chairs of the college, Jonathan Wenig and Ilana Wald, said:

> This new facility has been devised and constructed with great energy, dedication, vision and enthusiasm. We now hand it over to our students and staff who, we hope, will use it in that same spirit.

There was an excellent project control group made up of Simmy Abraham, Craig Brown, Nathan Cher, David Fisher and Mark Joel. David Fisher, who was on the building committee, said:

> This new centre represents the culmination of our dreams for a new Yavneh. It has been a delight to work as part of a team making this dream become a reality.

I congratulate everyone who was involved with this project; the school community was right behind it. I hope all the students have a happy and fulfilling time in this wonderful new building which is a celebration of this school, Yavneh, now and into the future.

Inner North Community Foundation

Mr ELASMAR (Northern Metropolitan) — On 5 August I attended a fundraiser in aid of the Inner North Community Foundation at Northcote town hall. Attorney-General Rob Hulls facilitated the discussion on finding supportive pathways for disadvantaged young people in the cities of Darebin, Moreland and Yarra to further their education and eventually lead them to finding ongoing and gainful employment.

The evening event was hosted by Darebin council and the program arose out of the Apprenticeships Plus initiative. I found the discussions useful and practical and worthy of future support. All funds raised were directed to the Inner North Community Foundation.

Exports: performance

Mr ELASMAR — On another matter, on Monday, 9 August I attended La Trobe University's Union Hall along with a number of federal and state parliamentary colleagues for the launch of the exports and imports presentation by federal Minister for Families, Housing, Community Services and Indigenous Affairs, the Honourable Jenny Macklin. The substance of this presentation was the enormous diversity of exports that we in Victoria provide to the rest of the world. In particular I was very impressed with the quality of our food and information technology exports.

Bushfires: powerlines

Mr VOGELS (Western Victoria) — A couple of weeks ago in the adjournment debate I raised concerns that had been expressed to me about Energy Safe Victoria (ESV) failing to enforce compliance with the clearance regulations for vegetation along our powerlines. I also mentioned that with modern proven technology the removing of unwanted and dangerous trees — those growing around or capable of falling on and damaging live powerlines — can be removed quickly and at less than half the cost of the present methods. This technology using helicopters has been safely and successfully applied around the world for more than 20 years, especially in difficult terrain like the Otways and our high country.

I mentioned Helimatic Australia, a business in my electorate, and was surprised to read in the Warrnambool *Standard* of 14 August 2010 that:

> A spokeswoman for ESV said it had held meetings with Helimatic and was aware of some occupational health and safety issues with the airborne tree-trimming technology.

I was even more surprised to be informed by Helimatic of veiled threats suggesting it was opening a can of worms by raising this issue with me. Both CASA — that is, the Civil Aviation Safety Authority — and WorkSafe Victoria have stated that the Helimatic system is fully compliant, and they have the documentation to back this up.

With another fire season fast approaching, petty politics and threats should not stand in the way of fire prevention. We know this is something we can do straightaway. There are lots of other matters arising from the Victorian Bushfires Royal Commission which are going to take time. The clearing of the vegetation along our powerlines is paramount, and we could start it as soon as the sun comes out in a week's time. ESV Victoria should not be making veiled threats to Helimatic, which has this new technology available.

Eastern Reserve, Colac: netball facilities

Ms TIERNEY (Western Victoria) — Last Saturday I had the pleasure of officially opening the newly upgraded netball facilities at Eastern Reserve in Colac. The Brumby Labor government contributed $60 000 to this project, which involved the resurfacing and extending of six old asphalt netball courts to meet current national and international standards, upgrading existing lighting for night games and new fencing.

I take this opportunity to also acknowledge the Shire of Colac Otway for its contribution of $60 000 and the Colac and District Netball Association and Colac Summer Netball Association for their outstanding combined contribution of $230 000 — that was $115 000 from each association for the project. They also contributed a further $19 000 for seating and shelters. This is a significant contribution, and I

would like to acknowledge all the people involved. I also make special mention of the Colac and District Netball Association president, Margaret Desmond, and the Colac Summer Netball Association president, Aileen Kettle, for their tireless work over many years. They have secured a community asset that will mean netball will continue to fill the lives of local girls and women for generations to come.

Adult and community education: awards

Ms TIERNEY — On another note, I congratulate a number of finalists in the 2010 adult and community education (ACE) awards. They are Rachelle Collett from Rosewall Neighbourhood Centre in Corio, outstanding ACE learner; Karen Williams from the Rosewall Neighbourhood Centre, outstanding ACE practitioner; Joanna Weeku from the Werribee Community and Education Centre, outstanding ACE learner; and the Rosewall Neighbourhood Centre in Corio for outstanding pre-accredited program design and delivery.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Bushfires: Kinglake musical

Mrs PETROVICH (Northern Victoria) — Last Sunday I was privileged to attend the final performance of the musical *Pay Dirt* at Kinglake. Disappointingly, the musical closed after only three performances.

Written by Ross Buchanan and directed by Shirley Symons, *Pay Dirt* was based on the gold rush of the 1880s and detailed the day-to-day challenges of migrant miners from Ireland and America and the much-persecuted Chinese.

Set in Mountain Rush, now known as Kinglake, the local cast sang and danced their way through *Pay Dirt* with irreverent humour, making references to the Victorian Bushfire Reconstruction and Recovery Authority as being the authority responsible for issuing mining licences and telling people how to run their lives. This clever musical showcased the talents of musicians and actors as well as those who baked and served the scones and damper afterwards. They are all residents of the Kinglake Ranges.

The great pity is that unless funding can be sourced this musical will not bring pleasure to other communities, in particular those who are bushfire affected. I know there is a great desire by those who have put the show together to tour to some of the larger regional centres, in particular to those fire-affected communities that are still struggling and could do with a laugh and the enjoyment that this play would bring to both the young and the old.

I keep hearing that these communities would like a hand up, not a handout. It is a shame that because so much money is being wasted on red tape, suitable funding cannot be provided to ensure that this Victorian-produced show showcases what can be achieved. I would like to see this troupe on the road showing the people of Victoria the talented community that exists in Kinglake. The musical has a little bit of history and great bush band music. It is very Australian. More people deserve the opportunity to see *Pay Dirt*, the musical.

Information and communications technology: Mount Stanley tower

Ms BROAD (Northern Victoria) — This evening I welcome the announcement by Telstra that it has reached agreement with SP AusNet to install telecommunications equipment on the SP AusNet tower at Mount Stanley. As a result, Telstra will be able to provide greater telecommunications coverage to residents of north-eastern Victoria. The Mount Stanley location has been selected following the destruction of telecommunications coverage by the Black Saturday bushfires. The Brumby Labor government believes that communities in north-eastern Victoria should have access to better telecommunications so that they can get the most up-to-date information about bushfires. That is the reason the Premier, John Brumby, has acted to seek a positive resolution to this issue, and it is the reason the Brumby government has ensured that the necessary public land approvals are ready and waiting to go.

This announcement by Telstra is great news for communities in north-eastern Victoria. I wish to congratulate the residents, particularly the Country Fire Authority members of Stanley, for their tenacity in raising the need for better telecommunications with Telstra, with me immediately after Black Saturday, with the Premier, with Indigo shire, with the Emergency Services Commissioner Bruce Esplin, and with many others besides. It has been a great team effort which has produced this very positive result.

Housing: Common Ground project

Ms MIKAKOS (Northern Metropolitan) — On 17 August I was extremely proud to attend the opening of the Elizabeth Street Common Ground Supportive Housing development by the Premier,

together with the Victorian Minister for Housing, Richard Wynne; the federal Minister for Housing, Tanya Plibersek; and the state member for Melbourne, Bronwyn Pike.

This development is a testament to the political vision and leadership of the Brumby government and the longstanding advocacy for more social housing by the Victorian housing minister, Richard Wynne. The Common Ground supportive housing 5-star development at 660 Elizabeth Street consists of 131 studio apartments and 30, two-bedroom apartments for low-income families. It is based on the Common Ground model which was pioneered in New York and which provides a supportive housing approach for people who have experienced or are at risk of long-term homelessness.

The Brumby Labor government will provide vital support services at Common Ground to tackle the health and other reasons why a person may have become homeless. The Common Ground project is a partnership between the federal and Victorian governments, Yarra Community Housing, HomeGround Services and the Victorian construction and development company Grocon, which built the project on a zero-profit, zero-margin basis. This enabled the $46 million project to come in $9.7 million under budget, enabling those savings to be reinvested into homelessness services. I thank Grocon for its generosity, which has been a remarkable demonstration of corporate philanthropy.

I am proud to be part of a Labor government that is working to deliver initiatives like this to make a difference to the future lives of many Victorians. This project and the national stimulus housing package are also a testament to Kevin Rudd's legacy and his pledge to halve homelessness by 2020, which is a commitment I hope will continue, whichever party forms government federally.

Flemington Eagles Soccer Club

Mr MURPHY (Northern Metropolitan) — On Sunday, 29 August, I attended the final match of the year for the Flemington Eagles Soccer Club under-11s side, which finished off the year as divisional champions. The Flemington Eagles Soccer Club is made up of youth from the Flemington public housing estate on Racecourse Road, Flemington.

Members of this club largely represent the members of our local Somali-Australian community. The Flemington Eagles demonstrated great skill and enthusiasm as they took out the title for the 2010 season. The success of the Flemington Eagles represents a great achievement for our local Somali-Australian community and is to be celebrated.

Whilst at the match I appreciated the warm and friendly atmosphere provided by club officials and supporters and further admired their encouragement for players from all sides at the venue on the day. The club plays a vital role in bringing together members of our Somali-Australian community every week, providing much-needed engagement and interaction. Ideas are exchanged, people catch up with each other, and it is a great melting pot. It is an example of the benefits multiculturalism gives to our state and demonstrates that despite barriers that may exist, sport is a great equaliser.

I congratulate the players, club officials, parents and supporters on their great success for the 2010 season and look forward to working with them in the future when they will undoubtedly achieve more success both on and off the field for the Somali-Australian community. It was a highlight to see the beaming smiles on the faces of the young players after the game and to be able to get some memorable photos. Regardless of what else may happen in their lives, these young players will always remember the day they won the title in divisional championships.

Phillip Island: Summerland estate

Mr SCHEFFER (Eastern Victoria) — I congratulate both the Cain and Brumby governments on respectively initiating and completing the buyback of the Summerland estate on Phillip Island to improve the little penguin breeding habitat. This considerable achievement was marked at a celebration earlier this month at the Phillip Island Nature Park, which was attended by the Minister for Environment and Climate Change, Gavin Jennings; former Premier and conservation minister Joan Kirner; and Kay Setches, who is also a former minister for conservation. The celebration was attended by representatives of the Boonwurrung-Bunurong people, Phillip Island Nature Park CEO in waiting Matthew Jackson, members of the board and staff of the Phillip Island Nature Park, community organisations as well as members and researchers from the research centre.

The Summerland estate buyback program was initiated in 1985 after the Cain Labor government received reports that the last remaining colony of little penguins was in danger of extinction by 1997 if nothing was done to repair their habitat. The program involved buying back 773 private lots spread over 50 hectares that would be incorporated into the

Phillip Island Nature Park for rehabilitation as a penguin habitat. This has been a 25-year sustained commitment which was given a funding boost in 2007 to bring the program to completion by June this year. Today there are 28 000 breeding penguins in the colony — one of the largest in the world. The government has now allocated an additional $3.4 million for the rehabilitation of the Summerland Peninsula. I congratulate the Phillip Island Nature Park, the local community and successive governments on this fantastic effort.

Commonwealth Bank: Ramadan Iftar dinner

Mr EIDEH (Western Metropolitan) — On Friday, 27 August, I had much pleasure in representing our Premier, the Honourable John Brumby, and the Minister assisting the Premier on Multicultural Affairs, the Honourable James Merlino, at a Ramadan Iftar dinner hosted by the Commonwealth Bank.

I was honoured to be in the presence of many distinguished guests at this important event, which helped remind us of the significance of the holy month of Ramadan. Ramadan is a time of reflection, celebration and worship for Muslims around the world as well as a time to help those in need. It is a time when the values of peace and unity are aspired to. These values speak to all of us and indeed are shared by all the great faiths.

It was very moving to have so many people from diverse cultures and nationalities come together to break the fast in one another's company. The Victorian government is proud of and committed to the cultural and religious diversity that exists in our multicultural society.

I was delighted to see many business leaders of different cultural and religious backgrounds at the event. The Victorian government encourages business leaders to promote cultural awareness and support cultural and religious diversity in the workplace, which keeps people and communities connected.

It was a most successful event, and I commend the general manager for local business banking at the Commonwealth Bank, Mr Huss Mustafa, and the general manager for sales and services at the Commonwealth Bank, Mr Andrew Armstrong, and all who were involved for sharing in this Iftar dinner of harmony.

SUBORDINATE LEGISLATION AMENDMENT BILL

Committed.

Committee

Clause 1

Mr LENDERS (Treasurer) — To refresh the committee's memory, when the house considered this bill it passed the second reading and postponed the committee stage until this week. Mr Barber circulated some amendments which sought to require instrument makers to make consolidated versions of legislative instruments available for inspection and on the internet. I guess all parties have had a chance to look at these amendments.

What I am proposing in my amendments is essentially Mr Barber's proposal, with the difference that rather than this provision taking effect on 1 July 2011, it would take effect 18 months later, on 1 January 2013. The government is supportive of the policy principles put forward by Mr Barber. Why we are proposing this amendment is that it allows more time for this to be implemented administratively.

I hope this will gain the support of the committee. I think the policy is right, and this would mean that administratively it would be far easier to implement across government. I propose these amendments on behalf of the government and hope that the committee can accept them as a similar policy to what was before the house two weeks ago but with a more achievable administrative date.

I move:

1. Clause 2, line 4 after "Act" insert "(except section 39)".

2. Clause 2, after line 5 insert —

   "(3) Section 39 comes into operation on 1 January 2013.".

NEW CLAUSE

3. Insert the following new clause to follow clause 38 —

   "AA New section 16F inserted

   After section 16E of the Principal Act insert —

   '16F Instrument maker to ensure consolidated version of legislative instrument is available

   (1) Subject to subsection (3), as soon as practicable after a legislative instrument which amends an existing legislative instrument is

published in the Government gazette under section 16A, the instrument maker must ensure that an up to date consolidated version of the legislative instrument being amended by that amending legislative instrument is prepared incorporating those amendments.

(2) The instrument maker must cause the up to date consolidated version of the legislative instrument prepared under subsection (1) to be —

(a) available for inspection by any person free of charge during office hours at —

(i) the principal office of the instrument maker; or

(ii) the Department of the responsible Minister in relation to the legislative instrument; and

(b) published on the Internet.

(3) If the Governor in Council is the instrument maker, the responsible Minister must ensure that this section is complied with.

(4) A failure to comply with this section does not affect the operation or effect of the amending legislative instrument published in the Government Gazette under section 16A.'.".

I hope these meet the objectives of the house.

Mr BARBER (Northern Metropolitan) — I thank the minister at the table for that. I appreciate that the government has considered and taken on board my suggestion. I appreciate that once that came into law those involved in creating these instruments would have had an immediate responsibility under the amendments I originally moved — so there is now a grace period. It means that after that date whenever an instrument is amended it will need to be produced in its consolidated form. It does not apply retrospectively, so we will not have to go back and create consolidated versions of every subordinate instrument, but from now on whenever one is amended it will become a trigger to create a consolidated form. This is something that we will roll out over a long period of time into the future.

I am pleased that the government has picked up on this, and I take back everything I have ever said about this government not being willing to engage or compromise with the Greens in the Legislative Council. As of today we will have tabula rasa. We will work cooperatively like this from now on.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I can assure the house that the opposition looks forward to seeing this new alliance between the Greens and the Labor Party — or is it perhaps just between Mr Barber and the Treasurer?

The coalition will also support the government's amendment to the bill. It was our intention to support the proposal that Mr Barber put forward to require a consolidated version of an instrument to be made available to the house.

I must say that while we do not object to the government's proposed insertion of an operative date of 1 January 2013, it does raise the curious question: if the government is not able to provide consolidated versions of documents arising from subordinate instruments at this point in time, why is that the case? On this side of the house it would seem that if the government is proposing some sort of subordinate instrument, it should be able to produce the consolidated document at the same time by virtue of having produced the subordinate instrument. However, I accept the government's argument that it needs a period of time to implement that, and for that reason we will not oppose the addition of the 1 January 2013 operative date.

I also note with respect to the substance of the amendment — the requirement to table or to make available a consolidated version of the document — that it does raise the bar for the government. It raises questions in my mind as to how the house proceeds with bills in future. If under this provision we can obtain consolidated versions of documents which incorporate subordinate instruments, at some time in the future the Parliament may look to obtain consolidated versions of statutes that incorporate the bills the government is seeking to have passed through this Parliament. In the same way we would be able to see exactly what we are being asked to support. This is a positive step. The coalition will support the proposed amendment.

The DEPUTY PRESIDENT — Order! Can I clarify if Mr Barber is proceeding with his amendment?

Mr BARBER (Northern Metropolitan) — The government's amendment would have precedence in any case, so I am happy to vote on the government amendment as it arises and then obviously not proceed with mine, because the amendment will have been successful.

Clause agreed to.

Clause 2

The DEPUTY PRESIDENT — Order! The minister formally moved amendments in respect of clause 2 during the discussion on clause 1.

Amendments 1 and 2 agreed to; amended clause agreed to; clauses 3 to 40 agreed to; new clause agreed to; schedule agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

FIREARMS AND OTHER ACTS AMENDMENT BILL

Second reading

Debate resumed from 13 August; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Ms PENNICUIK (Southern Metropolitan) — It is more than a week since we began the debate on the Firearms and Other Acts Amendment Bill. In my original contribution I pointed out that the bill concerns some other matters besides firearms, so the bill is not entirely accurately named. Obviously the bill contains provisions relating to firearms, but there are also provisions regarding graffiti and the extension of banning notices and exclusion orders under the Summary Offences Act.

During my contribution in the previous sitting week I spoke about the problem of firearms in the community, and I referred to the report of the Australian Institute of Criminology released in March this year as a follow-up to the institute's 2006 report. The more recent report notes that the number of guns stolen in the past 12 months has increased to 1712, one quarter of gun owners breached the gun laws and in Victoria 332 guns were stolen — an increase of about one-third on the average of the previous two years.

The Australian Institute of Criminology's report states that many gun owners behave carelessly and even unlawfully. The report says:

> … many owners continued to demonstrate carelessness or negligence in securing unattended firearms, leaving them in unlocked or easily penetrated storage arrangements or making no perceived effort to conceal or safeguard the firearm at all.

The bill makes some fairly minor changes to the provisions for obtaining a licence for a gun for the purpose of participating in shooting competitions interstate and in allowing those events to count towards the number of shooting competitions a person must have participated in to show that they are a bona fide competitor and therefore able to obtain a licence. This provision is fairly minor in terms of relaxing, speeding up or making it easier to obtain a licence; however, the fact remains that we should be reducing gun ownership. As a community we should be addressing the concern of the Australian Institute of Criminology, which is that guns are too easily stolen and a lot of those guns end up in the wrong hands.

Tragically and sadly at the very time I was speaking on this bill on Friday, 13 August — Friday being an unusual time for such a debate — two people were shot and killed in Lygon Street, Carlton. Of course at the time I was unaware of those shootings, but I was making the point that we needed to reduce gun ownership and make it more difficult, not easier, for people to obtain gun licences.

Earlier that day another shooting had occurred. Mr Macchour Chaouk, a well-known character, was shot and killed in the backyard of his home. On that particular day, 13 August, there were three fatal shootings in Melbourne, which caused great concern to everybody who lives here. Those shootings reinforce the issue we have with gun ownership and the availability of guns. I think I made my points on that issue pretty clear during the previous debate in the last sitting week.

I have a query regarding some provisions in part 2 of the bill, which amends the Firearms Act. Clauses 17 and 28 of the bill exempt health service workers from the provisions in that part of the bill. Having read the second-reading speech and the explanatory memorandum I sort of understand what the government is getting at with these provisions, but I am not sure whether a problem has arisen with this issue. I would be interested to hear the explanation or rationale for those extensive clauses in the bill when we go into the committee stage.

Part 4 of the Firearms and Other Acts Amendment Bill contains the amendments to the Graffiti Prevention Act and the Transport (Compliance and

Miscellaneous) Act. In a nutshell, clause 29 of the bill introduces new offences under the Graffiti Prevention Act which already exist under the Transport (Conduct) Regulations. Having read the offences, I am not sure what the rationale is for transferring them to statute and whether they are appropriately qualified. They appear to have just been lifted directly from the regulations and put into this bill without appropriate qualifications. Those offences currently come under regulations 27, 27A and 48 of the Transport (Conduct) Regulations. I ask the minister to clarify that.

Clause 30 causes us some concern. Some organisations in the community have also raised concerns about clause 30. Clause 30 confers police-like powers on ticket inspectors. It is unclear what the rationale is for that. Clause 30 provides that:

> (1) An authorised transport officer —

which is a ticket inspector in the vernacular —

> may seize from a person a graffiti implement, using reasonable force if necessary, if the authorised transport officer believes on reasonable grounds that the graffiti implement has been, or will be, used to commit a graffiti offence.

Under clause 30 ticket inspectors will be given police-like powers to seize implements from a citizen. Bearing in mind the comments I have made on behalf of the Greens regarding the powers that are granted and the penalties that apply for an offence under the Graffiti Prevention Act, and also bearing in mind that the vast majority of the citizens who get caught up under that act are minors — they are children — it causes us concern that police powers will be extended to ticket inspectors under clause 30. The organisation Youthlaw has also raised concerns, and I know it has written to the minister because I have a copy of the letter. Youthlaw sent me this letter expressing its concern about the expansion of powers enabling ticket inspectors to seize graffiti implements from public transport customers.

Youthlaw is a free, statewide specialist legal service for young people under 25 years of age, which is based in the Melbourne CBD. Each year it assists over 1000 young people with a range of legal issues. Youthlaw has considerable experience in providing assistance to young people in regard to public transport fines and public transport-related offences and incidents.

In its assessment Youthlaw says this power will do little to reduce incidences of graffiti on public transport but will have the unintended impact of further deteriorating relations between officers and young public transport users. Youthlaw says it is not confident that ticket inspectors will be able to distinguish between seizure and searching and that customers will be subjected to illegal and invasive searches.

I note that clause 30(4) states:

> Nothing in this section authorises an authorised transport officer to search a person or to seize anything that is not fully or partially visible immediately before it is seized.

The issue that concerns me, and the issue that has been raised by Youthlaw, is that this provision relies on the ticket inspector to know the difference between the two. What really concerns me is that the bill allows the ticket inspector to physically touch the person in order to remove the graffiti implements, and in fact the inspector may use reasonable force. When the state extends powers to use reasonable force there has to be a very good reason for it. It is difficult to see why the carrying of a graffiti implement that is not being used to do anything and it is only being carried should be responded to with the use of reasonable force.

Last October Youthlaw surveyed 352 young people between 15 and 25 years of age at railway stations and at Federation Square and it recently conducted an online survey. Seventy per cent of respondents to the online survey either agreed or strongly agreed that there is a problem with how authorised officers treat young people using public transport. In each of the surveys between 39 and 44 per cent of respondents reported not being listened to, being talked over and being intimidated. A significant number of these interactions escalated into physical abuse between the young person and the officers.

I have read their code of conduct and I know ticket inspectors are meant to de-escalate a situation, but that is not what the survey respondents are saying. I suggest this provision could escalate the situation of a ticket inspector wanting to seize a graffiti implement — remember, the graffiti implement can be a texta — to a situation where there is an assault or physical abuse of the young person by the ticket inspector attempting to seize a graffiti implement from a young person who refuses to give it up. I do not think that is a situation we should be encouraging in the statute. Youthlaw goes on to say that:

> If authorised officers have powers to seize graffiti items we foresee that this will inevitably lead to targeting of young people who will continue to experience discriminatory and disrespectful treatment.

Youthlaw's survey found that 35 per cent of respondents had personally experienced aggressive or rude language; 30 per cent had personally experienced aggressive body language; 18 per cent had been physically handled; and 13 per cent had been shown racial or cultural insensitivity. Almost one in five of the young people who responded to this survey and who had come into contact with ticket inspectors reported being physically handled by the ticket inspector. This is an important issue, a serious issue and a concerning issue. There was no rationale given in the second-reading speech for the insertion of this provision that I can agree with.

If the government left it at the provision in clause 30(2)(a)(iii) of the bill — 'asked the person to hand over the graffiti implement' — that might be reasonable. If the person does not hand it over, authorised transport officers do not have any power to seize it or in any way physically touch the person who allegedly has a graffiti implement. There is no qualifying part in the existing act or in this provision that can lessen the seriousness of this clause, and I will be asking the minister some questions about that when we get to the committee stage of the bill.

The other amendment to the Graffiti Prevention Act is clause 31, which amends section 18 of the act. Section 18(3) of the act allows a council to apply to a private property owner to enter their property and remove graffiti. There are quite a lot of conditions that apply to that provision. The council must serve a notice to the property owner at least 28 days before the action is taken; it must have written consent from the property owner to remove graffiti on the outside of the property; if the council needs to enter the property, the council must serve a notice under the section to the owner or occupier of the property at least 10 days before the action to remove or obliterate the graffiti is proposed to be taken; and there are other qualifying provisions under the existing act.

In essence the new provision says that if the council has followed the procedures under existing section 18 and if it wishes to enter the property again within the next 12 months, it does not have to obtain permission. This concerns us in that there could be any number of reasons why a property owner does not want the council coming onto their property, even though they gave it permission within the last 12 months. They might not give the council permission if it were to ask again for any number of reasons you care to think of, such as they were not happy with what the council did before or they are quite happy to leave the graffiti because they might want it there. There might be any number of reasons, including privacy reasons, why they do not want the council coming onto their property.

This new provision basically gives the council carte blanche to come onto the property if permission has been given in the previous 12 months. That is quite a wide-ranging provision to be putting in an act of Parliament. I cannot think of a similar one in any other act — and I had a bit of a look around — that allows a local council to enter private property without obtaining permission and to carry out works on someone's private property without their permission, which is really what removing the graffiti would be. I am not sure why that provision is there and why councils cannot be required to continue to seek permission to come onto private property for the purposes of removing graffiti.

Part 5 of the bill consists of only one clause and is an amendment to the Liquor Control Reform Act. The effect of that amendment to schedule 2 of the Liquor Control Reform Act is to add new section 5(A), which makes disorderly conduct an offence under section 17(A) of the Summary Offences Act and expands the use of the 72-hour exclusion order to the offence of disorderly conduct.

When these provisions came to us in the amendments to the Liquor Control Reform Act we were told it was all about dealing with alcohol-fuelled violence, but disorderly conduct has nothing to do with alcohol-fuelled violence — its causes are wide-ranging. I made these comments in my contribution to debate on that amending bill. We opposed the inclusion of the offence of disorderly conduct in the bill because, as I said, its causes are ill-defined and wide-ranging, and many members of the legal fraternity of all descriptions have written to the government and to us and said the same thing about this offence. What disorderly conduct could be is subjective — it is up to the individual police officer to decide whether conduct is disorderly or not. We opposed the provision in the first place, and we are similarly inclined to oppose the application of 72-hour banning orders in relation to the offence of disorderly conduct.

Those are the \concerns the Greens have with the Firearms and Other Acts Amendment Bill which is before the house this evening. I look forward to the committee stage of the bill.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

Ms PENNICUIK (Southern Metropolitan) — Regarding clause 3, how is the Chief Commissioner of Police going to ascertain that somebody requires a firearms licence for work purposes in Victoria under this bill, particularly when one of the other provisions in the bill does not require that the chief commissioner must be provided with evidence, only that the chief commissioner may seek evidence?

Hon. J. M. MADDEN (Minister for Planning) — The important component here is that you have to prove why you need it. You have to prove to the chief commissioner why you have need of it. Whether it is 'may' or 'must', you still have to prove or substantiate why you need it.

Ms PENNICUIK (Southern Metropolitan) — What proof would be required under the bill? Would that be a contract of employment or something to describe the job that needs a firearm? It is not clear what proof would be required or how that need could be ascertained by the chief commissioner.

Mr TEE (Eastern Metropolitan) — As I understand it, there is a discretion in terms of how the chief commissioner could be satisfied. That might require consideration of employment contracts. If that does not satisfy the chief commissioner, then he — in this case — might seek further and other material.

Ms PENNICUIK (Southern Metropolitan) — It is a bit loose; that is my comment.

The DEPUTY PRESIDENT — Order! We have an opportunity to test the looseness in the vote. The question is that clause 3 stand part of the bill. Those of that opinion say 'Aye'; to the contrary, 'No'. I do not think it was so loose; the clause stands.

Clause agreed to; clauses 4 to 16 agreed to.

Clause 17

Ms PENNICUIK (Southern Metropolitan) — My question on clause 17 also applies to clause 28. It is in regard to new section 54AA, 'Health service workers who are exempt from this part'. Basically it says that health professionals or ambulance officers who possess or carry a firearm in a health service facility or public place do not commit an offence under certain sections of the act and are not required to hold a licence under this part. On my reading of the second-reading speech and the explanatory memorandum, this is apparently to cover an incident where a health worker or ambulance officer happens to pick up a firearm, move it or possess it so that they do not commit an offence by doing so. I fully understand that. My questions are: why has that never been the case before and has a problem been identified that this is trying to fix?

Mr TEE (Eastern Metropolitan) — The provisions were inserted as a result of *Victorian Task Force on Violence in Nursing — Final Report*, a 2005 report, and also as a result of concerns raised by health practitioners and their unions on their behalf. Essentially, the issue arises in situations where a health practitioner — say a nurse or a doctor — is confronted with a patient who needs medical attention and then, while picking up a bit of clothing or otherwise, they notice a weapon. The legislation requires the practitioner to report the weapon to police. The provision is also limited in that the weapon has to be seized in the course of that person's duties as a health professional, so there is that degree of protection around it.

It is an issue that was raised by the health profession. Nurses were concerned about two things. Firstly, they were concerned about the legality of them removing that weapon. They wanted clarity around whether it was legal for them to deal with that weapon. Secondly, they were concerned about their own wellbeing in circumstances where they are treating an individual who is carrying a firearm. They wanted to have a clear power to effectively take that firearm away from that individual and give it to police.

Clause agreed to; clauses 18 to 28 agreed to.

Clause 29

Ms PENNICUIK (Southern Metropolitan) — Clause 29 lifts three provisions from the Transport (Conduct) Regulations and inserts them into the Graffiti Prevention Act 2007. Will the minister, in the first instance, explain the rationale behind clause 29?

Mr TEE (Eastern Metropolitan) — The reason the provision is essentially duplicated from the regulations rather than removed from them is in effect to provide for the powers of the authorised officers. It is part of that story in terms of the preconditions before you go through the roles and the powers of the authorised officers, which is the new part of the bill.

Ms PENNICUIK (Southern Metropolitan) — I see what Mr Tee is getting at, but it seems to me that

some of those offences under the Transport (Conduct) Regulations are not graffiti offences at all — burning a rail vehicle, for example, is not a graffiti offence. I am just wondering why the provisions that are already under the regulations are not sufficient and why these ones are being added, and why there are no qualifiers to them either as to 'without authorisation' or 'without a reasonable excuse' and so on.

Mr TEE (Eastern Metropolitan) — In terms of the possession of a graffiti implement, the reasonable excuse provision is captured in the fact that an authorised officer must have reasonable grounds that the implement has been or will be used to commit a graffiti offence. There is an objective test that the authorised officer has to apply on some factual basis before he or she is empowered to act as provided for under this provision. That is the first part of the member's question.

In terms of the broadness of the definition of graffiti, which is the other part of the question, we do have a problem with people not so much setting alight a train but using a lighter as a graffiti implement. It is an issue for us. The issue of graffiti, more broadly, costs Metro Trains Melbourne some $11 million a year. It does result in delays for trains; it does result in trains being removed while they are being fixed up. So it is an issue that we are keen to address.

Ms PENNICUIK (Southern Metropolitan) — Mr Tee says the government is keen to address it, but in addressing it we need to make sure that people's human rights are maintained and that the means of addressing the issue are not overly draconian in terms of what the issue is. Does that mean, for example, that somehow or other a cigarette lighter will now be deemed a graffiti implement? What graffiti implement was Mr Tee talking about burning just then?

Mr TEE (Eastern Metropolitan) — No, what I am saying is that in terms of the definition of graffiti the basis for that is there. In terms of the human rights issue, which is the broader issue, these powers are very constrained as far as the powers of the authorised officer are concerned.

Ms PENNICUIK (Southern Metropolitan) — The powers are in the next clause, but this is a precursor to the next clause. I hear what Mr Tee is saying, and I do not agree with him.

Committee divided on clause:

Ayes, 36

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

Noes, 3

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

Clause agreed to.

Clause 30

Ms PENNICUIK (Southern Metropolitan) — Clause 30 extends police-like powers to ticket inspectors to seize graffiti implements from public transport passengers, including, under proposed section 17A(1), the use of reasonable force if necessary. Given that under the existing act police have powers to remove graffiti implements, given that police are a different kettle of fish to ticket inspectors, given that there are concerns in the community regarding the powers ticket inspectors already have with respect to checking tickets and detaining people, particularly children, and given the problems young people are having with ticket inspectors — as described by me in the second-reading debate — why does the government feel it is necessary yet again to extend the powers of ticket inspectors?

Mr TEE (Eastern Metropolitan) — These powers are quite different to the powers of police. They are much narrower and more targeted — for example, there is no power here to search for graffiti implements. These provisions only apply where the graffiti implement is 'fully or partially visible', so this is a very limited power. These powers will be exercised by a small group of authorised officers who are particularly trained, and in these provisions a number of controls are set out in terms of how and when the officers can exercise those powers. The requirement in relation to the use of force is the end

of a process which requires the officers to identify themselves, to show their identification, to explain their powers and to form a relevant belief on reasonable grounds, which is an objective and not a subjective test. Where the officer has objective grounds, where they have gone through this process and where the implement has not been provided, the officer can use force if necessary.

Ms PENNICUIK (Southern Metropolitan) — I thank Mr Tee. I understand this provision does not include search powers, but it does include the use of reasonable force. What sort of training is Mr Tee referring to for these officers? Is he suggesting the fact that these officers have received training means they will have received training equivalent to that received by a police officer with regard to, firstly, coming to a conclusion that they have reasonable grounds on which to act and understanding what those grounds are, and secondly, going through the processes in order to come to a reasonable position where they could use 'reasonable' force? I use that word for the sake of the argument, not because I support it.

Mr TEE (Eastern Metropolitan) — On the issue of training, we have identified that it will not involve all authorised officers. We are looking at a very small group — some nine officers — and they will be provided with training in relation to the extent of their powers. Those officers will be required to understand all the provisions set out in the act. The training will be around their powers under the act but also how they implement them.

Ms PENNICUIK (Southern Metropolitan) — Can I clarify with Mr Tee that there will be only nine officers?

Mr TEE (Eastern Metropolitan) — It might change, but it is that sort of quantum. It is a very small group of authorised officers.

Ms PENNICUIK (Southern Metropolitan) — Will this apply to the general ticket inspector, and is the government creating a special task force of graffiti ticket inspectors under this provision?

Mr TEE (Eastern Metropolitan) — It is a small, targeted exercise with a very small number of officers. These officers will be specifically trained in relation to their powers.

Ms PENNICUIK (Southern Metropolitan) — Will those officers be both ticket and graffiti inspectors?

Mr TEE (Eastern Metropolitan) — They will be authorised officers, and in that context they can act as ticketing inspectors, yes.

Ms PENNICUIK (Southern Metropolitan) — I note that the Minister for Planning is being left out. What concerns me about this particular provision — and it is the same concern about the powers of ticket inspectors in regard to tickets — is: what is reasonable force? I am also concerned about the issue of a young person getting themselves in a situation where they are intimidated by a ticket inspector and they then refuse to hand over something. That could then escalate into a situation where as the ticket inspector tries to seize the implement and the young person resists, which could end in a scuffle and in someone getting hurt — most likely the young person.

Hon. J. M. Madden — That is right. So they should not have the object.

Ms PENNICUIK — Indeed. I thank Mr Madden for that. What I am concerned about, though, are the human rights of minors and their treatment by the state. How is that particular situation going to be avoided?

Mr TEE (Eastern Metropolitan) — The steps that need to be taken are clearly set out. The authorised officer must show ID; that is the first requirement. The second requirement is that the person must be told the basis of the officer's belief of how they think the graffiti implement has been or will be used. They must ask the individual to hand over the implement. It escalates. The officer provides the person with information and then asks the person to hand over the implement. If the person does not hand over the implement, the officer informs them that they have the power to seize the implement under those circumstances. Again, this is complemented by training, and as part of that training there is an escalation of the steps before the scuffle that Ms Pennicuik has suggested will occur. With the right degree of training we will minimise that impact so that the relationship between young people and authorised officers will be one which hopefully does not result in scuffles.

Ms PENNICUIK (Southern Metropolitan) — Mr Tee is talking about the steps that lead up to it. There is the code of conduct under the Transport (Compliance and Miscellaneous) Act, which I have also read. However, the fact is there is a lot of anecdotal evidence around that demonstrates this is not particularly working. There are a whole lot of

steps leading up to the use of reasonable force, but it is the point where reasonable force starts to be used that is the issue. When does the ticket inspector stop using that force, or do they just continue using it until they get the implement? The other point is that there is nothing in the clause, or anything else I can relate the clause to, that requires a person to have a reasonable excuse for having the implement.

Mr TEE (Eastern Metropolitan) — The other protection of course is that once the implement is seized there is then a requirement for the seizure to be recorded, so there is a degree of transparency. If there is not a successful prosecution, the implement is returned, so I suppose there is a degree of accountability and transparency around the exercise of the powers.

Ms PENNICUIK (Southern Metropolitan) — All I would say is that the Greens have concerns about the burgeoning number of authorised officers not only under this legislation but also, as I mentioned, in the Major Sporting Events Act where there is another class of authorised officers. In fact in the four years I have been here a lot of authorised officers have been created under various acts and given powers that allow them to lay hands on people and to use reasonable force. We are very concerned about that, and in fact I feel this particular issue needs reviewing. The number of authorised officers and the powers that have been given to them is creeping up incrementally. In many acts where they already exist or where they are being created they have been given more powers akin to the powers given to police.

Mr TEE (Eastern Metropolitan) — I agree we need to be vigilant in the expansion of these sorts of powers, but I think that 'reasonable' is also an objective test, and I think that gives us a degree of comfort about the standard that is required not only in terms of the grounds but also in terms of the nature of the force. It also needs to be necessary, and that is a further protection. 'Using reasonable force if necessary' is a further protection for the rights of the individual.

Ms PENNICUIK (Southern Metropolitan) — I am not satisfied with that.

The DEPUTY PRESIDENT — Order! Ms Pennicuik will have a chance to express the level of her dissatisfaction because I intend to put clause 30 to the test.

Committee divided on clause:

Ayes, 36

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

Noes, 3

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

Clause agreed to.

Clause 31

Ms PENNICUIK (Southern Metropolitan) — Clause 31 amends section 18 of the Graffiti Prevention Act by inserting two new subsections. Section 18 sets out a number of requirements that must be met by a council before it can take action to remove graffiti from private property if the graffiti is visible from a public place. A council-authorised person can enter the property if notice is given 28 days before and written consent of the owner has been received. If entry to the property is not required — that is, if the graffiti can be reached without entry to the property — 10 days notice needs to be given and written consent needs to be received.

Clause 31 inserts a new subsection which provides that a council-authorised person may go onto the private property if the consent required by section 18 has been given in the previous 12 months. As I mentioned in the debate, there could be many reasons a private property owner would not give their consent for a council to come back onto their property. Just because they happen to have given consent 9 or 10 months ago does not mean they could not have any number of reasons not to want to do that again. But this provision allows the council to come onto their property and carry out works — remove graffiti — without the consent of the property owner.

I have a couple of questions: what is the rationale behind this and has there been consultation with

councils as to how this is going to affect them and their legal rights regarding coming onto private property? I think it is going to cause problems for councils, but I would like to hear what the rationale behind this is.

Mr TEE (Eastern Metropolitan) — The rationale is that where there is a high incidence of graffiti in a particular area on a private property, under the provisions in the current legislation — which are, as they should be, technical — there are a number of steps that the council has to go through to obtain the owner's consent. What both the councils and the owners have found is that if the council has to go through all of those steps every time there is graffiti, it is an inconvenience to the landowner or occupier and it is an inconvenience to the council. The new provisions provide an envelope during which that consent can be given by the owner or the occupier. The owner or the occupier can at any time withdraw that consent. Consent has to be given, and it has to be continuous. The moment that consent is withdrawn the 12-month period collapses.

Ms PENNICUIK (Southern Metropolitan) — I understand that under the bill the owner can object, but they may be objecting after the action has commenced. I really cannot see a problem with a council applying again for permission. It could be that if original permission has been given, a shorter time frame is involved, but I still feel that the council should apply for permission to come onto the property and should receive that permission before they come onto the property. I do not see it as being that inconvenient to make sure that the private property owner knows what is going on, that the council applies again for permission to go onto their property and that the property owner gives their consent.

Hon. J. M. MADDEN (Minister for Planning) — What is well known about graffiti is that if you do not remove it rapidly, not only does it reappear but it continues to reappear rapidly over a subsequent period. The response to that graffiti — the removal of that graffiti — must almost be quicker than people being able to reapply various forms of graffiti. If you have a very lengthy administrative procedure for removal, it not only provides a fair degree of inconvenience but also increases the likelihood of a need for greater and further action on behalf of either the landowner or the council. They will need to undertake consequential and more comprehensive administration, whereas if the procedure can be streamlined, then the graffiti can be removed quite rapidly, and as a consequence of the original graffiti being removed, less graffiti will appear subsequently.

Ms PENNICUIK (Southern Metropolitan) — I take the minister's point entirely with regard to public property, but we are not talking about public property; we are talking about private property. As I mentioned, there could be any number of reasons why somebody does not want the council coming onto their property to remove that graffiti. I think the way the clause is written takes away the onus on the council to apply for permission to come onto private property. The owner may want to leave the graffiti there. They may have commissioned the graffiti; who knows? It may have been done by their son, daughter, nephew, niece or someone and the owner may be quite happy to leave it there, yet the council can come and remove it without their permission. There may be any number of other reasons why the person does not want the council coming onto their property without permission.

I think it is an intrusion onto private property which is not warranted. The existing section 18 is adequate. My question is: has there been any consultation with councils regarding this particular provision?

Mr TEE (Eastern Metropolitan) — Councils have sought, as the minister described it, the streamlining of the process. Ms Pennicuik is right in that there could be any number of reasons why a private individual would not want the council to remove graffiti on their property. At any time they can object, and if they do there is no right for the council to enter that property.

Ms PENNICUIK (Southern Metropolitan) — Looking at section 18, is it possible for a council to enter the private property without giving notice? It does not have to apply for permission. Does it have to give notice? It does not appear that it does under this new provision. It does not appear that it has to give notice or say, 'Oh well, you gave us your permission 10 months ago. We are going to come tomorrow or the next day and remove this graffiti'. If there is any such provision in the bill, I do not see it. If that could be answered, it would be handy.

Mr TEE (Eastern Metropolitan) — The provision works in the sense that consent is given for a period of time. It might be that it is a lesser period of time than 12 months. I anticipate that the way councils would approach these matters is to set out these obligations in terms of the initial approach. Initially a council is required to go through the process, and most councils — in fact I suspect all councils — will

provide information to the homeowner, including information in relation to their rights under these provisions, which include a right to withdraw that consent. The reason it is there is a push from councils and owners. When you are talking about a particular area which is visible, most people are grateful that councils are taking that action. Most people are happy for council officers to enter their premises and remove graffiti.

Clause agreed to.

Clause 32

Ms PENNICUIK (Southern Metropolitan) — I do not think I need to worry about clauses 32 and 33 because they are consequential to clause 30, which has already passed.

Clause agreed to; clauses 33 and 34 agreed to.

Clause 35

Ms PENNICUIK (Southern Metropolitan) — Clause 35 extends banning orders for 72 hours for the new offence, under the Liquor Control Reform Act, of disorderly conduct. It has nothing to do with, for example, being drunk in a public place or drunk and disorderly, which are already offences. Disorderly conduct is a new offence which may or may not involve being under the influence of alcohol. It has raised the concerns of many in the community as to its definition and the ability of 'disorderly' to be subjectively interpreted by a police officer. Mr Tee and I have been to and fro on that during debate on the Liquor Control Reform Act when it was a bill before us. There are certainly concerns about the definition of that clause, and I ask why the government has decided to extend 72-hour exclusion orders to this particular offence.

Mr TEE (Eastern Metropolitan) — It is a very narrowly confined offence. This provision only applies where there is a designated area, which is usually a space attended by the public. You may have a situation where an individual is behaving in a way which is a criminal offence, which is what the offence of disorderly conduct is. It is a criminal standard; it is something which is more than annoying. It is something that is of a higher standard than annoying because it is offending the amenity of other people there. It is a criminal matter. It is offending and disturbing those other people in that particular designated area. Essentially in order to protect the peace and make sure that people who are out there who do not want to be subject to disorderly conduct can peacefully go about their business, the provision provides the police with an opportunity to remove the individual for 72 hours, which is often the circuit-breaker needed. It often stops the behaviour escalating into something which may have consequences for both the individual and other people who are out enjoying themselves.

Ms PENNICUIK (Southern Metropolitan) — Mr Tee has just told me it is a criminal offence that is a little bit above being annoying. That supports my assertion that this particular offence is poorly defined and open to subjective interpretation by a police officer as to what is disorderly and what is annoying, particularly to that police officer and also to certain people in the vicinity. I suggest that there should not be a law about not being annoying.

Hon. J. M. Madden — There's obviously not!

Ms PENNICUIK — Thank you, Minister. Perhaps I should be arrested for disorderly conduct under Mr Tee's definition, because I can see by the minister's reaction that I am just a wee bit above annoying, as far as he is concerned.

Mr TEE (Eastern Metropolitan) — I indicate that this is a concept that is familiar in the criminal courts and it does go beyond what has been defined by those courts. It is not without its definition; it is an issue that has been tested and defined in the criminal courts. It is something that is beyond merely annoying or ill mannered. There is a level of seriousness which is appropriate to warrant the intervention of the criminal law.

Ms PENNICUIK (Southern Metropolitan) — Mr Tee must be reading different legal texts and judgements from the ones I am reading, because the ones I am reading are saying it is ill defined and open to subjective interpretation. Perhaps Mr Tee could give me some examples of what he thinks disorderly conduct is in a designated area that would warrant somebody being arrested for disorderly conduct and being served with an exclusion order for 72 hours.

Mr TEE (Eastern Metropolitan) — I am not going to provide the High Court definition of disorderly conduct but, as I said, it is beyond that. It is something which would apply to a broad range of behaviours but where there is that sort of behaviour which would involve offensiveness; it is something which borders on being violent. There is a degree of seriousness around it.

Ms PENNICUIK (Southern Metropolitan) — This goes to support my assertion that this is an offence that should never have been created. We have

offensive conduct already as an offence. We have violent assault as an offence. We have drunk and disorderly and drunk in a public place, whether or not we agree with those as offences. This is a sort of catch-all offence which so far has not been able to be defined when we have discussed it during the committee stage.

As I have mentioned, in the legal text that I am reading and judgements and opinions by many in the legal fraternity, this is a worrisome offence. I think I have said all I need to say on that.

Committee divided on clause:

Ayes, 35

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

Noes, 4

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

Clause agreed to.

Clause 36 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

PERSONAL SAFETY INTERVENTION ORDERS BILL

Second reading

Debate resumed from 29 July; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to make some comments on the Personal Safety Intervention Orders Bill 2010. The purpose of this bill is to replace the existing stalking intervention orders regime with a new personal safety intervention orders regime to provide for the referral to mediation of various disputes where a personal safety intervention order is sought and to address some operational issues that arise in relation to the Family Violence Protection Act 2008.

The main provisions of the bill are to allow a court to make a personal safety intervention order if it is satisfied on the balance of probabilities that a respondent has committed prohibited behaviour as defined in the bill against an affected person and is likely to do so again and if the prohibited behaviour would cause a reasonable person to fear for his or her safety, or if the respondent has stalked the affected person and the respondent and affected person are not family members or if the behaviour has not occurred by consent. That is the fundamental premise of this legislation.

The bill allows the court to make an interim safety order if it is satisfied on the balance of probabilities that it is necessary to ensure the safety of the affected person or to preserve any of their property or by consent in respect of the respondent. The bill allows a court to include in any personal safety intervention order any conditions that appear desirable or necessary.

Clause 5 of the bill defines prohibited behaviour as being assault, sexual assault, harassment, property damage or interference, or making a serious threat. Clause 7 expands on the meaning of harassment to mean a course of conduct that is demeaning, derogatory or intimidating. A serious threat is defined to mean a threat to kill or inflict serious injury. The bill defines 'safety' as meaning safety from physical or mental harm. I will come to these definitions, or the impact of this chain of definitions, shortly.

The bill defines 'stalking' as a course of conduct with the intention of causing physical or mental harm or arousing apprehension or fear for personal safety. It includes acting in any way that could reasonably be expected to arouse apprehension or fear for personal safety. It defines 'intention' as knowing the conduct would be likely to cause harm or arouse apprehension or fear or where the person ought to have understood that their conduct would be likely to do so and in fact did so.

The bill exempts conduct for the purposes of enforcing criminal law or a law imposing a pecuniary penalty, administering any act, executing a warrant or protecting public revenue — that is, conduct that could be considered by way of other statute as legitimate conduct notwithstanding the fact that it could, by the broad definitions in this bill, be included as prohibited behaviour.

The bill exempts prohibited conduct or stalking without malice in the normal course of a business, including for the purposes of news media, an industrial dispute or political activities or in discussion with respect to public affairs. That is a provision in clause 61, and it is a matter on which the coalition will have further comment.

The bill allows a court to require the parties to be assessed for mediation and/or to attend mediation if assessed to be suitable. The mediation provider must issue a mediation certificate as to whether the mediation has occurred and whether the mediation was successful. The court may take into account the mediation assessment or certificate in deciding whether to grant any orders pursuant to the matter.

The bill allows the orders to be made against children aged 10 years or over and applies special provisions in relation to orders involving children, including a requirement for the hearing to take place in the Children's Court. In some circumstances the bill allows children to be ordered to remain away from their home or their school. The provisions are extremely wide-reaching with respect to the way in which they could be applied to children and the consequential effects that doing so could have on young people.

The bill also introduces a number of procedural rules similar to family violence intervention orders, including those for the seizure of firearms.

The coalition parties have decided not to oppose this bill, but we have a number of concerns with respect to how the bill could potentially operate. The first concern I raise is the definition of 'prohibited behaviour', which is covered in clause 5 of the bill and is listed as being assault, sexual assault or harassment, property damage or interference, or making a serious threat. The subsequent definition of 'harassment' is given as:

> … a course of conduct by a person towards another person that is demeaning, derogatory or intimidating and includes such conduct that is carried on by or through a third person.

On the broadest reading of the definition of 'harassment' and consequently 'prohibited behaviour', you could refer to any question time in the Legislative Council. Our concern is that this definition of 'prohibited behaviour' and the further definition of 'harassment' which underpins the definition of 'prohibited behaviour' are extremely broad and that they could be used and interpreted in ways for which ordinarily an intervention order pursuant to this legislation would not be appropriate.

As I said, the most literal and the broadest interpretation of this clause with reference to 'demeaning, derogatory or intimidating' conduct could very easily include the type of conduct or the type of exchanges that take place in Parliament on a daily basis. I do not think anyone believes this is the type of conduct that should be the subject of a personal safety intervention order and the regime that follows under this legislation.

In undertaking consultation on this matter, the coalition has also received concerns expressed by the Criminal Bar Association of Victoria with respect to the breadth of clause 5 and the consequential clause 7 with respect to the definition of 'harassment'.

Another area with which we have concern is the exemption that is provided with respect to prohibited behaviour for matters of revenue raising, industrial action or political activity. A good example of where we would be concerned by such an exemption is the industrial action that took place on the West Gate Bridge project. There were reports made of intimidation and burglary made by various union operatives in relation to an industrial dispute on that site — physical intimidation and harassment of workers and various parties involved in the works on that site. I have to say from this side of the house that is certainly deemed to be the type of behaviour that should be potentially subject to personal safety intervention orders pursuant to this legislation, but that seemingly because of the exemption for industrial action would not be covered. A person seeking an order for the type of behaviour that took place on that site would not be able to obtain an order because of the exemption for industrial activity, political activity or revenue raising under the legislation.

One of our other concerns with the bill relates to the potential costs to the court system, and I understand the government has committed an additional $4 million over four years to the Magistrates Court for the necessary process work associated with the mediation aspects of this bill. We are concerned that

the breadth that can be applied to this bill — the types of disputes that could become the subject of this legislation and ultimately end up in the Magistrates Court for mediation — have the potential to swamp that court. There are very real questions in the minds of those on this side of the house as to whether those resources that have been provided — $4 million over four years, so $1 million a year — will be adequate across the jurisdiction of the Magistrates Court to address the potential number of matters that could be referred to mediation as a consequence of the provisions of this bill.

Likewise, we are concerned the scope of this bill will lead to the escalation of a lot of very minor matters such as minor neighbourhood disputes or bullying cases in schools. Matters that could hopefully be dealt with at a local, simple level could become the subject of orders and mediation processes under this legislation, which would escalate the level of the dispute, potentially clogging the Magistrates Court and causing a great deal of cost impost on the community. We do not believe this is the appropriate way for such disputes to be resolved, recognising that there continue to be a growing number of problems with respect to school bullying that should be dealt with at a local school disciplinary level and should not be escalated to become matters under this legislation.

There are a number of areas of concern that we have with the practical implications of how this regime is going to work. As I said, by way of the operative definitions the bill greatly broadens the framework under this legislation to give rise to the potential for a lot of very minor matters to be escalated and brought to a court by way of mediation referrals, and we are not sure these matters would not be better dealt with at a local individual level rather than through the framework the government is seeking to establish with this bill.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Police: Bendigo

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Police and Emergency Services. It is regarding police resources and crime in Bendigo. This is an issue that concerns not only me but also the Liberal candidate for the Assembly seat of Bendigo East, Michael Langdon, who earlier this year asked me to raise in the Parliament the need for additional police numbers for Bendigo, a request the minister ignored. My request, and the request of Michael Langdon, is for the minister to finally work with Victoria Police to ensure additional police resources are allocated to Bendigo as soon as possible.

On Monday the headline on the front page of the Bendigo *Advertiser* screamed 'Street "mayhem"'. It reported that on Saturday night the Bendigo police call centre took more than 60 calls for assistance and required an officer from Heathcote to provide assistance. The Bendigo *Advertiser* also reported that more than 20 arrests were made throughout the night when up to 200 drunken youths left a party in Quarry Hill and made their way onto the streets, with some youths throwing beer bottles at police. The article said that later in the night a fight broke out at a party in Kangaroo Flat and a drunken crowd allegedly surrounded police officers and threatened to attack. The newspaper published a picture of a handmade weapon consisting of a piece of thick timber with spikes nailed to it, as found by police. In separate incidents on the same night death threats were made to police and a nightclub patron had to be subdued with capsicum spray. An acting sergeant was reported as describing the weekend as 'horrific'.

For the past four years I have been raising the need for additional police in Bendigo, and for four years the minister has failed to address this issue. The Police Association's Save Our Streets campaign identified a shortage of 81 police officers in Bendigo, but still the minister failed to act. Bendigo is so desperately short of police that it has been reported that on Friday and Saturday nights there are only four police officers on duty to service a city of over 100 000 people. This shortage of police on duty means that Bendigo police do not have enough officers to man the brawler van.

In March this year the minister finally met with members of the Bendigo Safe Community Forum. A target to reduce violence by 20 per cent over two years was set, but the minister failed to commit any additional police to assist in achieving this target and instead placed all responsibility on the community. In August this year an announcement was made regarding the allocation of police recruits and redeployed police officers. Did the list of areas receiving recruits and redeployed officers include Bendigo? No.

Bendigo police do a tremendous job but are faced with limited resources, increasing crime and a minister who does not take action and who shows a complete lack of commitment to reducing violence in Bendigo. It is time the minister acknowledged his duty to the people of Bendigo — the area he is elected to represent. My request, and the request of Michael Langdon, is for the minister to finally work with Victoria Police to ensure additional police resources are allocated to Bendigo as soon as possible.

Fishing: snapper

Mr HALL (Eastern Victoria) — Tonight I want to raise a matter for the attention of the Minister for Agriculture. It concerns snapper bycatch by trawler fishers. I refer to the government's media release of 12 August this year which contained comments attributed to the executive director of Fisheries Victoria, Anthony Hurst, that the Department of Primary Industries is seeking limits on the amount of Victorian snapper that commonwealth-licensed commercial trawl fishers are allowed to harvest and that Fisheries Victoria is advocating a limit of 50 kilograms of snapper by-product for each trip. The reason for this, as explained by Mr Hurst in this press release, is that Fisheries Victoria is keen to maintain great snapper fisheries for Victorian recreational and commercial fishers to continue to enjoy.

The impact of this, if it were to occur, would be very significant, particularly in Lakes Entrance, where, for example, just yesterday one of the bigger trawlers that fish out of that port landed a catch of 13 000 kilograms of fish, of which 130 kilograms — only 1 per cent — was snapper. The trawling was not directed towards snapper; snapper was purely a bycatch. If there were a 50-kilogram limit on the amount of bycatch, then the options available to that trawler would be either to dump 80 kilograms of fresh premium product snapper overboard, to come to port and take the risk of being fined and of a potential loss of licence, or — and this would be the more likely outcome — to take the catch to Eden in New South Wales. If that were to occur, it would have a significant impact on the viability of the fishing cooperative at Lakes Entrance. When you consider that two trawlers of this nature contribute around 25 per cent of the total throughput of the Lakes Entrance cooperative, you realise that a 50-kilogram limit of bycatch snapper would have a significant impact on the viability of the Lakes Entrance co-op.

There is a solution. The solution appears to be to establish a management zone outside of Port Phillip Bay during certain times of the year. As all commonwealth vessels are subject to electronic vessel monitoring, it is not a difficult task to impose a bycatch limit purely on those who fish in that area outside of Port Phillip Bay.

My request to the minister is to ask him to suggest that Fisheries Victoria not persist with its 50-kilogram bycatch limit universally across Victorian waters. If there are any restrictions at all, then those restrictions should be confined to trawlers operating in a management zone outside of Port Phillip Bay only.

Southern Metropolitan Region: health services

Ms HUPPERT (Southern Metropolitan) — Tonight I raise a matter for the attention of the Minister for Health. I ask the minister to take action to ensure that health services in the Southern Metropolitan Region continue to have access to high-quality medical equipment and facilities. Alfred Health is a major provider of health-care services in my electorate and operates three campuses: the Alfred, Caulfield hospital and Sandringham hospital, all located within the Southern Metropolitan Region. I wish to acknowledge the great work done by the staff and management of Alfred Health in providing high-quality health services for the residents of south-eastern Melbourne.

Since 1999 this government has increased funding to Victoria's health services by 153 per cent. Recently the Victorian Minister for Health, together with the Gillard federal government, announced $38.5 million in funding for new capital works across Alfred Health's three campuses as part of the Council of Australian Governments health funding agreement. The Brumby Labor government has committed $225 million over four years to replace medical equipment throughout hospitals and to help upgrade buildings and engineering infrastructure. As a result our hospitals will have the best medical equipment and facilities to provide patient treatment and diagnosis.

As part of the government's commitment to Victoria's health infrastructure I ask the Minister for Health to take action to ensure that funding for the upgrade of medical equipment is allocated to Alfred Health so it can continue to provide quality health services to residents in my electorate.

Planning: Armstrong Creek development

Mr KOCH (Western Victoria) — My issue is for the Minister for Planning and relates to the misconception of housing affordability deliberately generated to allow government members photo opportunities on vacant land at Armstrong Creek. Located between Geelong and Torquay, this super-suburb has been touted as the pinnacle of affordable housing. Government members have claimed it will provide first home buyers with the opportunity of owning their own home. In reality the hip pockets of developers are being lined at the expense of residential affordability. Prospective purchasers are only now coming to terms with the realisation that land is being distributed in a way that maximizes profit rather than affordability.

Two weeks prior to the release of 27 blocks purchasers began camping in a paddock near the sales office. Up to 22 000 blocks will eventually be sold to accommodate an estimated 60 000 people. By limiting the number of blocks released, developers are keeping the price of land artificially high.

Last December the Minister for Planning claimed fast-tracking the Armstrong Creek development was so important that he took planning accountability away from the City of Greater Geelong. Now, nine months later, developers are drip-feeding land to buyers to the detriment of those seeking to be part of this plausible project. Estimates provided by local real estate agents suggest the price for a house and land package could be as high as $500 000. This is about $150 000 more expensive than the entry level in Geelong.

Real estate agents in Geelong claim the release of land at Armstrong Creek is great for them because it highlights the good value that exists in Geelong itself. In reality it would seem the new suburb is being priced at a boutique market rather than first home buyers. The building covenants placed on these blocks reinforce this view. Purchasers will be forced to comply with the most expensive cosmetic demands when constructing their homes. This includes the requirement that their new homes have a front porch and entranceway, that they have panelled rather than roller doors, that they can only be rendered in a select range of colours and that corner blocks must have a feature. The government continues to say it cannot tell people where to build, but it is supportive of planning guidelines that impose what must be built, irrespective of the cost imposed.

My request of the minister is to guarantee and demonstrate to first home buyers and others wishing to relocate to Armstrong Creek that home affordability will not be removed by limiting land supply or imposing costly building covenants on those seeking to build at this excellent location.

Local government: street lighting

Ms PENNICUIK (Southern Metropolitan) — I raise a matter for the attention of the Minister for Local Government, Richard Wynne. On 9 August I received a letter from the mayor of the City of Bayside, and on 20 August I received a similar letter from the mayor of the City of Boroondara. Both letters are about energy-efficient street lighting.

Mrs Coote interjected.

Ms PENNICUIK — I note that Mrs Coote is holding up a piece of paper that may refer to the same issue.

Mrs Coote — It does indeed.

Ms PENNICUIK — I also note that Mrs Kronberg raised a similar issue on 27 July, although it is not entirely the same issue that I am raising tonight.

Bayside and Boroondara councils have written to me asking for state and federal government funding to expedite the changeover to energy-efficient street lighting. Since I was elected four years ago this issue has been raised with me several times by local government authorities in the Southern Metropolitan Region, and nothing has been done about it. The letter from Bayside City Council states:

> Bayside's 6000 streetlights are among Victoria's estimated 330 000 outdated local road streetlights.

The letter from Boroondara City Council states:

> Boroondara's 7000 streetlights are among Victoria's estimated 330 000 outdated local road streetlights. If a lighting changeover program was implemented, it would save approximately 2850 tonnes of greenhouse gas emissions annually, over the life of the new lights.

In the case of the City of Boroondara the capital cost is estimated to be around $2.5 million to fund bulk changeovers for installing more energy efficient streetlights, and in the case of Bayside that cost is estimated to be around $2 million. These costs are beyond the resources of most councils. Both councils say their communities rightly expect and deserve sound leadership in relation to environmental management and that an opportunity exists for all

tiers of government to act in partnership to expedite the upgrade of streetlights across Australia to low-energy lights and to realise significant environmental improvements.

My request is that the minister commit to a financial partnership with local and federal government to expedite the rollout of sustainable streetlights across Victoria.

Toorak Road, Camberwell: speed zone

Mrs COOTE (Southern Metropolitan) — I raise a matter for the attention of the Minister for Roads and Ports, Tim Pallas. The matter has been referred to me by the excellent member for the House of Representatives seat of Higgins, Kelly O'Dwyer, who has just been re-elected — an excellent political career lies ahead of her.

The matter I raise is about Camberwell South Primary School and safety for young children in and around the Camberwell South area. On election day I was at the polling booth at Camberwell South Primary School with the excellent former member for Higgins, Peter Costello. A letter I have received from the school council highlights the seriousness of safety for children in and around this quite busy area. I request that as a matter of urgency the minister look at putting in a 40-kilometre-an-hour school speed zone. Similar school speed zones have been implemented across the state, so it is quite extraordinary that one has not been implemented on busy Toorak Road and that the minister has not taken into consideration requests from the Camberwell South Primary School council to implement a school speed zone.

It is extraordinary to realise that 30 000 cars travel on this stretch of Toorak Road each day, which makes it a ticking time bomb for children at the school. The school council has been trying to raise this matter with the minister but has got nowhere, and it is now imperative that a 40-kilometre-an-hour school speed zone be implemented.

In the letter I received on 2 August the school says:

> A key argument for VicRoads has been that there will be no 40-kilometre school zone on a major arterial road where school's gates do not open on that road. A precedent on the same road already exists for a school to have a 40-kilometre zone even though their gates do not open to the arterial road for St Scholasticas in Burwood.

My request of the minister is that he implement as a matter of great urgency the 40-kilometre-an-hour school zone for the children of Camberwell South Primary School before there is a dreadfully tragic accident.

Fishing: snapper

Mr P. DAVIS (Eastern Victoria) — I raise an issue for the Minister for Agriculture concerning a bizarre ruling of the Department of Primary Industries that imposes limits on the amount of Victorian snapper that trawl fishermen who hold commonwealth licences can catch. The DPI announced in a media release dated 12 August that it had asked the Australian Fisheries Management Authority to restrict the amount of snapper that a commonwealth licence-holder can catch to 50 kilograms per trip to sea. The position is that although the commonwealth-licensed trawlers do not have a right to fish for snapper, which is a species managed by Victoria, they do haul in quantities of snapper as an unavoidable bycatch in the pursuit of other species.

The DPI ruling will have the effect of requiring any amount of snapper above 50 kilograms to be dumped at sea. They will be dumping dead fish, and that will be a dead loss to consumers, who regard snapper as a delicacy, because that will create a shortage in the market. Taking that line further, it will mean higher prices and the gap in the market being filled by imports. In respect of the quantities this might involve, it is not a matter of just a few kilograms of over-quota snapper that will go overboard but, in some years, 10 to 20 tonnes. This ill-founded measure of DPI will not reduce the catches, because they are unavoidable. However, it will result in a vast waste of high-value fish.

Further, the move by DPI cannot be supported with a claim that snapper stocks need to be protected, because snapper are abundant in Victorian waters. Victoria is taking this absurd step unilaterally. It does not apply in New South Wales, so a boat will be able to catch snapper off Victoria and head to Eden to unload and sell the fish at the wholesale price of around $10 per kilogram. In fact this is about to happen and will prove disastrous for the Lakes Entrance Fishermen's Co-operative and the town of Lakes Entrance after more than $70 million has been spent on work on the ocean entrance. The cooperative faces the prospect of virtually shutting down for an extended time because DPI has said it will not revisit its decision before the state election. The South East Trawl Fishing Industry Association has put to DPI an entirely reasonable proposition that would protect the important recreational snapper fishery in Port Phillip Bay. The association's plan would also return all

profits from snapper catches by commonwealth trawl licensees to Victoria for snapper research.

The DPI ruling poses an unworkable situation for Victorian trawler operators, including the 25 commonwealth, state and dual licensees based at Lakes Entrance. Therefore I ask that the minister act immediately to reverse the DPI decision and instruct it to take up the practical and generous offer of the trawl industry association.

Black Forest Drive: traffic management

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Police and Emergency Services, Bob Cameron, and relates to Black Forest Drive in the Macedon electorate. A recent accident involved a car swerving to avoid kangaroos and crashing into roadside barriers on the Macedon side of Black Forest Drive — kangaroos again!

Mr Finn interjected.

Mrs PETROVICH — It certainly has, Mr Finn. It is only weeks since this section of road was changed from four lanes to two without consultation with local residents or police and emergency services, sparking community outrage. The officer in charge of the Gisborne police highway patrol, Geoff Neil, was critical of the two-lane section of the road where the accident occurred. He is quoted in a local newspaper as saying:

> If the gentleman had two lanes to travel in, he could have used the lane next to him and had no interference …

A nearby resident, Gayle Moore, has had some near misses while stationary in the centre lane waiting to make a right-hand turn into her driveway. Ian Cairns, a former Kyneton police officer who lives in Woodend, has publicly criticised lane reductions in Black Forest Drive, saying that reducing the four-lane road to two lanes will not make it safer; in fact many community members claim the opposite.

Concerns have also been raised about ease of evacuation and access for emergency services vehicles on the two-lane section in a bushfire situation. This road holds the key to the evacuation of parts of Woodend, Macedon and Mount Macedon, which have all been classified as high fire-risk areas and were involved in the Ash Wednesday fires. It was clear in the aftermath of Black Saturday that clear, safe escape routes are crucial in times of emergency evacuation. We are only weeks away from the next fire season and still this community awaits an answer about the future of Black Forest Drive. It is over a month since VicRoads and the government announced they would restore the northern end of Black Forest Drive to four lanes, but there is still no indication of what will happen to the southern end where this accident occurred. This delay is unacceptable. The time to address these community concerns is now.

Joanne Duncan, the member for Macedon in the Assembly, has announced the establishment of a stakeholder reference group to provide local community input. I sincerely hope that this group is truly representative of the community and not just another tactic to stall the process. I believe that the majority of the community has already spoken loudly in recent weeks with a resounding call for the road to be restored to four lanes. If consultation had been done earlier, we would not be playing catch-up now, ahead of the fire season.

The action I seek is that Minister Cameron act without further delay and recommend that, on the weight of evidence provided by police and emergency services advocates and experts, the entire length of Black Forest Drive be restored to four lanes to ensure community safety on this road.

Rail: Laverton station

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport. The matter involves further problems at the Laverton railway station. The house will recall that in March I raised a number of problems with the new Laverton railway station, particularly in relation to the lifts breaking down, forcing people — particularly the elderly and the infirm, such as those in wheelchairs — to find other ways to get out of the station. Given that the ramps are no longer there, the lifts do not work and they cannot get up the stairs, we have a real problem on our hands. That is not the problem I wish to raise this evening, even though that problem, from what I am told, still very much exists at Laverton and nobody has done a thing to change that. I think that is very sad indeed.

There is a problem that I have personally witnessed on a number of occasions in recent times when I have been at the Laverton station in the very early hours of the morning, greeting commuters and receiving their warm wishes as they have headed off on the trains on their way to work. This brand-new station has an overpass with a covered-in walkway. It is very impressive-looking indeed. When the lifts are

working it is even better. But there is one major flaw: the steps between the overpass and the platforms have no roof. So while people can access the overpass and gather in large numbers under the roof on the overpass, they have to make a mad dash down the stairs to get to the platform. What I have witnessed is a number of the good people of the western suburbs almost coming to grief as they have attempted to run through the rain down the steps to get to their train.

I would have thought that if you were going to spend a couple of million dollars on a railway station, even for a by-election, you would at least put a roof over the stairs. Many of these people in Laverton and the people of Sanctuary Lakes and surrounds are almost coming a cropper. It is just not good enough at all.

I will not ask the minister to explain how this station was built without a roof over the stairs, but I will ask him to ensure that a roof is built over these stairs. It will provide a safer and dryer environment for the good people of that part of the western suburbs.

Water: Dethridge wheels

Mr DRUM (Northern Victoria) — My matter is for the Minister for Water. I would like to know why this government has spent $320 million getting rid of Dethridge wheels, which are water-measuring devices, from northern Victorian irrigation systems.

The reason why the government got rid of the Dethridge wheels was that they were deemed to be outside the national averages for accuracy, which is 5 per cent. The government has deemed the old Dethridge wheels to be more than 5 per cent inaccurate and has spent $320 million on a more accurate system.

In January 2007, Goulburn-Murray Water said that allegedly there was a lot of wasted water to be saved because the average inaccuracy was 11.68 per cent in favour of irrigators. In 2007 Hydro Environmental analysed these wheels and told GMW the inaccuracy was not 11.68 per cent, but only 10 per cent. In the 2007–08 season the same company studied 43 wheels and found that inaccuracy was down to 7.15 per cent in favour of the irrigator. An as-yet-secret follow-up report which studied 95 of the old Dethridge wheels found the accuracy was down to 4.84 per cent. We have not been able to get the whole of that report, but Labor was shocked to the core by this revelation and apparently has been unable to release those testings. It refused to release either parts A or B of the 2009 Hydro Environmental study which showed the new expensive high-tech water control devices to be more inaccurate than the machines they replaced.

Unfortunately no-one in the region believes what GMW is saying anymore, if they ever did. No-one believes its conniving, secrecy-riddled, incompetent Labor Party political masters anymore. Unfortunately the entire basis of saving irrigation water, stealing that water away so that they can send it to Melbourne, lies in absolute tatters. The Labor Party has come up with a stupid plan. It spent years developing this plan and hundreds of millions of dollars, maybe billions, creating facts around the plan.

My request is that the Minister for Water instruct all the relevant authorities, including GMW or any other private consultancy firms, to release all Dethridge wheel accuracy tests that have been carried out to the public so that Victorians can decide for themselves whether or not $320 million — —

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

Planning: Ashwood development

Mr D. DAVIS (Southern Metropolitan) — My adjournment matter is for the Minister for Planning. It is a matter I have previously raised in the house in question time, but I now seek a specific action from the minister on the Gateway project in Ashwood. This is a seven-storey project consisting of more than 200 units to be built near the Ashwood railway station. It is a project the minister called in, and he has signed off on the development. The point I raised the other day related to information that asbestos had been discovered on site and that work had halted at a certain point. The minister, perhaps a bit flippantly given the seriousness of the matter, tried to dismiss that point.

Documents have come into my possession that show the minister was aware of the presence of asbestos contamination on the site at the time he called the project in and before he gave the project the planning approvals required for it to proceed. What I am asking him to do tonight is release to the people of Ashwood and Burwood the details with which he is familiar and the documents he has in his possession relating to the presence of asbestos on the Ashwood Gateway project site. I ask him to do this as a matter of urgency because this is a matter of significance, not just for workers on the site and for those who might live there in the future but also for those in the surrounding streets in the area.

This is a very serious matter. I was disappointed the minister did not treat this with the seriousness it deserved when I raised it in the chamber at the time when people were initially raising it with me. I have now become aware that the minister was aware of this, that he had documents in his possession at the time of the call-in and the planning approvals stage that show there was asbestos on the site. I ask him to release those documents and make them available to the community in the interests of transparency and public safety.

Specialist schools: Casey-Cardinia growth corridor

Mr O'DONOHUE (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Education, Bronwyn Pike. It concerns the need for a special school in the Casey-Cardinia growth corridor. Significant efforts have been made over the last generation to integrate students into mainstream schools; however, it remains a fact that mainstream schools are not suitable or appropriate for all students. The options for parents and students living in the Casey-Cardinia growth corridor, for whom a special school environment is the most appropriate, are the Emerson School in Dandenong or the Marnebek School in Cranbourne. I am advised that between them those two schools already cater for significantly more students than they were designed to accommodate, and moreover, they are difficult to access from the Pakenham growth corridor area. In addition, the growth corridor, as its name indicates, is seeing significant population growth, which is increasing the number of students with special needs in the area.

In the designing of the Officer precinct structure plan, with which the minister at the table would be familiar, the need for a new special school has been identified with a greenfield site. It should be noted that the feedback I have received is that a greenfield site is preferred for the redevelopment, which is contrary to the proposition being pushed by the member for Gembrook. I pay tribute to those parents who, in addition to everything else they do, have been lobbying me and other elected representatives and candidates about the urgent need for a special school in the Casey-Cardinia growth corridor and I would like to take this opportunity to quote from a letter I received from one of those parents which says, in part:

> To date, despite an obvious boom in population in our region, nothing has changed for children with disabilities. Millions of dollars have been spent on … school gymnasiums … but there has been no mention of a special school of any sort being built for our children with differences in this area.
>
> Instead, our school buses have become more and more crowded. Children are travelling up to 1½ hours each way to school through the Casey-Cardinia corridor on a bus that is overcrowded and has no air conditioning or seatbelts …
>
> Both Emerson School in Dandenong and Marnebek School in Cranbourne are catering for hundreds more children than they were built to accommodate. Many others who desire access to a specialist setting are struggling in mainstream schools as the travel to either of these schools is prohibitive.
>
> Mainstream settings do not effectively cater for the needs of all children.

And the letter goes on.

It is clear from the feedback I have received from constituents and from dealing with the local council and various other groups that there is an overwhelming need for a special school in the Casey-Cardinia corridor. The action I seek from the minister is that she commit to a new special school, including a timetable for its development once the Officer precinct structure plan has been completed.

Mr P. Davis — I raise a point of order in relation to a matter I raised in the adjournment on 8 June this year for the attention of the Minister for Police and Emergency Services concerning police in Bairnsdale. The matter I raised has not been addressed.

According to the protocols of this place I undertook to remind the minister responsible for handling matters on behalf of the Minister for Police and Emergency Services — being the Minister for Planning, who is in the chamber — that I had raised the matter for his attention and formal response on behalf of that minister. When I wrote to the Minister for Planning on 16 August this year I expected that I would get a fairly prompt and courteous response, and I did, because two days later I had a letter from the minister's chief of staff thanking me for my letter but advising me that the matter was outside the minister's responsibility and therefore he had referred the matter to another minister.

I make the point that responding to matters on the adjournment debate is a responsibility to be pursued by the minister representing ministers in the other house. I ask that the President remind the Minister for Planning of his obligation to ensure that a response is received and that he does not just fob it off to his own staff to find excuses to do nothing about it.

The PRESIDENT — Order! On the point of order, I think Mr Davis's position is correct. It is my view that the minister representing the minister in the other place should take that responsibility on board, and I am sure he will.

Responses

Hon. J. M. MADDEN (Minister for Planning) — I table a list of written responses to adjournment debate matters raised between 28 July 2009 and 10 August 2010. There are 29 responses in total.

Wendy Lovell raised the matter of police operations in Bendigo, and I will refer this to the Minister for Police and Emergency Services.

Peter Hall raised the matter of snapper bycatch by trawlers, and I will refer this to the Minister for Agriculture.

Jennifer Huppert raised the matter of Southern Metropolitan Region health services, particularly Alfred Health, and I will refer this to the Minister for Health.

David Koch raised the matter of Armstrong Creek and associated land and house price issues. First of all, I correct Mr Koch on some of his assertions about intervening in the decision-making process of the City of Greater Geelong. It was definitely a partnership process; the government worked very closely with the City of Greater Geelong. If Mr Koch has any criticism of the process, it is as much a criticism of the City of Greater Geelong as it is of me as the Minister for Planning. The provision of additional housing stock in the Geelong region is a critical component of ensuring a greater diversity of housing choice in the area. It is also important that we provide additional supply.

If Mr Koch has specific details about the lack of product being brought to market by developers, I am happy for him to provide that information to me. He should appreciate that we do not directly interfere with the way in which any particular developer releases land, and developers make commercial decisions accordingly. However, we do take an interest in the degree of competition in any development corridor to make sure there is sufficient competition in order to ensure that buyers can purchase at an appropriate price. Whilst we do not set the prices, I am happy to be provided with any additional information that Mr Koch might have and to encourage greater levels of competition in any development corridor so that those interested in purchasing house and land packages have a greater choice in that region.

Sue Pennicuik raised the matter of works that could be undertaken to reduce the carbon footprint of street lighting in the local government areas of Boroondara and Bayside. I know that Banyule City Council has already entered into arrangements to assist it in substituting its current incandescent lighting stock. I know that my colleague Jennifer Huppert has also been a strong advocate for this in the Bayside local government area. I am sure the Minister for Local Government will respond to Ms Pennicuik on this matter.

Andrea Coote raised the matter of Camberwell South Primary School and the speed zones in the Toorak Road area. Again I understand that Jennifer Huppert has also expressed those sentiments to the chamber — I think by presenting a petition — and has relayed those sentiments to the Minister for Roads and Ports. I am happy to refer that matter to the Minister for Roads and Ports.

Philip Davis raised the matter of snapper limits with commonwealth-licensed trawlers. I will refer this matter to the Minister for Agriculture.

Donna Petrovich raised the matter of Black Forest Drive and associated road traffic issues, and I will refer this to the Minister for Police and Emergency Services.

Bernie Finn raised the matter of Laverton railway station and associated issues, and I will refer this to the Minister for Public Transport.

Damian Drum raised the matter of various water measurement systems, and I will refer this to the Minister for Water.

David Davis raised the matter of the Gateway project in Ashwood, and I must again express my disappointment at Mr Davis's shameless approach to initiatives around public and social housing. As I mentioned previously, and I will repeat it, I have not treated this flippantly in any way at all, but there are standard operating methods for dealing with any site contamination, particularly if it is asbestos. They are set by the relevant occupational health and safety legislation and associated regulations, and it is not unusual for any construction site to deal with matters of contamination.

Mr D. Davis — Are you going to release them?

Hon. J. M. MADDEN — And if there are matters of contamination that need to be dealt with, of course they will be dealt with appropriately, through the right and appropriate methods.

Mr D. Davis — You don't want to confront that, do you?

Hon. J. M. MADDEN — If Mr Davis wants to spread shameless and scurrilous accusations about — —

Mr D. Davis — On a point of order, President.

The PRESIDENT — Order! There is no provision in our standing orders for the minister to debate his answers or for Mr Davis to continue in that manner. It is simply a matter of responding to the adjournment matter, and that is it.

Hon. J. M. MADDEN — I am happy to attempt to respond to Mr Davis's adjournment matter rather than being provoked by him from across the floor. There are standard operating methods in relation to these matters, and I repeat to Mr David Davis that if he has specific detailed information over and above that which is already in the public domain, and if he believes that those appropriate methodologies in relation to construction techniques — those methods of dealing with contamination — are not being adhered to, then I would repeat as I have done previously — —

Mr D. Davis — On a point of order, President, I sought a specific action from the minister. He has documents in his possession, and I have sought their release. It is not a matter for him — —

Hon. J. M. MADDEN — I think you are misleading the chamber, Mr Davis.

Mr D. Davis — I do not believe I am. It is quite a simple matter, and it is not a matter for him to deflect to another portfolio.

The PRESIDENT — Order! I have already made the point that there is no capacity for anyone in the chamber to debate matters on the adjournment, and that is exactly what both the minister and Mr Davis are attempting to do. I ask the minister to respond to the adjournment matter strictly in accordance with the standing orders.

Hon. J. M. MADDEN — As I mentioned previously, if Mr Davis has specific or detailed information in relation to these matters in his possession and can guarantee that he has that information — —

Mr D. Davis — On a point of order, President, the minister continues to defy your ruling.

The PRESIDENT — Order! The minister has made this point three times now. I do not think he needs to continue it. I say again that there is no capacity for the minister to debate his response; it is simply a matter of either producing the documents or not producing them.

Hon. J. M. MADDEN — President, I am not aware of any of the documents that Mr Davis is referring to. I am happy to seek to locate documents if they exist, but I do not believe there are any specific documents of that nature in my possession. If Mr Davis has some, I am happy for him to present them to me so that I can identify those documents.

Mr O'Donohue raised the matter of Casey and Cardinia and specific special schooling needs and arrangements, and I am happy to refer those to the Minister for Education.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.44 p.m.