

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-SIXTH PARLIAMENT
FIRST SESSION**

Friday, 3 September 2010

(Extract from book 13)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General and Minister for Racing	The Hon. R. J. Hulls, MP
Treasurer, Minister for Information and Communication Technology, and Minister for Financial Services	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Industry and Trade.	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Energy and Resources, and Minister for the Arts	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
Minister for Community Development	The Hon. L. D' Ambrosio, MP
Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation.	The Hon. G. W. Jennings, MLC
Minister for Planning and Minister for the Respect Agenda.	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Public Transport and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
Minister for Roads and Ports, and Minister for Major Projects	The Hon. T. H. Pallas, MP
Minister for Education and Minister for Skills and Workforce Participation	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Council committees

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

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

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

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-SIXTH PARLIAMENT — FIRST SESSION

President: The Hon. R. F. SMITH

Deputy President: Mr BRUCE ATKINSON

Acting Presidents: Mr Eideh, Mr Elasmar, Mr Finn, Ms Huppert, Mr Leane, Ms Pennicuik, Mrs Peulich,
Ms Pulford, Mr Somyurek and Mr Vogels

Leader of the Government:
Mr JOHN LENDERS

Deputy Leader of the Government:
Mr GAVIN JENNINGS

Leader of the Opposition:
Mr DAVID DAVIS

Deputy Leader of the Opposition:
Ms WENDY LOVELL

Leader of The Nationals:
Mr PETER HALL

Deputy Leader of The Nationals:
Mr DAMIAN DRUM

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

¹ Appointed 3 February 2009

² Appointed 9 March 2010

³ Resigned 1 March 2010

⁴ Resigned 9 January 2009

CONTENTS

FRIDAY, 3 SEPTEMBER 2010

PETITION	
<i>Police: Neighbourhood Watch</i>	4551
PAPER	4551
BUSINESS OF THE HOUSE	
<i>Adjournment</i>	4551
MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL	
<i>Second reading</i>	4551
<i>Third reading</i>	4557
CLIMATE CHANGE BILL	
<i>Second reading</i>	4557, 4578
<i>Committee</i>	4587
<i>Third reading</i>	4593
QUESTIONS WITHOUT NOTICE	
<i>Public transport: safety</i>	4571, 4572
<i>Economy: employment</i>	4572
<i>Bushfires: royal commission</i> <i>recommendations</i>	4573, 4574, 4575, 4576
<i>Economy: transport</i>	4575
<i>Budget: federal election</i>	4575
<i>Economy: housing</i>	4575
<i>Economy: performance</i>	4576, 4577
<i>Public transport: late-night services</i>	4576, 4577
TRADITIONAL OWNER SETTLEMENT BILL	
<i>Second reading</i>	4593
ADJOURNMENT	
<i>Weeds: control</i>	4601
<i>Buses: SmartBus route 903</i>	4601
<i>Water: sportsgrounds</i>	4601
<i>Consumer affairs: responsible service of alcohol</i>	4602
<i>Responses</i>	4602

Friday, 3 September 2010

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.35 a.m. and read the prayer.

PETITION

Following petition presented to house:

Police: Neighbourhood Watch

To the members of the Legislative Council:

The petition of certain citizens of the state of Victoria brings to the attention of the Legislative Council our opposition to the misguided state government changes to the accessibility of crime statistics for Neighbourhood Watch.

The petitioners believe that availability of local crime statistics on a street-by-street basis is an essential component of the Neighbourhood Watch program.

Local crime statistics on a street-by-street basis foster ownership of the Neighbourhood Watch program by local communities and enable vigilance and support of community safety activities. We oppose the proposed change to crime statistics only being available on a postcode basis.

The petitioners therefore call on the Legislative Council to urge Premier John Brumby, the minister for police, Bob Cameron, and all local Labor MPs to reverse their decision which ends vital access of Neighbourhood Watch to street-by-street crime statistics, undermining the Neighbourhood Watch program and the ability of the community to support this important and respected program and community safety.

**By Mrs COOTE (Southern Metropolitan)
(159 signatures).**

Laid on table.

PAPER

Laid on table by Clerk:

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2009–10 report.

BUSINESS OF THE HOUSE

Adjournment

Mr LENDERS (Treasurer) — I move:

That the Council, at its rising, adjourn until Tuesday, 14 September 2010.

Motion agreed to.

MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL

Second reading

Debate resumed from 2 September; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr BARBER (Northern Metropolitan) — In relation to the issue of resource exploration and extraction in Victoria, there are currently two types of resource licences: those for exploration and those for extraction, whereas this bill will create a new licensing regime involving effectively three chronological phases. The first is an exploration licence. This will remain more or less the same, except there will be a quicker diminishing of the area in the exploration licence, so that proponents cannot just sit on the exclusive rights conferred by the licence. This is effectively a use-it-or-lose-it system: if they do not actively explore they start to lose opportunities to generate wealth from these non-renewable resources that we are granting them. Nevertheless, it still provides what we believe to be quite a generous transition period. The other change is the creation of a limit of two renewals of an exploration licence and some more stringent conditions on the minister, and therefore the proponent, around the granting of those renewals. These two measures — the quicker relinquishment and the title renewals — are intended to enhance competition and promote good business practice within the minerals sector, and we support that broadly.

The Victorian division of the Minerals Council of Australia has claimed that these amendments create a sovereign risk issue for companies that have invested significant resources in assembling their exploration licence portfolios. The coalition in the other place was acting as a very effective mouthpiece and amplifier for these concerns. But we have been having a bit of a debate about sovereign risk and mining this year. If there were industry awards for dramatic hyperbole then the mining industry plus the Liberal Party would be absolutely a deadset favourite for such an award.

When Rio Tinto's Tom Albanese claimed that the super-profits tax was 'the no. 1 sovereign risk issue on a global basis', he was largely ridiculed, even in the business pages. Now a slight change to Victorian exploration licence rules invokes sovereign risk all over again in the minds of business writers. I would have thought impoverished nations having civil wars and debt crises might be a slightly larger concern on a global basis. The Greens do not want to get as extravagant as some people about what these various

measures might mean. This is a simple matter of efficient business practice, and for that reason we are supporting the bill.

The second of the three-stage licences is the retention licence. That is a new licence category that bestows rights to mineral resources and obviously the land around it, as needed. To be entitled to this licence the proponent must have identified a resource, because under this bill the minister has to be able to determine that the area is required for the purpose of mining the mineral resource in the future. The proponent must prove to the minister that it is not currently economically viable to take this resource, and this licence can also be used for the purpose of sustaining an existing mine. If approved the licence is a bit like a free parking square in Monopoly, and can last for up to 10 years and be renewed twice, so it is for a maximum of 30 years in total.

The third stage — although a proponent can jump straight from the first stage to the third stage if they want — is the mining licence. This stays more or less the same as the current regime, except that in order to be entitled to this ownership and extraction licence the proponent will similarly have to have identified the resource. This change seems reasonably sensible to us. It is hard to conceive that currently licensees will be digging holes for no reason. We are pretty sure there will be a resource down there by the time they are seeking these licences, and in any case they will need something like this in order to go back to their own investors. The bill also contains changes that stipulate that a mining licence does not allow the licence to explore, but section 14(6) of the principal act remains, and this allows the minister to grant an exploration right through the mining licence.

Finally, there is this fourth category of licence, a prospector's licence, which allows for areas of up to 5 hectares to be exclusively held for five years and which cannot be renewed. The same restrictions on indigenous heritage, clearing vegetation and using only hand tools continue as per past practice.

There are a few other changes. There is a fit and proper person test, similar to provisions in other acts, such as the Meat Industry Act. It is a good, cautious measure to include associates of the person applying for the licence. I think it was Don Quixote who said, 'Tell me what company you keep, and I will tell you what you are'.

Compensation is expanded in scope to include adjacent properties not party to the agreements. Also private land-holders and the proponent will be given greater

scope to enter into compensation agreements, or if they do not wish to predetermine the conditions, they can simply choose to go to the Victorian Civil and Administrative Tribunal to have actual impacts compensated for.

Both the Victorian Farmers Federation and the minerals council, on our understanding, are happy with these changes; however, I could make a slight aside here and talk about some of the conflicts between farmers and miners that are now exploding around the country — on the Liverpool Plains in New South Wales; on the Darling Downs; in the Surat Basin; in the Felton Valley in the Upper Darling Basin. These are some examples of the Greens being increasingly brought into campaigns where our country is making a very definite choice between the exploitation of a non-renewable resource, minerals, and the protection of the ultimate renewable resource, farmland, which we know we will need forever. There is no doubt that we are going to see more and more intense conflicts between farming interests and mining interests. I think someone from Origin Energy, which fancies itself as a bit of a small-g or light-green company is out there having a crack at us in the papers this morning about this very question. These sorts of mineral or resource extractive activities are now looking at a truly massive footprint compared to what we have seen in the past with oil drilling, gas drilling or small open-cut mines.

In a similar vein the bill provides for land-holders to give oral consent for low-impact exploration work involving hand tools. Proponents still have to provide written information as to land-holders' legal rights and so forth. The idea behind this is that land-holders might be reluctant to sign a contract without going through an arguably unnecessary legal process. The popular conception is that oral approval is less legal than written approval, but both have legal effect, and this clause addresses that concern.

We are removing the duplication of work plans from the old bill. Currently the proponent prepares a work plan and all affected government agencies — it could be the Department of Sustainability and Environment, catchment management authorities or the Department of Primary Industries — will look at them and if satisfied endorse them. The proponent then goes to local council seeking a planning permit, and guess what? The council is required to send it back to those referral agencies. This last stage will be removed by the creation of an up-front statutory endorsement that carries through past the planning permit stage. I hope that works the way it is intended to; these things often become controversial. If there are any changes made by council, obviously the agencies can comment. Any

other interested party can still seek a referral. As far as we can tell, local council powers are not reduced. Hopefully their workload is reduced.

Rents will now be applied on all licences, so the government can fully cover all of its administrative costs. Currently rents only apply to extraction licences. Miners rights will be offered as 2-year or 10-year licence options. This will save some more administrative cost.

Changes will also occur to the formula for royalty payments for lignite — or, as we know it, brown coal. Clause 33 simply changes the head of power for regulations, but the intention conveyed to us in the briefing is that more royalties be paid to the state by measuring the energy capacity of the brown coal closer to extraction when it is wetter — when there is more water in it. The current use of the old State Electricity Commission drilling data to measure energy value means less royalties are paid than should be. Given that there will be less and less demand for brown coal over the coming years the state may as well seek as much money as it can from this ultimately doomed resource, in the opinion of the Greens.

Mr P. Davis — You really hate the miners, don't you?

Mr BARBER — I don't hate the miners. I don't like the miners.

Mr P. Davis — Yes, you do; you hate them.

Mr BARBER — I just look at them with a sense of curiosity, the way I would a skeleton of diplodocus in the museum.

Finally, and unrelated to the rest of the bill, is a small but important change to the Victorian energy efficiency target (VEET) scheme. I support this one warmly, because the VEET target is a very important tool now in our climate change-fighting tool kit. We passed the target in my time earlier in the term; we did not think it was big enough, and I understand the government is now actively considering expanding it and bringing different types of mitigation measures into the eligible VEET certificates. In this case what we are talking about is giving credits for the removal of an appliance such as a refrigerator when the owner wants to assign the right down to another person in order to create a VEET certificate. There is some difficulty currently around whether that has to be in writing. If you think about people handing over their fridges to the Brotherhood of St Laurence, which then hands them over to a metal recycler, which removes the chlorofluorocarbons from them and creates VEET

certificates, there is a chain of ownership that goes on there, and currently there are some difficulties around ensuring that we create all the certificates for all the mitigation.

I have had some representations from metal recyclers about this exact issue because of the problems with that restricted approach which have now emerged. We are creating a head of power for regulations to be issued as to how that right can be assigned through the chain as people participate. I understand the Department of Primary Industries has oral assignments in mind, but the accredited person must keep a record of the assignment for when the Essential Services Commission audits them.

There will need to be close scrutiny of this. Without seeing the prescriptions in the statutory rules, it could be easy to fudge the numbers, but so far we are happy, from what we have heard, with how this scheme is being operated. I hope I have been clear that the Greens will be supporting this bill.

Ms BROAD (Northern Victoria) — I have great pleasure in rising to speak in support of the Mineral Resources Amendment (Sustainable Development) Bill. This bill is designed to ensure that Victoria's mineral resources are managed sustainably and responsibly, that they continue to contribute to the state's economy and that they continue to contribute to employment within regional communities.

The bill before the house today builds on a very long and distinguished history of legislation in Victoria going back, I believe, to the 19th century with the traditional Mines Act and moving through a number of iterations to 1990 when under a former Labor government the Mines Act was transformed into the Mineral Resources Development Act 1990, otherwise known as the MRDA. That was the first time we saw introduced into what had previously been traditional mines legislation provisions which not only encouraged and facilitated the exploration and mining industries in Victoria but also provided for an effective overall framework of law, regulation and administration consistent with economic, social justice and state conservation strategies. Those were very different objectives introduced at that time. Under the Brumby government in 2006 the act was renamed the Mineral Resources (Sustainable Development) Act 1990. The purpose of that change was to emphasise the importance of sustainable development — that is, the consideration of economic, environmental and social objectives in the regulation of the mineral sector. That was the first time we saw modern sustainable

development principles being brought into the regulatory framework for our minerals industries.

Not surprisingly, since 1990 there has been a great number of developments in the industry and more generally. The government accordingly believed that it was time to review the whole of the Mineral Resources (Sustainable Development) Act. In April last year the government embarked upon an extensive consultation exercise commencing with an issues paper, followed by a number of targeted discussion papers and lengthy consultations with large numbers of stakeholders across the length and breadth of Victoria.

I think it is important to underline that the bill before the chamber today has been through an extensive public process which has allowed all interested parties to put forward views and for those to be taken into consideration in the development of the bill we are now dealing with. The amendment bill we have before us is the outcome of that extensive review process.

The government believes this bill will improve efficiency and effectiveness in governing Victoria's minerals and extractive industries in a number of ways. It will address administrative reform by making amendments to the purpose of the act, to licensing and ground turnover provisions, to compensation and content provisions, and to royalties provisions. The bill certainly reflects the importance of mineral exploration in promoting a sustainable mineral sector.

Key parts of the bill include a new retention licence to ensure that Victoria continues to have a modern, efficient and effective licensing system which encourages the development of the state's mineral resources and a viable mining industry. Victoria is currently the only state without a retention licence or its equivalent, so this is an important development for Victoria. It will better align government processes and industry processes. This is an important consideration for our minerals and resources industries that operate nationally.

The retention licence will apply where a mineral resource has been identified but its commercial viability is still in assessment. It will permit intensive exploration and research and development activities as well as provide the right to apply for a mining licence. It will provide greater security of tenure over mineral resources for those who have a genuine intention to sustainably develop those resources for the benefit of all Victorians. Relinquishment requirements will not apply to retention licences, and the licences will under some circumstances be able to be held for up to three 10-year periods.

The bill also provides for a new prospecting licence. This will provide greater clarity on the right of small-scale prospectors and miners and ensure a healthy turnover of ground. Prospecting licences will be granted for a relatively short term — up to five years. They will not be renewable and they will not require identification of a mineral resource, but holders will be able to apply for a mining licence provided they have an identified resource. Without a prospecting licence it would be very difficult for smaller prospectors and miners to identify mineral resources in order to operate.

To further strengthen the licensing system and to align with industry processes the bill will ensure that the identification of a mineral resource will be a precondition for the granting of a mining licence. That is in line with practices in some other states, and it will ensure that the number of inactive mining licences is reduced. However, the bill will allow for existing inactive mining licences to transition to a retention licence where this is appropriate, so transition provisions are included in this bill to make the transition to the new regime as painless as possible.

There are changes to exploration licences, because at present there is no limit on the number of renewals of exploration licences, with some licences now over 20 years old. In order to support the uptake of retention licences that have work plans that drive towards feasible mining operation the bill will tighten the relinquishment requirements and renewal allowances of exploration licences. This is intended to stimulate exploration activity on existing licences, increasing the likelihood of exploration success and of future mineral development in Victoria.

There are some provisions in the bill which repeal tourist mine authority provisions, which historically have been used to regulate occupational health and safety matters. These will be repealed because occupational health and safety matters are now dealt with under the Occupational Health and Safety Act 2004.

A series of other amendments are included in the bill, and some of them are very detailed so I do not propose to go through all of them, but perhaps I might indicate a number of them. The bill clarifies the definition of how the energy value of brown coal is measured for the purposes of coal royalties. That definition is being amended to ensure that the original intention of the act is clear — that is, that the value is to be measured at a point and in a manner which represents the lignite as mined.

The bill will make an amendment to the Victorian Energy Efficiency Target Act 2007 so that in limited circumstances it will permit an accredited person who destroys refrigerators and freezers as part of the greenhouse gas abatement scheme established by the VEET act to obtain a verbal rather than written assignment from a consumer in relation to the destruction of that appliance and require the accredited person to keep certain information about the verbal assignment.

Those are the main provisions in the bill that I wish to highlight at this point. I wish to place on record thanks to all of the Victorians from the community and from industry who participated in the lengthy consultation processes leading up to the presentation of this bill to the Parliament, as well as the public servants who, I am sure, worked long and hard on this extensive overhaul of legislation with a very long history. One of the things about acts of Parliament which have a long history is that sometimes we need to go back a long way in order to make sense of them and come up with a modern regulatory framework, which this bill does.

I should also add that there is a second stage to this regulatory update. Members will be pleased to hear that that update will not come into Parliament before Parliament rises — that is, before the election — but if the Brumby government is re-elected, it is its intention to bring forward a second stage arising from this review and consultation process to ensure that Victoria has the best regulatory regime in place for our mineral resources.

Mr P. DAVIS (Eastern Victoria) — President, thank you for the opportunity to make a brief contribution to the debate on the Mineral Resources Amendment (Sustainable Development) Bill. Given that this is a second-reading debate, I wish to respond to comments of previous speakers. My opening remark would have to be: why do the Greens hate miners? After all, we have seen — as evidenced in the campaign run by the Greens supremo in Canberra, Bob Brown — an approach to pursue the miners to an extent that not even the Greens-loving ALP is prepared to pursue. The terms of the coalition between the Greens and the ALP in Canberra seem to indicate that the super-profits tax, which Australians overwhelmingly voted against at the recent federal election, will be reimposed as a part of the core policy implementation of the coalition between the Greens and the ALP.

The consequence of that is somewhat significant in the context of this bill. It was, after all, the leader of the Greens in Victoria, the future transport minister in an ALP-Greens coalition government — as the Greens

aspire to and already have a deal for; we all know the ALP and the Greens will be forming this alliance — the person who is the public face of the Greens in Victoria and is happy to take all the public kudos for the achievements of the Greens and leave his colleagues in the shade, has a view that it is a good thing to increase the royalty yield from brown coal, and he described the brown coal industry as an industry in terminal decline.

I do not share the pessimism which Mr Barber just displayed in his recent contribution. The brown coal resources of the Latrobe Valley — which is where they are generally ascribed to, although the reality is that Victoria's brown coal resources are vastly greater than those that exist just in the valley; there are extensive reserves of brown coal in the Greater Gippsland region — have been the underpinning of the economic foundation of this state. Brown coal has provided the vast resource of abundant and low-cost electricity to Victorians over two generations. For Mr Barber to think, like a pixie at the bottom of the garden, that we could wave a magic wand and have the terminal decline of the brown coal industry overnight is completely fanciful and shows the lack of public policy rigour that exists in the Greens-ALP coalition. It is clear that the Greens party, the tail that is wagging the dog in Canberra and is seeking to wag the dog in Victoria, is hell-bent on reducing Victorians to a pioneer existence — that is, the experience of people in this state before Sir John Monash developed the coal resources of Victoria.

I have a vision of Ms Hartland, Ms Pennicuik and Mr Barber sitting at home at night with the candles and candle wax and probably boiling down lard to make their candles. Ms Hartland and I had a conversation yesterday about a fine vegetarian restaurant in St Kilda. We were saying it might be better down there than being stuck in here all day on committee debates. Mr Barber, who is totally opposed to the mining industry in this state, will be disillusioned because as long as he lives brown coal will provide the basis of electricity generation in Victoria. The reason for that is not that we have a strong allegiance to brown coal as a resource; it is just a fundamental reality that the technology for alternative energy is underdeveloped to the extent that it is not possible to achieve in our lifetimes the sort of technology change that he would aspire to — unless it is that he is prepared to sign up to nuclear power. That is the choice for Mr Barber. At the end of the day if he wants to shut down the brown coal industry, he has to choose what he is going to substitute it with. It begs the question, and I put it to him and the other Greens: if they are so opposed to brown coal, are they in favour of nuclear power? I would have the Greens answer that. If they are opposed to nuclear

power, are they opposed to people consuming electricity? That is the choice.

An honourable member — What about the coalition partner?

Mr P. DAVIS — We will come to the coalition partner later because we will be talking about the ALP's climate change legislation, which will have the same profound effect on the Victorian economy, I have no doubt at all. We have to make choices. The bill before the house provides a tool to change the basis of royalties imposed on brown coal. That in itself is not a significant change; what will be significant will be the policy approach that the Treasurer takes to the ramping up of royalties. There has been no significant discussion about that point. Mr Barber quite properly alluded to it, and I am sure that the government would be delighted to respond to his remarks. Essentially he alleged that he has been briefed by the government that it is the government's intention to squeeze the brown coal industry for a much higher royalty payment than it presently makes. That may be an interesting bit of news to the brown coal miners in the Latrobe Valley. I am sure the government will be delighted to give some clarification during the course of this debate. I have to say that I have not been briefed in that way, and certainly those who represent the brown coal industry have not advised me that they are expecting to be paying a good deal more for the brown coal royalty. That is interesting information. I thank him for it.

It begs the question of how the super-profits tax, the mineral resources tax proposed by the federal Greens-Labor coalition in Canberra, will affect Victoria. How will that affect Victorian receipts of brown coal royalties of the revised lignite royalty regime? Will Victoria miss out entirely because of the legislation the Greens are seeking to impose on the minerals industry in Australia?

Mr Barber — Brown coal is not covered by the super-profits tax.

Mr P. DAVIS — Mr Barber interjected that brown coal is not covered by the super-profits tax. I challenge Mr Barber to disclose the secret agreement between the Greens and the ALP in relation to a range of policy issues, in particular this issue.

Ms Broad — On a point of order, President, on relevance, I ask that the member come back to the bill before the chamber, which is a Victorian bill, not a commonwealth bill, and which I understand he is supporting.

Mr P. DAVIS — On the point of order, President, as has so eloquently been pointed out by the leader of the Greens in Victoria, this bill actually deals with royalties. The super-profits tax proposal of the federal government is going to impinge on all mineral resources royalty provisions in Australia; therefore there is a nexus between the two.

Ms Broad — Further to the point of order on relevance, President, the provisions in this bill enshrine in legislation the existing intention of the legislation. On the point of relevance, I again ask the member to come back to the bill before the chamber rather than some other mythical bill.

Mr P. DAVIS — Further to the point of order, President, I am happy to discuss the point of order taken by the member because I simply say again that if there is to be discussion about royalty regimes in relation to Victorian legislation, that has to be considered in the context of matters that are of national significance — namely, the commonwealth imposing a further tax regime which may displace the capacity of the state to collect a royalty on brown coal in Victoria.

Mr Barber interjected.

The PRESIDENT — Order! Resume your seat, Mr Barber. We are not going to continue this debate on the point of order. The fact is that it is my view that the speaker is reasonably, at worst, in order, and he is certainly on the subject matter. Ms Broad's point that Mr Davis's contribution should be relevant is in fact valid and, as I say, I think at the moment it is. However, I would now insist that Mr Davis direct his remarks through the Chair and Mr Barber keep his interjections to himself.

Mr P. DAVIS — I thank the President for his eminently sensible ruling. I would like to thank Mr Barber for his assistance with my contribution.

In relation to this matter let me say this: it is incredibly important to recognise the significance of the contribution of the minerals industry to this state. Whenever I come into this Parliament or this chamber I am always absolutely in awe of the contribution made to Victoria's economy by our vast mineral resources. As everyone in this place is aware, this building is the result of the wealth of a Victoria of another era, which was substantially a consequence of the gold rush. Many grand buildings in Victoria were built on the back of the wealth of the colony of Victoria during the gold rush.

However, in a modern era the most significant contribution to our economy comes from energy resources. The economic prosperity of Gippsland was

built on the cornerstone of oil, gas and coal. It is important for us to recognise that there are inevitable regulatory changes associated with the way licences for a range of minerals are allocated. I am not going to repeat the detailed contributions others have made about what this bill seeks to do in a technical sense. It is clear from the representations I have received that the bill itself is not fundamentally flawed in most respects, although what the retrospective changes will be is a concern that has clearly been reflected by those who represent the mining industry.

There are some retrospective changes. The Minerals Councils of Australia has raised with the opposition concerns about the sovereign risk issue for companies that have invested significant resources in assembling their exploration licence portfolios in a piecemeal fashion from historic mining exploration tenements. In saying that, the minerals council is not mounting a case that the opposition should seek to knock down this bill, but is saying that the reality is that every time there is a change to the regulatory regime governing the allocation of licences within the minerals sector where those changes are retrospective it has an impact. Bearing in mind that the capital raised for investment in the minerals industry in Victoria is raised from equity markets, uncertainty in equity markets can be significantly affected by retrospective legislation that affects sovereign risk. It is a cautionary observation that I make, reflecting a view of the mining industry that if we want to continue to have a viable and vibrant economy, we must recognise the dependence we have on the earth resources of this state, and that dependence is coupled to the capacity of the capital-raising markets to freely go into the marketplace to derive sufficient capital for investment in new and ongoing projects.

It is with some hesitation that I say I will not oppose the bill. I say it with a qualification as a warning or a flag to the government that retrospective changes to any regulatory regime have an effect on the capacity and confidence of the marketplace to make further and longer term investments. I mean what I say about a further concern about the effect of the mineral resources rent tax proposals on Victorian mineral developments. We do not know how they will come out of the legislative sausage machine of the Canberra Parliament, given the fluid nature of the arrangements for forming government in Canberra. That too will have a major impost in terms of the confidence in capital markets for future developments for minerals projects in Victoria.

It is a real concern to me that this uncertain situation should prevail with a community whose economic dependence is substantially based on the success and long-term viability of resource projects in Gippsland. I

am not sure whether the government of Victoria currently has espoused a clear policy that would give Victorians, and particularly Gippslanders, any real comfort about their long-term economic future. Perhaps the government may wish to use this debate to respond to those concerns.

In conclusion, I am concerned by the disdain, as reflected in the contribution by Mr Barber, for the important economic cornerstone of the Victorian mining industry. Mr Barber flippantly made some derisory comments which expose the true sense the Greens have about our engagement with the resource economy. That must be alarming not just to the resources industry but also to the wider economy, whose very economic and social dependency relies on the capacity for us to generate energy from our earth resources. It is an amazing position that we are in. It is clear that after the next election the Greens will seek to form an alliance with the current Labor government in Victoria, and were the people of Victoria to choose that option they would be much poorer for it.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

CLIMATE CHANGE BILL

Second reading

Debate resumed from 12 August; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr D. DAVIS (Southern Metropolitan) — The Climate Change Bill that we look at in the chamber today is an important bill which we will not oppose, but will seek to move some amendments to it. I want to say something on the record of the Brumby government on this Climate Change Bill, something on the bill itself and something about the arrangements which now confront us in Victoria and nationally.

Whether you have strong views on climate change or not, the bill is confronting the Parliament. There is a strong argument for the need to abate carbon dioxide and other greenhouse-inducing emissions. It is important to note that the Victorian government comes to this bill with a very poor record indeed. The Victorian government has not lived up to its promises from 2002 and it has not lived up to its promises from 2006. It is important to put on the record that Labor's 2002 election policy in the statement *The Sustainable State — Labor's Plan for a Greener Victoria — Bracks. Listens. Acts* had the goal of reducing greenhouse gas emissions by up to 8.3 million tonnes of carbon dioxide over four years.

You would think that with a goal like that the government would have taken steps to reduce greenhouse gas emissions, but in the period from 2002 to 2006 greenhouse gas emissions in Victoria grew. The Minister for Environment and Climate Change has admitted that in this chamber. He also admitted that if you look at Victoria's population share and industrial share you see that Victoria has not done its share of greenhouse gas abatement. Victoria's greenhouse gas emissions have grown. If you read the report from the commissioner for environmental sustainability, you can see it is clear that not only have Victoria's greenhouse gas emissions generally grown but the Victorian government's emissions of greenhouse gas emissions have grown as well.

You would think that a government that has claimed a lot and sought the high moral ground on greenhouse gas emissions and climate change abatement would have led the way. The most obvious way for a state government to lead the way is to deal with own-source emissions. Schools, hospitals, bureaucracies and government buildings are all significant sources of emissions. The Victorian public sector probably makes up about 10 per cent of the state's economy. It is a significant chunk of the Victorian economy and generates a significant chunk of emissions. Yet, according to the commissioner for environmental sustainability, those emissions are not well measured. We cannot measure the emissions from across the public sector in a robust way, but from what we can see and from our best guesses emissions from the Victorian public sector have grown between 2002 and 2006. Before lecturing the community or hectoring business and the community sector about their performance, you would think the Victorian government would take a leadership role and lead by example, but that is not the case. Greenhouse gas emissions from the Victorian public sector have grown since 2002. It is important to put that background on the record.

Equally, if the promises Labor made in 2002 are to be kept, there is a lot of catch-up to be done. Millions of tonnes of additional carbon dioxide have been put into the atmosphere, so if Labor is to achieve its targets from 2002, there is a huge amount of catch-up to do.

Hon. M. P. Pakula — Stop talking, then.

Mr D. DAVIS — I have to say, Mr Pakula, if you ran a better public transport system, you would be able to reduce greenhouse gas emissions. However, there is a series of things that the state public sector could do about its own-source emissions and about Victoria's emissions more generally.

The Labor Party went to the 2006 election with a promise to reduce greenhouse gas emissions by 60 per cent by 2050 compared with 2000 levels and a short-term objective of having 20 per cent of Victoria's energy generated from low-emission sources by 2020. I make the point that the state government retreated in many respects from its commitments in 2006 because of the policy debates that were occurring at the national level about whether we would have an emission trading scheme, which is natural enough on one level. In 2006 the then federal government did not support the introduction of an emission trading scheme. That later changed and there was bipartisan support at a federal level for an emission trading scheme.

Hon. M. P. Pakula — Not for long.

Mr D. DAVIS — It was for a number of years, in fact. It is important to understand this. In 2006 the state government made a commitment to begin this process, and it did that when the federal government did not have an emission trading scheme on the table. Later a national debate gave rise to the carbon pollution reduction scheme. There was a green paper and a white paper — we are all familiar with that process — and the Victorian government made submissions. It stated that it preferred a national model, and that is a very defensible position. However, what it did not do in the meantime was take the modest, reasonable steps it could have taken at the state level — the low-cost options and indeed the no-cost options — including within the Victorian public sector. It could have reduced emissions generated from the Victorian public sector at low or no cost in a number of practical, sensible and achievable ways. It chose not to do so, but to pin all its hopes on a national scheme.

There is a long federal history to this. I do not propose to go through all of it, although I am sure someone else in the chamber will. The essential point is there is no longer an emission trading scheme on the table

nationally and the state government has reverted to an earlier policy. It has been very slow in bringing this forward and in taking state action on these matters. Most people think it is unusual for states to take action on climate change and greenhouse gas abatement, many state and regional governments around the world have taken such steps, including California and dozens of other states and cities in the United States of America.

At the last minute, two or three sitting weeks before the Parliament ends, as we were lectured yesterday by the government, we are now seeing these very important pieces of legislation coming through without proper consultation or proper engagement with business. We know this because that is what business has told us. The first time many business groups saw this legislation was when it was slapped on the table in the lower house. That is not the way to get broad support for foundational changes, which the government argues this legislation makes. That is not the way to make these broad changes if you want buy-in and support from the business and community sectors and the broadest level of support from households and the wider community. You need to involve the community in that process. I know the government said it conducted a white paper process, but things went very quiet and the legislation was not circulated properly.

The legislation does not have the support of a number of business groups. The Business Council of Australia has written to the opposition and pointed out many of its concerns. The Australian Industry Group has written to the opposition and made many of its concerns known. I record the fact that both these groups have put their concerns on the agenda. Many of the issues they have raised could have been dealt with more satisfactorily if the government had consulted in that last part of the process.

The government held a climate change summit, at which I was an attendee. I watched delegates from a number of business groups make their points. I heard the Victorian Farmers Federation delegate raise his points. There was also an early consultation process.

However, all that was part of a framework with federal issues dominating the way forward with the national agenda in this area. Obviously the national situation became increasingly uncertain, and the state government's inaction over a long period has been exposed. What the state government should have done, if it wanted a national scheme — and that is the plausible and indeed preferred way forward for much of the business sector — was take those sensible, practical steps at a local, community and government level in Victoria.

The state government could have dealt with greenhouse gas emissions as it built new schools. If you build schools that are energy efficient and have good insulation levels, you cut greenhouse gas emissions and you save money over the life of the new schools. We have seen a scurry with the Building the Education Revolution schools program, and I know for a fact, having discussed this with a number of contractors involved in these school projects, that many of these new school projects are not built to high energy-efficiency standards.

This is the sort of practical stuff state governments need to get right. They need to build things like new schools — and I am thinking of those as one example; I could choose from a whole host of other areas of government activity — to high energy-efficiency standards, because that is the right thing to do for the climate and the community and it is the cost-effective thing to do. That is where our focus needs to be and that is where we need to be moving forward. Many of those opportunities have been let go by this state government.

I will cut to the chase. There is much that is agreed with in this bill, but there are numerous concerns about it as well. I am conscious that much will be said in the chamber about climate change in the broad, but I will cut to the chase in terms of what is important here. This bill will empower the EPA (Environment Protection Authority) by giving it much stronger teeth in terms of being able to make requirements of businesses and others. That power needs to be exercised in a thoughtful and sensitive way.

The EPA does not have a good record. I am quite frank about that, and people will know that I have said this in this chamber before. It is not a transparent organisation, it is not an organisation that plays fair, it is not an even-handed organisation and it is an organisation in need of serious reform. We know, for example, that the collection of levies and their disbursement is a shambles, and that needs to be carefully monitored. We know that there is a capricious element in the EPA's enforcement — and Minister Jennings has heard me say this, too — of many matters. We have talked in this chamber about its activities in places such as Brookland Greens and the EPA's share of responsibility in the regulatory failure that occurred there.

My point here is that we need to ensure maximum transparency with the capacity for a disallowance by each chamber of aspects of the EPA's activities, including enforcement. Later I will circulate amendments that we will move in the committee stage. Whilst at the moment in theory EPA instruments are disallowable by either chamber, I do not think that is

widely understood, so we will move amendments that will make that very clear. We will give each chamber the capacity to disallow and a clear role in ensuring that the EPA behaves in an even-handed and fair way that is in the public interest.

Opposition amendments circulated by Mr D. DAVIS (Southern Metropolitan) pursuant to standing orders.

Mr D. DAVIS — A key point here is ensuring that business and the community understand that disallowance is possible and that if they make a case that the EPA is not behaving correctly that will be looked at fairly by either chamber. This clarity of parliamentary oversight is important, and it is important that it be publicised, so that the community and business in particular understand that those mechanisms are available.

In these circumstances, I do not want to say a lot more. The opposition will not oppose the bill; we will seek to improve it through the circulated amendments. We will certainly monitor the implementation of the legislation. I am critical of the government's failure to properly consult on the bill at an early point. It certainly came as a bolt from the blue for a number of key business groups, including the Australian Industry Group. Its Victorian director, Tim Piper, has been on the record in the press and elsewhere saying that he was very concerned about aspects of this bill.

The government's processes here have been inadequate. I know my colleague Mary Wooldridge, the member for Doncaster in the other place and the shadow Minister for Environment and Climate Change, has been very active in consulting on these matters with community, environment and business groups. She has crafted the circulated amendments, and I think they represent a valuable step. I pay tribute to her for the work she has done in ensuring there is a balanced outcome here and that the public notice of the capacity of the chambers to disallow such matters, including subordinate legislation and so forth, is adequate. To date it has not been so.

Mr BARBER (Northern Metropolitan) — 'A bolt from the blue' is the way the last speaker described this bill and the measures contained in it. If there is a bolt from the blue, it is that finally after 11 years this government has decided to empower itself with a couple of tools to make real reductions in CO₂ in some of the bigger sections of emissions, including stationary energy and industrial emissions. When this process started some time ago, the government described as the centrepiece of its white paper the CPRS (carbon

pollution reduction scheme). We did not hear an ongoing view from Mr Davis on the CPRS, but I am sure we are going to hear a bit more about it from some of the other speakers, so I may just anticipate that in my own contribution to the debate.

Let us talk about what we are addressing. Let us talk about the problem we are trying to solve and what is at stake for Victoria in particular, leaving for another time the global impacts of this scheme on other communities, many less able to cope with it than ourselves, and of course on the non-human creatures we share the earth with.

In the final report of the Victorian Bushfires Royal Commission we read the statement:

It would be a mistake to treat Black Saturday as a 'one-off' event. With populations at the rural-urban interface growing and the impact of climate change, the risks associated with bushfire are likely to increase.

I note that we have rules in Victoria that say you cannot build on low-lying land if some people estimate that there is a 1-in-100-year chance of a flood occurring on that land. Yet clearly we are now facing a problem of human populations living in areas at great risk of bushfire on what will likely be a much higher frequency than once in 100 years. It is almost inevitable that we will get a fire like this every 100 years. Whether we will get it more frequently we do not know, but the risk will be there most summers.

The World Meteorological Organization says that extreme events are on the rise as a result of anthropogenic perturbations of the climate system, and climate models indicate the potential for increases in extremes of temperature, precipitation, droughts, storms and floods. Yesterday in a science briefing provided to the Parliament we heard that while we will be facing increasing droughts, in the midst of those droughts we can expect extreme rainfall events.

The CSIRO is telling us that climate model predictions for the coming decades indicate an increasing risk of below average rainfall for southern and eastern mainland Australia, higher temperatures and evaporation, and therefore a combination of the two together creating below average run-off. In particular there is a significant projected increase in frequency of extremely hot years and extremely dry years — we have just had 13 of those in a row. When I was a kid growing up in this city it felt to me as if it used to rain for six months of the year and drip off the trees for another three. It has not been doing that for a while.

Mr Koch interjected.

Mr BARBER — I am just saying that was my impression when I moved to Melbourne from Sydney as a teenager — that is what it felt like in Melbourne, though it has not been the case in the last 13 years. In the last few months it has been blessed to be rained on.

The CSIRO's sustainable yields project, which has been investigating the entire Murray-Darling Basin medium-range scenario, predicted an 11 per cent decrease in surface flows by 2030, but this is more likely to be higher in the south-east of the basin — that is, Victoria, because of lower rainfall. While it is more difficult to predict because of the wide variables, the CSIRO forecasts a 15 per cent reduction by 2050 and a 23 per cent reduction by 2070 across the basin.

The CSIRO and the Australian Government Bureau of Meteorology in their *State of the Climate* report, a six-page statement we should all read, say:

Australian average temperatures are projected to rise by 0.6 to 1.5 degrees Celsius by 2030. If global greenhouse gas emissions continue to grow at rates consistent with past trends, warming is projected to be in the range of 2.2 to 5.0 Celsius by 2070.

I will not be here to see it; my kids probably will. Members should note what they are talking about: 'greenhouse gas emissions continue to grow at rates consistent with past trends'. Exactly what we are doing here today is taking an action so that they will not continue to grow at past trends. People proposing otherwise, and federally there has been huge resistance to the idea, either have some other plans that they need to articulate or they are happy for the emissions to continue to grow. Either way the onus is on them, as it is on all of us. A Reuters report says, quoting the National Oceanic and Atmospheric Administration, that March, April, May and June set records, making the first half of 2010 the warmest half-year worldwide since record keeping began in 1880.

NASA and Britain's Met Office say that since records began to be kept in 1880, the warmest first six months of the year occurred in 1998, that is, until 2010 came along; 2005 still has the crown for the hottest overall year on record, but we have not finished this year yet. Thirteen of the fourteen hottest years on record occurred between 1997 and 2009, and from that source the total average global temperatures have increased by 0.8 degrees since 1880.

Some people think that a temperature increase of 0.8 degrees, 1 degree or 2 degrees is not very much; they think it just means that you take off your cardigan. However, the predictions for how those changes in averages operate at the extremes of weather events are

startling. In Victoria, a change of less than 1 degree could lead to a 10 per cent to 40 per cent shrinkage of snow cover in the Victorian Alps and an 18 per cent to 60 per cent decline in the likelihood of a 60-day snow cover in the Victorian Alps, and, under that scenario, a 3 per cent decrease in the thermal efficiency of electricity transmission infrastructure — just by heating it up we lose 3 per cent efficiency in the way we move electricity around on the grid — and a 3 per cent to 11 per cent decrease in Melbourne's water supply from rainfall-based sources.

Getting up to a 2-degree to 3-degree scenario, peak electricity demand in Melbourne will increase 3 per cent to 15 per cent if we do nothing else and there will be a 31 per cent reduction in pasture growth based on a 32 per cent precipitation decrease, which may lead to a 40 per cent reduction in the livestock-carrying capacity of pastures. On the biodiversity front, it could lead to a 10 per cent to 40 per cent loss of core habitat for vertebrate animals that live in montane environments and other environments in Victoria that are relics from past climates. With the 3-degree to 4-degree or 4-degree-plus possibilities, you do not even want to contemplate the impact it would have on large parts of Victoria.

Many of these forecasts consider the adaptive capacity of the affected systems; there are positive feedback loops and negative feedback loops. A butterfly cannot adapt to a change in climate in the way a human can. Humans are very adaptable; that is pretty obvious. We live everywhere from the Sahara to the Arctic. It is the defining thing about our species that we use various sorts of technologies to live in a whole range of climates and environments. But there are limits. I am just pointing out that biodiversity does not have the same strategies as a farmer or an electricity market analyst who is faced with this problem. It is always difficult to predict how humans will behave, but I believe the extent of the damage is dependent on the development pathway undertaken to adapt and mitigate the effects of climate change.

Earlier we heard from a speaker who said that my choices were coal or nuclear. I am all about creating choices, not about locking them down to the minimum, but if other people want to go to an election telling people that those are their two choices, they should be my guest.

The short list of areas to be affected here in Victoria includes the electricity industry, forestry, tourism, agriculture, health services and aged care and the multitude of industries that are dependent on water use. We have already seen it. We are not headed for a

climate adaptation crisis: we are in a climate adaptation crisis. The health effects of climate change are often overlooked or disregarded, even by those who like to put humans at the centre of every debate. Climate change has both direct and indirect effects, including heat-related illness and death, which was most recently experienced in the month leading up to the tragic fires of Black Saturday when, according to the chief medical officer, the number of Victorian deaths was 980, which is 374 deaths above the 606 average for the five previous years. There was no royal commission into those 374 deaths.

The indirect health impacts have been linked to things such as ozone, particularly in urban areas, which induces respiratory and cardiovascular illnesses, often leading to death, plus the increase in disease vectors carried by mosquitoes and ticks and so forth that are transmitted to humans and animals. Many of us will be able to adapt to limit the effects of a warmer climate upon our health, but the hardest hit will be the poor and already vulnerable, particularly those who live in the poorly designed public housing high-rise towers that appear commonly in the inner city parts of our electorates.

The state of Victoria is going to undertake its own adaptive process right down to the structures of buildings for the benefit of the people who are placed in there, and that will have to be done quickly. What has been offered so far is air conditioners for those with a proven medical condition who ask for them. That in itself will add more costs to the state's balance sheet. We need better solutions.

I return to the bill. The first thing the bill does is to set a target of a 20 per cent reduction in 2000 levels by 2020. The decision to set the baseline at 2000 levels may make Victoria the odd state out. South Australia is using 1990 levels and other states are beginning to set their targets.

Interestingly, last night in a contribution Mr Murphy said that it was a very brave step to set a target of a 20 per cent emission reduction by 2020 and that no other Parliament around Australia can produce such a progressive policy. Well, look a bit harder.

Mr Jennings — Yes, look a bit harder for the ability to deliver anything.

Mr BARBER — It was a generic comment — right? — on targets. Yet we have, let us call it, a Greens-Labor minority government in the ACT which has just blown all targets out of the water by announcing legislation to reduce emissions by 40 per

cent by 2020. South Australia is using 1990 as a base for a 40 per cent reduction by 2050. Sure, they are all different bases; I understand that. It was not me who made the comment about the bravery of certain parliaments. You just have to do your homework on this stuff. You cannot come in and start firing off your water pistol in every direction. You need to do your homework.

I understand the concept of differentiated responsibility; different states will have different targets, depending on what their starting position is. I support that at the global level, too. It is about how to get them all together and achieve a target that we are debating today.

Mr Murphy interjected.

Mr BARBER — By interjection Mr Murphy talks about the CPRS, and he has done it several times this week. If he is making a political point, then I would say: we just had an election about this, and we saw what the result was. It is not like it was a small issue at the election. The result of the election was: Greens up, Labor and Liberal down. I simplify it for him. I would have thought that was a fairly definitive test of his proposition. The wonderful CPRS — —

Mr Murphy interjected.

Mr BARBER — If Mr Murphy still wants to keep prosecuting the CPRS argument, it is up to him. But if the point he is making is that he is really concerned about the need for a strong mechanism to reduce emissions, I would say to Mr Murphy: do not despair. Because as part of the Greens-Labor agreement signed by Prime Minister Julia Gillard, and Bob Brown and Adam Bandt of the Greens, and some others, we have ourselves a way forward from your stalled — —

Mr Murphy — Have we?

Mr BARBER — You should read it and find out, in preparation for your contribution here today. It is an elegant approach.

Mr Murphy — We could have already had one; you would have had more influence over that.

Mr BARBER — We are going to do this systematically. If you really have worries about this, I will ask Adam Bandt to bring it up on your behalf with Julia Gillard, the Prime Minister, in one of his weekly meetings with her. Will that help you out?

It is now famous that the government went to this last federal election, which Mr Murphy wants to re-prosecute during the debate today, with a policy for a

citizens assembly. We have ditched that. That is face saving for the government. What we will now have is a committee established in the federal Parliament with the status and resources of a cabinet committee that will find a way to reintroduce a carbon price. The Liberals have already said they will boycott it, so it is down to Labor and the Greens. We are down to where we should have always been — in a negotiation to get this through the federal Parliament.

Mr Murphy interjected.

Mr BARBER — It is a negotiation you never entered. You thought you had the Liberals locked in, right? Labor trusted the Liberals on this. The federal government had to give \$20 billion in compensation to polluters to keep polluting under a scheme that would not have actually reduced emissions but would have paid other countries to do so. But they did not go the distance. They knocked their leader, then you knocked your leader. That is the effectiveness — —

Mr Murphy interjected.

Mr BARBER — You never spoke to the Greens and you never contemplated a Greens amendment to your emission trading scheme because you thought you had the Liberals. Then, when it was too late, you threw it across the table and told us to vote for it. We did not vote for it. We were never going to vote for it, and if it was the same proposition again, we would still not vote for it because it gave \$20 billion of compensation to polluters, against the express advice of Labor's chosen climate change economics adviser, Ross Garnaut. Garnaut said, 'Whatever you do, don't give out free permits'. Why? Because it is simply a transfer of wealth. If I find 50 bucks in a gutter, I am not going to pay 50 bucks for a Mars Bar; I am going to put the 50 bucks in my pocket, and I will pay the market price for the Mars Bar. That is a colloquial description of the argument that Ross Garnaut was making.

The compensation just for International Power, the owner of the Hazelwood power station, in the first proposition presented was about \$400 million. I do not know what it was by the time the federal Labor government had finished negotiating its amendments with opposition members Ian Macfarlane and Malcolm Turnbull, but the total pool of compensation for coal-fired power stations —

Mr Murphy interjected.

Mr BARBER — Just bear with me. I know you are new to this environment thing and you are new to this Parliament, but for a quarter of a century or so I have

been on this whole environment gig that you are now trying to get your arms around.

Mr Murphy — You apparently wanted better IR (industrial relations) as well. You apparently wanted better IR legislation, but you passed that. Why would you pass the IR legislation and not the CPRS if you think you have better versions? You are contradictory.

Mr BARBER — I have not got time to do IR, sorry. We will do it another time.

Mr Murphy — Why did you pass that one then?

Mr BARBER — We will get into occupational health and safety one of these days.

Mr Murphy interjected.

The ACTING PRESIDENT (Ms Pulford) — Order! Mr Murphy, your name is on the list; you can have your turn in due course. Mr Barber to continue, with a little less assistance.

Mr BARBER — As I was saying, we now have a serious mechanism to start talking about how we can introduce a carbon price into the federal Parliament. But that brings us back to this bill, because in my view the CPRS was an economically efficient way to allow people to trade mitigation opportunities amongst themselves. It would probably have ended up being a trading club for big coal companies, especially with the weak reduction goal that was locked into that target, but theoretically it is an economically efficient way for people who have different opportunities to reduce their emissions to find the most low-cost and efficient way to do it.

However, the CPRS was never the only way to reduce emissions; in fact state governments have always had the strongest tools in the toolkit for that. State governments control land use and control transport policy, they set the building codes, they have tree-clearing controls, they own the natural ecosystems and they even own the actual physical coal and other resources. If at any time in the last 11 years the Labor government wanted to take strong action in this area, it had the chance.

I am gratified, and I have said it to anyone who will listen, that the Brumby government has crossed this important threshold and armed itself with the tools to reduce emissions should it want to. That is all we are doing here this morning: we are creating a couple of levers of policy. We are leaving a lot of the other ones to the side, by the way, but creating some on the important issue of the Environment Protection

Authority's ability to set pollution limits on CO₂ in a select group of a couple of hundred big polluters that are largely responsible for our stationary energy plus industrial pollution.

With this bill the EPA would be able to directly control the emission levels of those big polluters. There is no walking away from it: this is a good step by the Brumby government. Labor could have done it at any time in the last 11 years. It now has the next 86 days to convince the Victorian public that it is fair dinkum about using the tool it has just armed itself with, but there is no getting around it: it is an extremely important threshold to be crossed.

This morning we heard the coalition really wanting to baulk at that threshold. It is not going to; it is going to vote for the bill and propose some amendments. It depends a little bit on how Tim Piper and the Australian Industry Group is feeling on any given day. Tim Piper was at the same greenhouse summit as I was, so he must have seen this coming. Perhaps at the last minute his constituency — his members — got flighty, and that worked on him and worked its way through to the coalition's response.

I want to talk about the issue of measurement because we are talking about setting a climate change target. According to the national greenhouse gas inventories, if you exclude land use, land use change and forestry-based emissions, Victoria's emissions in 1990 were 102 megatons. Loy Yang B came on line in 1993, but it was between 1995 and 1999 that the 20-million tonne increase really happened. Emissions in 2000 were 121 megatons excluding the aforementioned land-related emissions, meaning an extra 4 million tonnes would have to be reduced if 1990 was the baseline. The government has various reasons for wanting the existing baseline: I simply wanted to point that out. The target is in no sense legally binding, and it is an interesting question from the point of view of environmental protection how a Parliament could bind later parliaments.

In the same part of the bill the guiding principles of informed and integrated decision making, risk management, intergenerational equity, complementarity with commonwealth schemes and community engagement are all things that we would like to see in all government legislation. In this bill they only apply to the minister's development of adaptation plans and reporting on emission data, if I have understood that aspect of the bill correctly.

When the bill gets to the division dealing with what greenhouse considerations should be made by

decision-makers the all-important part is what acts are contained in the schedule. The acts and provisions in the schedule are indicative of this government's tentative approach to greenhouse mitigation. The overwhelming source of emissions, as I said, comes from stationary energy and transport. Despite this a number of acts of Parliament that affect those two areas are not included in the schedule — for example, the Planning and Environment Act, the Electricity Industry Act, the Mineral Resources (Sustainable Development) Act, the amendments to which we just dealt with, the Major Transport Projects Facilitation Act, the Transport Integration Act and the Environment Effects Act.

This bill imposes no requirement on the minister or relevant decision-maker to consider climate damage that could arise from their decisions. I know the minister will say, because I have spoken to him, that there are other provisions in those other acts where that could be done and a number of ways to do it. I look forward to seeing that schedule of legislation and other changes rolling through the Parliament as the government becomes emboldened after this first tentative step and arms itself with even more tools to capitalise on the action and the momentum that builds behind this.

I could have also mentioned the Water Act, an area that is looking for significant reform; I understand that is being considered as well. It is only the aspect of the draft sustainable water strategies that will be brought into this — although the Minister for Water would argue that climate change has been considered in those draft sustainable water strategies. We have already had case law on the consideration by the Victorian Civil and Administrative Tribunal of the impacts of climate change for the issue of individual water licences and the precautionary principle that might go along with that, so I think that is going to be needed eventually.

The minister has set out the risks of climate change to various regions of the state in 2012 and a comprehensive response to those risks. This will occur three times — that is, every four years until 2020. These plans will be tabled in Parliament upon completion of the report. Every two years from 2011 the minister must report on the level of emissions and the extent of reductions and present the science and data underpinning those results. Those reports will be tabled in Parliament upon their completion.

I want to talk a little bit about the accounting behind all this because it is obviously essential in order for the bill to function. All the accounting we have now is based on the flows of emissions. That is fine for fossil carbon found in oil, coal and gas because that pool, if you like,

does not create or absorb CO₂ or increase carbon storage in any kind of time frame that we are interested in. It does on a geological scale but, needless to say, it will not during the life of this bill. It is just a big stock of carbon; it sits there until we burn it. Therefore it is fairly easy to measure those flows. We do not even try to measure what the stock of carbon is in coal. We know how much coal is down there and we take a guess, but we do not try to measure it because it is not going anywhere in a hurry except when we burn it; then we measure it at the meter.

The biocarbon contained in trees and soils does absorb and release CO₂ while existing as a stock. In a minute I will probably be able to get Mr Murphy's attention again; he is a member of the committee that has just had an inquiry into soil carbon sequestration in Victoria, and I reckon he is going to be full bottle on what I am about to say. He went from quite excitable to nonplussed in the last little discussion, but that is a function of the fact that he does not know whether he will be up against a Green when he comes up for re-election or whether he will benefit hugely from Greens preferences, so he has one foot either side of a barbed wire fence at the moment. He does not know which leg to lift.

Even though the flow accounts are actually calculated as annual stock changes — this is in biodiversity now — omissions and removals are not separately tracked. Only a kind of net carbon stock gets reported. Furthermore, the capacity for storage of old-growth forests — we have a lot of wet forests in Victoria — is notoriously underestimated by the existing accounting system. You only need to look at the Australian Research Council-funded project of Brendan Mackey from the Australian National University to see that the accounts we have been relying on, which are basically extrapolations from pine plantations, were vastly underestimating the amount of carbon stored in wet forest ecosystems by a factor of 5 to 8 or more.

We thought, and assumed, that tropical rainforests were the greatest storers of carbon in vegetation, but actually the cycle moves pretty fast in tropical rainforests. It turns out that the forests at the back of Healesville are some of the most carbon-dense ecosystems on earth because the logs, trunks, soils and carbon all just bed down and sit there for centuries and you therefore get a massive storage of carbon.

If we had a green carbon accounting framework, I would say we would have to take a stock-centric approach to biocarbon. In other words, if you think of the state's accounts, you would not have just a profit and loss statement about money flowing in and out; you

would have a balance sheet of the value of all your assets. Members need to bear with me because this is important for the bill we will be voting on in a minute and for some of the negotiations that have been going on to ensure that the bill has a solid basis.

The preparation of a carbon stock would account for the land-use sector and switch the policy focus from short-term flows to the business of actively maintaining those stocks, reducing the risks of stock depletion — such as bushfire or, I should say, catastrophic wildfire — and encouraging restoration. This was the sort of issue that Mr Murphy and Mrs Petrovich were grappling with when they came to write the recommendations for their report, which I will come to in a minute.

For the complementary flow component of the accounts the green carbon framework improves transparency by clearly separating fossil carbon from biocarbon. Biocarbon would be further disaggregated into green carbon, which is in natural ecosystems — and by virtue of that is much more permanently stored as long as we leave those ecosystems to do their thing — versus production carbon, which is in agricultural systems, including tree farms and plantations. Australia could adopt such a system without waiting for international agreement, providing it is structured such that the reports can be prepared in accordance with international requirements.

A lot of people spend their time trying to work up what is effectively a carbon accounting standard, but the one we adopt in Australia is still not transparent; you cannot unpack it. In fact in one recent instance we had a huge change to the amount of carbon that was considered to be in this land use side of things, and an associate of mine rang the Australian Greenhouse Office to ask why that movement had happened. The AGO basically said that that particular number was the responsibility of one individual in the office and he was attending an international conference for two weeks.

Mr Jennings — Two weeks every other second week.

Mr BARBER — It is a hazard. Apparently there was a huge loss in Australia's store of carbon as measured by our accounts — a whacking great number. It was as if the financial accounts of Victoria had just taken this massive swing and everyone was saying, 'How did that happen?', and someone said, 'I don't know. Jacko down in his little cubicle was responsible for that'. We cannot allow that to continue when we have so much riding on our carbon accounting framework. In fact you have to wonder whether it has

come to a point where a whole branch of the Australian Bureau of Statistics needs to be set up to do what it does elsewhere. We rely on its statistics for a whole range of crucial societal functions.

The issue of forestry rights comes back to the Environment and Natural Resources Committee (ENRC) inquiry that Mrs Petrovich and Mr Murphy have diligently been working on. It is a rare thing that new property rights are created by the legislature, but in 2000 this Parliament did just that with amendments to the Forestry Rights Act. Property rights are an exclusive economic right, and in a way they are a derivative over this physical thing: carbon stored in soil or vegetation or sequestered. Trees are conventionally part of the title; now they can be splintered off as a separate property which itself is isolated from the proprietary right to the economic benefits. That is really what this is all about. The intention of parts 4 and 5 of this bill is not so much about environmental preservation but about commodifying and securitising a physical thing — carbon stored in a certain form — so that we can monetise it. That must mean we want to flog it off. This did not get a mention in the second-reading speech. Up to now this was the big sleeper we are facing in the bill.

I do not know whether ENRC's inquiry in its time line had the chance to examine this bill, which arrived prior to the tabling of the committee's report, but if you go back to Sherryl Garbutt's second-reading speech on the Forestry Rights (Amendment) Bill, the intention is quite clear. It states:

The overriding purpose of this legislative change is to encourage investment in carbon sink establishment in Victoria ...

...

This bill is an opportunity for Victoria to capture significant venture capital for carbon investment ...

That is what worries me — a bunch of cowboys rushing in and getting ready to securitise and then flog off a physical ecosystem. We have already seen what happens when a bunch of cowboys get involved in managed investment schemes involving, in some cases, trees. It is a pretty interesting problem when you sit down and think about it. The government is now putting the cart before the horse. I am reminded of *The Merchant of Venice*, in which one character says to another that they can have their pound of flesh provided they do not take a single drop of blood with it. How is the government planning to sell off the CO₂ while still leaving in place the trees or the soil or whatever it is?

Did we get any answers from the ENRC inquiry? Did the committee give us a solid framework to move forward on? Did it examine this bill or the early work that might have gone into it?

Mr Murphy — If you're so interested, perhaps you should get on the committee.

Mr BARBER — No. I could get on the committee, Mr Murphy, but the question is: why would I be on the committee? To teach you ecology!.

Mr Murphy — Get off the grass, Greg. Fair dinkum! We had professors and doctors and everything. You're suggesting you're more intelligent on the issue than they are.

Mr BARBER — No, not them — you!

What we got is recommendation 3.1:

Carbon sequestration rights in soils should be recognised and clarified under Victorian law.

Thanks for that. How? That should have been the purpose of the committee's inquiry. Today we are voting on a bill that does exactly that, but not with any guidance from the committee.

I turn to the EPA powers section of the bill. The bill sets up powers for the EPA to regulate greenhouse gases through works approval on proposed energy generators, and at a later stage the EPA will regulate greenhouse gases as a form of waste, if you like, under licences for existing industrial sites. It should be noted that the degree to which those regulations will be set is not specified in this bill. We all understand that. The works approval threshold was, however, mentioned in the Premier's second-reading speech.

I have cause for concern over the 0.8 tonne per megawatt limit being open to industry consultation. It seems like a policy where the government is happy for it to be reported that this is its intention, but there is fine print that says that limit might change after it talks to the industry; obviously there is only one way it is going to change, and that is up. The supply side of the industry has little economic incentive to lower emissions, and it can be expected that it intends to play off caretaker Prime Minister Julia Gillard's proposal to set the ceiling at 0.86 tonnes of CO₂ equivalent per megawatt hour, no doubt in the name of consistency and certainty. I think consistency and certainty, as I described when I was talking about the possible impacts of climate change on Victoria, is something that has largely abandoned us, but good on the industry for trying to get some for itself. The retraction from

HRL's dual plant proposal — its EPA works approval, I think it was — is hopefully an indication that a strict 0.8 tonne ceiling will be prescribed, and I would like to see that before November's election.

I think I have reached my self-imposed limit for what I would like to say about the issue of climate change, and I understand we will be going into the committee stage of the bill where I will have an opportunity to freeball a little bit with the minister about some of the issues I have just raised speculatively. No doubt there is a lot of room and he will not be able to answer all those questions, but I will leave it there for the benefit of other speakers, including Mr Murphy who is absolutely champing at the bit.

Mr HALL (Eastern Victoria) — I welcome the opportunity to make some comments on the Climate Change Bill 2010. I am particularly interested in this bill given the fact that climate change debates invariably lead back to a focus on many of the issues prominent in my electorate of Eastern Victoria Region. In particular, whenever we are talking about climate change, it involves a discussion about brown coal electricity generation, and we also invariably talk about forestry and timber harvesting. Inevitably we also get to the topic of water collection, and that is of particular relevance to this debate because 60 per cent of Melbourne's water is harvested from the Gippsland catchment area in my electorate. Most of the debates on climate change also get around to talking about rising sea levels; again, planning decisions in respect of projected future sea rise levels are causing great concern and disturbance in relation to planning functions in the electorate I represent.

Many would argue that the major contributing factors to climate change worldwide are things like brown coal electricity production and vegetation clearing, which are just two of the main issues that are raised in such arguments. Those people would argue that we should address climate change mitigation measures predominantly in those areas.

I believe that not enough emphasis is placed on the other end — that is, on the end users in areas like demand management and lifestyle. When I look at the bill before us today, when I look at the government's white paper, I see a focus on measures at the production end or at the resource use end rather than at the demand management end and the personal use of electricity.

I reflect in my own mind and look at the very city in which I stand today, Melbourne, and I would say that Melbourne must be the most altered area of landscape in the whole state of Victoria. Two hundred years ago

we would have been standing in huge, growing, tall, very productive forest areas. Today we are standing amongst myriad tall concrete buildings, asphalt landscaped areas and, yes, some nice parks around the area — little green areas dotted between massive changes to landscape. We see almost 80 per cent of Victoria's population now living in the greater city of Melbourne.

We have four major brown coal generators in the Latrobe Valley predominantly to supply the electricity needs of the people of Melbourne. Yes, they also support the 20 to 25 per cent of the population who live in other parts of the Victoria, but it is predominantly because of the people in Melbourne.

I tend to think that sometimes in these climate change debates we should be looking at both ends of it. We should be looking more frequently at the user end rather than the production end and look more at demand management and think about whether we are placing enough emphasis on educating people to reduce their reliance on electricity production, for example.

I have heard the Premier of this state say that if people started to turn off appliances at the power point, they could save up to 10 per cent of their electricity use. We do not encourage people to do that to a great extent. I wonder when I talk to people just how often people turn off appliances at the power point. How many people would have turned off their television at the power point last night, or would they have left it in standby mode? How many people throughout the course of the day leave digital clocks running for the whole of the day? Probably most of us, and yet we could reduce our reliance on electricity by at least 10 per cent if we turned off appliances at the power point.

Why do we not do things like perhaps even ban the importation of electrical products which have standby facilities? Why do we not do that? Why do we not ban the manufacture of those products? It is pure laziness that we have things sitting in standby mode so we can sit in an armchair and push a button and the appliance suddenly comes on for us instead of our walking over and flicking the switch at the power point.

We tend to do the easy things. We tend to say, 'All right, let us put some standards on emissions from the power stations. We will keep doing all the lifestyle things that we enjoy doing, but we will impose these conditions on the production end rather than on the personal use end'. I believe we should be doing more in that area. I often think about computers and the growth of them. Twenty-odd years ago we said that this was going to lead to a paperless society. Goodness, I do not

know anybody who could mount an argument that we do not consume more paper now with the advent of computers and printers — the ability to get so much information now has increased the use and production of paper worldwide many times over. I do not think anyone could argue now that technology has reduced in any way our reliance on a natural product coming from timber like paper. I reckon we should have more of a focus in those sorts of areas.

I often wonder too what sort of personal commitment we as a society are prepared to make to reduce our reliance on natural resources. How many of us in the communities in which we live have signed up for green power from our electricity suppliers? I know the figure was around 5 per cent a couple years ago; I am not sure how much it has grown by now. Perhaps the minister might like to supply that answer, but I suggest that the figure would still not be very high, meaning that people are not prepared to put their hand in their pocket and pay for what might be a different but more expensive source of energy production.

It seems to me that we should be encouraging more and more people to look at their own lifestyle choices — the way they use electricity and other forms of energy — in conjunction with putting standards on generation of electricity at the other end. I still think there is not enough focus on that aspect. When you look at this bill you see it is predominantly looking at the EPA (Environment Protection Authority) regulating business energy production. It is looking at different areas, particularly carbon storage and sequestration, rather than on a personal demand management scale. I look at the government's climate change white paper and the 10 actions set out in it. I do not see a great focus there on encouraging and educating people to reduce their reliance on power and energy.

If you look at things like setting targets for clean energy, using different forms of energy, solar power, improving the energy rating of homes, you see that the list goes on in each of the 10 areas. None of them contains a great emphasis on educating people. I note in one of these areas — that of clean energy — the example is given of setting up a Latrobe Valley Advantage Fund. I think that is extremely important. I have argued previously that before you start closing down some of those brown coal energy producers their net target fund needs to be in use — it needs to be implemented, and it needs to be demonstrated that the needs of those people who are going to feel the impact of climate change policy are accommodated and alternative jobs are found for them.

I express those thoughts by way of background. In terms of this whole debate on climate change, let us think of both ends of the scale rather than just imposing a strict legal structure upon energy producers in this country.

I want to turn to a couple of aspects of the bill, and the first one is carbon sequestration rights in parts 4 and 5. I have to admit I agree with Mr Barber that not enough emphasis has been placed on this area of debate so far. The minister's second-reading speech on this matter is scant in detail and gives the reader little understanding of what the new sections contained in parts 4 and 5 of the bill actually do. I know it is all about carbon sequestered by vegetation in soil on private and Crown land, and the speech says:

These new laws will also support the establishment of the Victorian Carbon Exchange...

I do not know anything about the Victorian Carbon Exchange. I do not know if there is a structure there at the moment and, if so, whether it is actually working. I do not know whether there is a market for carbon sequestration in timber and soil products at the moment. Perhaps the minister might be able to elaborate on this, but the way I see it is as just a process by which in theory you can separate the rights to carbon that might be sequestered in vegetation growing on land and that this provides a framework for doing it; but does it do it? Is there a marketplace? Is there a trading market that allows that to happen now? I am not sure that there is. In the absence of a national carbon pollution reduction scheme and a carbon trading market, I am not sure whether this is any use at all. The way I see it is that it is probably just framework stuff that might be useful in the future if a market system actually gets going. I would welcome some response from the government elaborating on aspects of parts 4 and 5 of the bill. I know that the bill replaces an existing act, the Forestry Rights Act, and that is fine, but I am still not sure of the effectiveness of the provisions in the bill with respect to this whole debate on climate change.

I also want to talk about part 7 of the bill, which makes some significant amendments to the Environment Protection Act. It gives the EPA power to regulate greenhouse gas emissions from business and industry. In the second-reading speech there are comments about what this might do in the future. It talks about setting limits on greenhouse gas emissions from any new brown coal generators. They will be required to reach a standard beyond that which any current brown coal generator achieves.

The second-reading speech also says that this power may in the future be used for other purposes such as

establishing emission standards for existing power stations. Statements and intended actions like that create a great uncertainty in the brown coal generation industry. It is no wonder that investors in the industry, both current and future, are extremely nervous. I can well understand some of the companies currently with investments — International Power, for example — being happy to talk to governments about getting out, because they can see the future is not bright, particularly if these standards are being lifted. There is great uncertainty. International Power has made, with good intent, a very significant capital investment, an investment which Victoria needs to meet its demand for electricity, but with the rules changing as they are forecast to change, of course it would be willing to talk to government.

I would think that other brown coal generators, with a changing climate of business rules, also would be happy to talk to governments about their futures. Moreover, it is important to note that there is no future investment being made at this stage in brown coal electricity generation, no matter what standards might apply, because people are just not certain. Yet we need to ensure that we have continuity of supply of energy in Victoria. I do not think people are certain whether that can be sourced purely from renewable energy. Consequently, unless some definitive action is taken and there is some certainty of the future direction for energy production in this state, there may be problems ahead. Those are all important issues that impact upon my electorate.

The opposition has circulated some proposed amendments which would enable the Parliament to have a review function in relation to any emission standards that may be set by the Environment Protection Authority. I think that is appropriate because we are dealing with some significant decisions that can impact in a critical way on Victorian industry, particularly the brown coal industry. It would be wrong of the Parliament to abrogate that responsibility and give it purely to a government department. It is absolutely essential that the Parliament exercises some oversight of that. The opposition's proposed amendments would enable the Parliament to do that and are critical to this piece of legislation. When they are before us during the committee stage I will urge all members to support them.

This is an important bill, especially for the people of Eastern Victoria Region whom I represent. But my parting words are: let us not just focus on one end of the debate; it is important we look at our own selves and ask ourselves what role we can take in terms of this debate. If climate change is important to us, then

individually we should be looking at our own contribution to that and how we can address it and not expecting others to take total responsibility for any influence man has on climate change in this state.

Mr SCHEFFER (Eastern Victoria) — The Climate Change Bill is welcome and important legislation that will make a significant difference to the state's capacity to reduce greenhouse gas emissions and will contribute to the further development of new jobs, new technologies and new markets that are part of Victoria's low-carbon future.

The complex and protracted national debate over the shape and implementation of an emission trading scheme that culminated last year in the failure of the passage of the carbon pollution reduction scheme federal legislation has made it difficult for Victoria to finalise climate policy and legislation. This link between Victorian and national policy is referred to in clause 11 of the bill, which commits Victoria to making sure that any actions the government takes in relation to an emission trading scheme, targets and caps on greenhouse emissions should complement any actions the commonwealth takes in relation to these matters.

The respective constitutional powers and responsibilities of the commonwealth and state of Victoria impose a discipline within which the Brumby government has developed this Climate Change Bill. Considerable thought has gone into aligning the state framework with what will inevitably come into operation at the national level.

This bill is now before us, and I enthusiastically support it. It contains guiding principles and sets out provisions relating to planning, forestry rights, carbon sequestration, soil carbon rights, and amendments to the Environment Protection Act that will enable it, among other things, to regulate the level of greenhouse gas emissions.

The preamble to the legislation commits this Parliament to recognising, on behalf of our fellow Victorians, the overwhelming scientific consensus that human activity is the primary cause of climate change and that we share the challenges of climate change with people right across the globe. The preamble also affirms that we need to act now to enable us to make a more effective response that can contribute, to the greatest extent possible, to protecting the environment, our economy and the community.

I think the preamble strikes the right balance in its recognition that to a great extent the die has been cast and that some damaging consequences are inevitable,

owing to a failure on the part of many individuals and organisations in this country and across the world to act sooner. This preamble will pose difficulties for some members in this Parliament who are still to be persuaded that as a result of human activity the climate is changing in ways that are damaging the environment and threatening the survival of many forms of plant and animal life. The value of making a clear statement on behalf of the people of the state that has the authority of the Parliament is that it helps to put an end to the dangerous view that the issue remains seriously and scientifically contestable and that because of this there is no special urgency to act now.

Like most of us, I have no scientific training. I form my views of what experts say on the basis of what I understand of the world and whether what the experts say is consistent with what is rational, testable and explainable. If we are being honest, each of us takes into account the authority of the individual or institution that is putting forward a given case. Interested bystanders and intelligent amateurs are of course entitled to have a view; they are entitled to a respectful hearing. But their views cannot be given the same standing and credibility as those of a recognised expert or international scientific forum. In the end, a range of factors inform our decision on who we think is credible and who is to be believed in fields where we ourselves do not have all the information or expertise to grasp the full significance of relevant evidence.

As a layperson, I have no difficulty with the scrutiny of climate change science. I am always keenly interested in the debates I hear on the radio and read about in various newspaper articles and some journals that challenge our assumptions and understanding. It is very important we have an open mind and not get directed into uninformed frolics on the side. On this basis I support this Parliament adopting the preamble to the bill.

Part 2 of the bill contains six guiding principles that should be used in implementing the climate change adaptation plan that is set out in part 3. When members look at these principles they will see that they are far reaching and will challenge those individuals and bodies whose job it is to hammer out how this state can tackle the restoration, management and protection of the environment in the context of climate change.

Part 3 of the bill contains provisions that require individuals who make decisions under legislation that have a bearing on the environment to take into account how the decision will impact on climate change and the level of greenhouse emissions. Climate change is the top intergenerational issue; what we do today will more

profoundly affect the life or death of future generations than almost any other action we take. One of the difficulties we face is that while some of the consequences of climate change are now beginning to be seen and understood, the long-term impacts remain impalpable. This is why principles of equity and community engagement are so important. They enshrine in the law the need for this generation to ensure that we are mindful of the consequences of our action for future generations, and it is also important in that way to engage the community actively in these considerations.

Part 2 of the bill states that by 2020 the level of greenhouse gases that are emitted is below 20 per cent of the emissions in 2000. The second-reading speech makes the point that:

... this is a very challenging target —

and that this 20 per cent reduction in emissions below the levels in 2000 —

... equates to a 40 per cent reduction in per capita terms.

The bill states that the policy objectives of this measure are to contribute to global and national emission reduction. The development of a portfolio of energy options will help to bring about a low-carbon future for the state, help communities and industries adjust to climate change and capitalise on new opportunities that will come from the introduction of a carbon price. The target is also grounded in the aim of promoting the resilience of the state's natural ecosystems and biodiversity.

Part 7 of the bill amends the Environment Protection Act to enable the authority to regulate the emission of greenhouse gas substances to contribute to Victoria achieving the targets that are set out in the act and also to reduce the harm that these gases do to the environment. The provisions in this section encourage the sustainable use of waste as a resource and promote industrial activities that give improved focus to climate change issues. Part 7 enables the creation of a climate covenant, which is an agreement between the government and a person or body with the aim of working in a practical way on climate change issues.

Part 8, on which there has been some discussion already, repeals the Forestry Rights Act. Through the provisions in part 8 this bill introduces a new framework for forests and carbon sequestration rights, which rights are set out in parts 4 and 5 of the bill.

Owing to the short time available I will try to contain the rest of my contribution to the next 5 minutes. On the

issue of carbon sequestration and the creation of a framework for that area I note that this week in Parliament the Environment and Natural Resources Committee tabled a report on its inquiry into soil carbon sequestration in Victoria. Its first recommendation is, as I understand it, consistent with the provisions of the bill as they relate to soil carbon sequestration. The committee points out that there are many uncertainties associated with the potential benefits of soil carbon sequestration and says that witnesses who spoke to the committee were divided on the matter, but the committee recommends that soil carbon sequestration rights should be recognised and clarified under Victorian law, and this is what the Climate Change Bill does.

The introduction of this bill into Parliament coincided with the release of the government's climate change white paper *Taking Action for Victoria's Future*, following on from a series of statements including the land and biodiversity white paper, *Victorian Coastal Strategy* and *Victoria's Energy Future*, which was released earlier this year. I commend the minister and the government on the production of these documents; they present critical information that profiles Victoria's position in relation to how climate change is likely to affect the state. The climate change white paper, for example, sets out 10 actions to reduce emissions, capitalise on new jobs, new technologies, new markets and climate change adaptation, and it draws together the very impressive range of measures that the Victorian government has devised and implemented over the last decade, which have made this state a national leader in this area of public policy.

While climate change affects people everywhere in the world, each community is affected after its own circumstances. Climate change has very special impacts in Gippsland and the Latrobe Valley in particular. Gippslanders have amongst the highest levels of understanding of climate change issues of anyone in the country. The people of Gippsland and the Latrobe Valley understand that greenhouse gas emissions from the power industry in the Latrobe Valley need to be reduced and that the transition to a low-carbon economy will have an impact on jobs. Through bitter experience they know people can be left unsupported through industrial restructure, and they share the Brumby government's view that it is critical to make targeted investments that support community.

The Brumby government is working closely with Gippsland communities to build and invest in the area, and we are doing this through the 'Ready for tomorrow' — a blueprint for regional and rural Victoria' framework and the Gippsland regional action plan that

has been developed by the Gippsland local government network. This includes investments in skills, young people, jobs, industry and infrastructure.

A major theme of the blueprint is climate change, and this links to the 10 actions that are contained in the white paper. Wherever you go in Gippsland people are engaged in climate change issues. Whether they are focused on the large and imminent transitions facing the coal and energy industries or involved in farming or the tourism industry, local communities are taking an incredibly active responsibility in this area. The Western Port Greenhouse Alliance, the Gippsland Climate Change Network, local conservation and environment groups, Landcare networks as well as the Gippsland Trades and Labour Council, agribusinesses and farming organisations are just some examples of the spread and depth of the activity that has taken place right across Gippsland.

Climate change is all about protection of the environment and the development of more effective, competitive and dynamic economies. This bill stands with a number of other groundbreaking legislative reforms the government has driven. I congratulate the minister and the Premier, and I commend the bill to the house.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Public transport: safety

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Public Transport. I refer the minister to the bashing of a 39-year-old man last night at Malvern station by a gang of six males and the terrible injuries he suffered as a result of being repeatedly punched and kicked in the face, head and body by the gang. Yesterday the minister dismissed opposition concerns about safety on our public transport system, and I therefore ask: when will the minister stop the endemic violence and accept full responsibility for the Brumby government's mismanagement of security on our public transport system?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Davis for his question, as inaccurately framed as it is. For Mr Davis to suggest that I have dismissed concerns about violence is utterly inaccurate. I have said in this place on numerous occasions that violence of this nature, whether on

public transport or anywhere else, is a matter of concern and is completely unacceptable.

I agree with him that the attack on this individual last night by these young people was a terrible and appalling act, but these acts are not confined to the public transport system. As Mr Davis would know, violence of this nature has occurred and can occur at numerous locations. It is not confined to the public transport system, and it is not confined to after dark. There have been examples at private parties, outside licensed venues and in other places, and for reasons of that nature and others the government has consistently rejected the notion that static deployment of armed personnel is the most appropriate or effective way to deal with it.

It is not about rejecting concerns. It is about a difference of opinion on whether the static deployment of armed personnel at a particular cohort of locations — particularly train station platforms — is the most effective way to deal with this kind of behaviour. That is the view I expressed in this house as recently as yesterday.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I thank the minister for his answer. I notice his use of the phrase ‘static deployment’ — —

An honourable member — Why are you reading?

Mr D. DAVIS — Because I made some notes during his contribution.

Honourable members interjecting.

The PRESIDENT — Order! Mr Davis, to continue.

Mr D. DAVIS — I note the minister’s use of the phrase ‘static deployment’, and I therefore ask: will the minister review policies and toughen security for commuters, and in doing so will he now back down and place armed Victoria Police protective services officers on each and every metropolitan and major regional railway station from 6.00 p.m. until the last train?

Hon. M. P. PAKULA (Minister for Public Transport) — Mr Davis asked whether we would review security. Arising out of the Auditor-General’s report, one of the things the Auditor-General proposed was that high-level consultations between Victoria Police and railway operators should be reinstated. There is a safe travel task force that they conduct on a regular basis, which in fact the Minister for Police and Emergency Services, Bob Cameron, and I have

attended on a couple of occasions. As part of that work we always continue to review the nature of Victoria Police’s operations and the approach it takes to security on public transport.

As I have indicated, that work is not confined to the public transport network, and that is why the additional 1966 front-line police officers that we have announced will play a role. The increase in the number of transit police from 200 to 250 will play a role. The increase in staffing announced by Metro in regard to not just its stations but also additional premium stations will play a role. The new knife laws we have introduced this year to address knife attacks, including the \$1000 on-the-spot fine, will play a role. The operations that Victoria Police runs at various locations to address antisocial behaviour, weapons and alcohol-related problems, including one operation most recently on 13 August which involved 200 police officers patrolling the network from 5 o’clock, will play a role. All those things will play a role in countering this behaviour.

None of that derogates from the fact the incident last night was an appalling incident. It is about respect. It is about the way people behave. It is about the way people treat one another, and we need a combined community effort by Victoria Police, transport operators, government, the opposition and members of the community to deal with these matters and this behaviour that some members of our community demonstrate from time to time.

To put this in context, there was a question put to me by Mr Atkinson on Tuesday, I think, about an armed hold-up, and it was inferred that somehow that was an incident which endorsed the opposition’s policy. I make the point that the following night there was an armed hold-up at the Westgarth cinema. To suggest these matters are confined to the public transport network — —

Mr D. Davis interjected.

Hon. M. P. PAKULA — And to suggest, Mr Davis, that a static response of armed guards on public transport platforms is somehow the solution to matters that go far deeper than that is, I believe, misguided.

Economy: employment

Mr SCHEFFER (Eastern Victoria) — My question is to the Treasurer, John Lenders. In reference to the latest national accounts data, can the Treasurer confirm that Victoria has led the non-resource states in economic growth and jobs over the last 12 months?

Mr LENDERS (Treasurer) — The answer to Mr Scheffer is yes. State final demand has been of the order of 6 per cent, and as a consequence of that we have seen 98 300 new jobs in Victoria.

Bushfires: royal commission recommendations

Mr HALL (Eastern Victoria) — My question without notice is for the Minister for Planning. I note in the minister's press release dated 27 August — last Friday — he made the following claim in support of the government's decision to reject recommendation 46 of the 2009 Victorian Bushfires Royal Commission, and I quote:

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 up beyond \$20 billion.

I ask: does the minister really believe recommendation 46 means that every property in every one of Victoria's 52 high bushfire risk towns should be purchased, and if not, why is he misleading Victorians with such deceitful and inane commentary?

The PRESIDENT — Order! I am of the view that Mr Hall is in fact asking the minister for an opinion. However, I will allow him the opportunity to rephrase his question.

Mr HALL — In respect of the statement the minister made in his press release of Friday, 27 August, where he said:

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 up beyond \$20 billion.

I ask: on what basis does the minister interpret property purchases in 52 high bushfire risk towns as equating to recommendation 46 of the bushfires royal commission?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Hall's interest in this matter. In a sense I welcome his scepticism, because it shows the failure to grasp the implications of the royal commission's recommendations. Certainly we as a government have recognised the intent of those recommendations and the desire to ensure that people are safer in these communities not only now but well into the future.

Mr Hall — So the intent is to close down those 52 towns, every single property?

Hon. J. M. MADDEN — I am surprised Mr Hall would even raise this matter, because I know Mr Hall, representing the East Gippsland region, would know the vast area of East Gippsland and the way the population is dispersed throughout the area. That is just East Gippsland, let alone the likes of the Otways or some of those other areas where we have enormous numbers of people scattered in the various hinterlands around some of our town centres.

This is the critical issue: you have an enormous number of properties dispersed throughout the hinterlands across Victoria. If Mr Hall does not believe me, and I am sure he does, I suggest he uses Google Earth to view the area and have a look at the back roads that lead to properties and those things in their various shapes and forms. The figures that we have given are very conservative, because we have estimated a lower sum for each of those properties than might well be the case.

But of course if you were to start to acquire those properties — and this is more the point — what is the threshold test that you cut in with and what is the threshold test that you cut out with? Once you start to acquire properties you end up making more properties more vulnerable, so you end up with a domino effect. That is one of the comments I made in the announcements around the recommendation and our position on it.

I note that stands in stark contrast to the comments of the Leader of the Opposition in the other place, Mr Baillieu, around voluntary acquisition, where he said he believed it was voluntary on both sides. That is an extraordinary assertion from Mr Baillieu. How does that work? I understand he commented on public radio that the acquisition was voluntary on both sides, so the government would purchase when it felt like it or when the funds were made available or when certain properties came on the market. I can make the point to Mr Hall that the valuer-general and the government land monitor would not go for a voluntary buyback on the part of government because that would be just cherry picking when you had the funds. That would make the whole program inoperable.

The critical point here is that once you reduce the number of properties in some of these locations you end up with potentially more properties that are more vulnerable and you have to acquire more properties. The other issue here — and I cannot believe The Nationals in coalition with the Liberal Party would want to see this happen — is that what you are doing is hollowing out communities. You are leaving bits and pieces but taking chunks out. The irony that Mr Hall

fails to recognise here is that members of The Nationals, who make out that they represent the communities throughout country Victoria, basically want to close down country Victoria by offering that opportunity.

The other issue, which I think is quite bizarre, is that The Nationals and the Liberal Party fail to recognise and understand that one of the recommendations of the royal commission was about the fact that a number of people caught in the predicaments around the bushfires were vulnerable — either aged and vulnerable or vulnerable because they were immobile for one reason or another. It is not rocket science to understand that the people who are more likely to want to have their properties acquired are those who are mobile or who have a bit of get-up-and-go, whereas those who like where they live, who have lived there for a long period, who are aged or who do not have opportunities to take up outside those communities — members know the sorts of people I am talking about — would want to stay. What you would probably end up with is not only the choice bits being taken out of these communities and those left being geographically more vulnerable, but also individuals potentially being left even more extraordinarily vulnerable because of those circumstances.

The other thing Mr Hall fails to grasp — and I find it ironic and extraordinary that he asks this question — is that in most of these communities, particularly in very small ones like those in East Gippsland which Mr Hall would know, you only just have the critical mass needed for a number of commercial services that are support services for those communities. Whether it is a general store or a petrol station on a back road, there is a critical mass that is required for those services to be delivered. If even half a dozen people in a community put their hands up and say, ‘I want to get out of here, and I want the government to buy my property back’, it may make more people vulnerable and it may reduce the number of volunteers who are able to defend the community in some of those circumstances. What you would potentially see is some of those businesses collapse. They might be only marginal, but if you take away some of those householders and some of those families because they have taken the offer and left the community, some of those services may collapse — and basically the town could collapse around them.

The issue here is that we need to consider where we are best able to offer safety and how we can do that through significant investment in other forms of appropriate mitigation measures rather than having these properties cherry picked, potentially making residents more vulnerable and not necessarily providing any additional

safety to the people who stay. The buyback could in actual fact put those who stay, who are likely to be the more vulnerable, less mobile residents, at greater risk than ever before.

For Mr Hall to make out that this position is an unusual or cynical one smacks to me of myopic naivety from The Nationals. It is extraordinary because this is an opposition that thinks that the buyback should be voluntary on both sides. That is the only way its members could justify the fact that they have no idea what the figures may or may not be. I look forward to Mr Hall’s supplementary question, but I hope it is not as naive as the first question that he asked.

Supplementary question

Mr HALL (Eastern Victoria) — In the minister’s statement and in his response to my question he informed us that the government’s estimation of the cost of implementing recommendation 46 of the bushfire royal commission is \$20 billion. Would the minister inform the house exactly how that cost calculation has been arrived at?

Hon. J. M. MADDEN (Minister for Planning) — It is not hard to do the mathematics in this case, and I am happy to provide Mr Hall with some answers here. If you look at most of those 52 townships that are vulnerable and you do the maths in relation to the properties you would need to purchase using a relatively low-level figure of what it might take to acquire some of those properties across those communities — and potentially the vast majority, as I have said, once you start the domino effect — then you are in the order of billions and billions of dollars.

Mr Hall interjected.

Hon. J. M. MADDEN — You do not want to be told this, Mr Hall, because you do not like it, but whether it is a few billion, several billion or tens of billions of dollars, it is going to cost an enormous amount of money and it is not going to provide or guarantee any safety to anybody else.

Mr Hall interjected.

Hon. J. M. MADDEN — Mr Hall, if you want to make out that our figures are not correct, then you should provide us with your figures. I am sure Mr Hall’s figures will be like those of Mr Abbott, the federal opposition leader — accordingly made up. There will be significant black holes that go with them.

Mr Hall interjected.

Hon. J. M. MADDEN — Mr Hall, if you are happy to hollow out rural communities, if you are happy to undermine the critical mass of rural communities and if you are happy to pay billions of dollars to do that, I would like to hear that from you. I cannot comprehend how The Nationals can put that position to the public, and it reconfirms my suspicion that The Nationals have held back rural Victoria for decades and decades.

Economy: transport

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Treasurer, Mr Lenders. It relates to the household consumption figures contained in the latest national accounts data. Can the Treasurer inform the house of what the annual growth was in the transport category and what this growth means?

Mr LENDERS (Treasurer) — I thank Mr Somyurek. The figure is of the order of 11 per cent to 12 per cent, which is much higher than the national average. Transport consumption has gone up by about one-third in vehicle sales, which means more vehicles have been produced by Victorian manufacturers and component manufacturers. That means more jobs.

Budget: federal election

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Treasurer. Following on from Ms Huppert's question yesterday, I ask: can the Treasurer inform the house whether there is any uncertainty about the Victorian budget as a result of the Prime Minister's deal to mandate precommitment technology for electronic gaming machines?

Mr LENDERS (Treasurer) — I thank Mr Rich-Phillips for his question, which is a very good question. The Prime Minister and one of the federal Independents, Mr Wilkie, came to an arrangement about precommitment and a range of things. We have obviously watched that very closely. These things are hypothetical, because no party has yet been commissioned to be the government of Australia. These things are hypothetical, but I would say to Mr Rich-Phillips, who is obviously watching this situation with interest, that the component parts of the precommitment are ones that essentially Victoria has committed to but on a different time line. I will get further advice from my colleague the Minister for Consumer Affairs. We will obviously watch it with great interest, and with even more interest if a Gillard government is commissioned, as we on this side of the house certainly hope it will be.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the Treasurer for his response. Does the deal that has been agreed to by the Prime Minister to get the support of Mr Wilkie pose any threat to Victorian government gaming revenue?

The PRESIDENT — Order! I am of the view that that it is same question. Mr Rich-Phillips may like to elucidate on that.

Mr RICH-PHILLIPS — The primary question was about whether there was any uncertainty, and the supplementary question was about any threat that had been created to a revenue stream.

The PRESIDENT — Order! I am not convinced, Mr Rich-Phillips. However, what I am convinced of is the Treasurer's ability to answer the supplementary question.

Mr LENDERS (Treasurer) — I think I answered the supplementary question in my substantive answer.

Economy: housing

Mr LEANE (Eastern Metropolitan) — My question is also to the Treasurer, John Lenders. I would like to ask the Treasurer about the latest national accounts data and specifically the surge in Victorian dwelling investment for the June quarter. Can the Treasurer inform the house how much this increased for the June quarter and what this means for the state?

Mr LENDERS (Treasurer) — I thank Mr Leane for his question. I am truly excited by the interest in the national accounts today. It is good to see questions on the economy. The figure he referred to is in the order of about 8 per cent for the quarter. What investment in dwellings means for Victoria is more homes for more people — a greater supply of housing. It also means more jobs in the construction of these houses. This is an important part to the job growth in Victoria — 98 000 jobs in a year.

Bushfires: royal commission recommendations

Mr D. DAVIS (Southern Metropolitan) — My question is for the Treasurer. I refer to the coalition's request for the government to come clean on the costings of its response to the recommendations of the 2009 Victorian Bushfires Royal Commission. Therefore, I ask: will the Treasurer now release all the detailed costings of all the recommendations he has accepted in part or in full from the bushfires royal commission?

Mr LENDERS (Treasurer) — I never cease to be amazed by those opposite, where the Leader of The Nationals has written a letter to the Premier —

Mr D. Davis — He has.

Mr LENDERS — I am saying that, actually, Mr Davis; yes, he has. If it is a Treasury matter, why the Assembly member for Scoresby, Mr Wells, the shadow Treasurer, did not write this letter is interesting to me — perhaps there is not a lot of confidence in him. The Leader of The Nationals in the other place, Mr Ryan, writes a letter to the Premier, and then, within minutes — it is like the cleverly hatched plan from the opposition on the advertising bill the other day — the opposition has a question time strategy about replying to a letter which the Premier received this morning.

Obviously the government will respond to any correspondence from the opposition, but it would be a courtesy, if Mr Davis wishes to ask about such a letter, that firstly he get right the name of the person the question was asked of. It was not asked of me; it was asked of the Premier. Secondly, it is the cowards castle way when opposition members do not have any policies to ask other people to do the work for them, which is what the coalition is doing.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I might just enlighten the Treasurer: the Leader of The Nationals, Mr Ryan, is also our shadow minister for bushfire response. The Victorian people have a right to know precisely how the Treasurer came to his costing conclusions. I therefore ask: will he provide to the coalition the Department of Treasury and Finance's modelling, forecasts and advice on the government's bushfire response package at least in the form of a briefing?

Mr LENDERS (Treasurer) — Mr Rich-Phillips certainly shows how it is done — he can ask a supplementary question without reading it, so full tribute to Mr Rich-Phillips. Perhaps his leader could learn something. Mr Davis essentially repeats what is in a letter from Mr Ryan. Mr Davis should have the courage to ask my colleague Mr Madden, who represents Mr Ryan in this place, if he wants to find something in that area. The opposition will one day get its portfolio responsibilities —

Honourable members interjecting.

Mr LENDERS — He represents the Minister for Police and Emergency Services, Mr Cameron, whom Mr Ryan dreams of replacing one day.

This government has outlined the costings of its response to the royal commission. We have outlined them in a response to the interim report, and we have outlined them in five lots of budget documents by now. We have provided a response to the royal commission which goes to 67 paragraphs, which Mr Davis may choose to read. He will find all of them are answered. All of them have future activity.

If the Liberals and The Nationals feel they need to get someone else to do the policy work for them, then they should say so. The thing that disappoints me about the Liberal Party and The Nationals is that the taxpayer funds them \$2.8 million for a research unit to do some policy work for them. They say it is too hard, they do not have any principles and they ask Treasury to do their work for them. They are lazy, lazy, lazy and continually lazy.

Economy: performance

Mr TEE (Eastern Metropolitan) — My question is to the Treasurer. It concerns the household consumption figures contained in the latest national accounts data. The question is: can the Treasurer inform the house of what the annual growth was in the recreation and entertainment category and what this growth means?

Mr LENDERS (Treasurer) — I thank Mr Tee for his interest in growth in the economy. The figure for Victoria was in the order of 4 per cent — about a third higher than the national average. What that consumer confidence and business confidence mean in Victoria is jobs. That consumption means more people are going to restaurants and more people are being involved in recreational activities, and all of that is part of the rich and elaborate tapestry of 98 300 more jobs in Victoria, the highest rate of anywhere in Australia.

Public transport: late-night services

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Public Transport — for now! It relates to the inquiry into strategies to reduce assaults in public places in Victoria.

Honourable members interjecting.

The PRESIDENT — Order! I am sure the minister cannot hear this question, because I cannot.

Mr BARBER — My question relates to the inquiry into strategies to reduce assaults in public places in Victoria, which was tabled yesterday. Recommendation 23 states:

The committee recommends that the Victorian government liaise with transport operators to investigate the feasibility of extending the hours of operation for public transport to 4.00 a.m. on Saturday and Sunday mornings.

Without reiterating the work the minister has already done in this area, because I am aware of the doubling of frequencies for NightRider buses, which is great, and the late-night trams, which are also great —

Honourable members interjecting.

Mr BARBER — And the minister has got all those ads on TV telling me about all the great things the government has done. Can the minister tell me if he has liaised or will liaise with transport operators to investigate doing exactly the thing that this recommendation goes to?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Barber for his question. Whilst I am grateful for Mr Barber's attempt to guide me in my answer, let me reiterate that we have indeed, as he indicated, increased NightRider services, and we have implemented Safe City taxi ranks not just in the CBD but elsewhere, and he made reference to the late-night trams.

I note the recommendations in the report. Let me simply say to the chamber that of course the government speaks to both the metropolitan train operator and the metropolitan tram operator about extensions to services and what might and might not be feasible in that regard. But it is also important to note that under the current franchise agreement with the operator we have allocated something like \$1.8 billion for maintenance. A huge part, in fact the lion's share, of that maintenance effort takes place at night. It takes place after the last train has run and before the first train runs the following morning. That is maintenance to trains and maintenance to the infrastructure that supports the network as well. Whilst the government is always on the lookout for ways to improve and extend services and improve frequency, we cannot do that in a manner which compromises the effort of the government and the operator to ensure that the network is properly maintained.

Supplementary question

Mr BARBER (Northern Metropolitan) — I thank the minister for that. This recommendation does not just refer to trains; it refers to public transport more generally. The minister pointed out one difficulty with extending train services of an evening, but I would ask the minister whether he has examined the feasibility

studies that were completed by his government in 2003 on extending tram services to later in the night.

Hon. M. P. PAKULA (Minister for Public Transport) — I may have created the impression that I was simply referring to maintenance on the train network. If that was the impression that I created, let me correct it. On the maintenance effort in regard to the fleet, the answer is equally applicable to the tram fleet. I have received in recent times correspondence from, for instance, residents along St Kilda Road, who have expressed, I suppose, their displeasure with some of the maintenance work that goes on on the tram network at night.

Mrs Coote — It's atrocious.

Hon. M. P. PAKULA — I am sure some of Mrs Coote's constituents may not appreciate the fact that maintenance occurs on the tram network at night, but let me make the obvious point that it is difficult to maintain the network during the day when the trams are running. The tram fleet equally requires an enormous amount of ongoing maintenance, and the vast bulk of that maintenance occurs at night.

At this point I pay tribute to the new operator of Yarra Trams, which last month recorded for, I think, the seventh or eighth month in a row the best punctuality performance for four years. It is a well-run organisation, but Yarra Trams, like Metro Trains Melbourne, conducts the vast bulk of its maintenance on both the infrastructure and the fleet at night. The government needs to balance the needs of commuters for better and extended services, which we provide, with a need to ensure that we maintain the fleet in an appropriate way.

Economy: performance

Ms BROAD (Northern Victoria) — I have a further question to excite the Treasurer about the national accounts data. Can the Treasurer inform the house about the main reasons for such a strong Victorian performance in the latest national accounts data?

Mr LENDERS (Treasurer) — I get very excited about national accounts data, and I am delighted to share my excitement about the economy one more time in this chamber, because it is a good news story for Victoria.

Ms Broad asks about the national accounts data and what it means. Fundamentally it shows very strong consumer confidence and very strong business confidence, and, I might add, that confidence has been helped by the government promoting a positive image

of Victoria in multimedia. The opposition has great issues about promoting our great state and promoting confidence for business and consumers, but it has been a strong underpinning of where our economy has come from.

Fundamentally, if you have business confidence, people invest in capital works and capital and housing stock, and all of that means better services and better jobs. When you have confident consumers they open their wallets and spend and create jobs. The national accounts show that Victoria is, continues to be and will be in the future an even better place to live, to work, to invest and to raise a family.

CLIMATE CHANGE BILL

Second reading

Debate resumed.

Mr P. DAVIS (Eastern Victoria) — I welcome the opportunity to take a brief moment to comment on the Climate Change Bill 2010. I have given considerable thought to what I should say on this bill. It is clear that that little puppy dog in the ALP-Greens coalition — his tail is wagging furiously — has this absolutely by the throat. The Climate Change Bill 2010 is simply an attempt by the government to jump into bed with the Greens.

Mr Finn — They are already there!

Mr P. DAVIS — That is a horrible thought, Mr Finn. Will this bill achieve anything? It will achieve a nice little paragraph in the daily newspapers. Indeed it has already attracted a few comments from members of various green lobby groups. But will it actually achieve anything practical? What does it seek to do?

It seeks to reduce greenhouse gas emissions by 20 per cent based on 2000 levels by 2020. That might be an achievement if it were possible, but the reality is that that achievement would be a miracle in a contemporary society. The reason I say that is because the transformation that would be required for our economy to achieve that target is such that the government is setting itself up to fail. The only thing it will succeed with is a political outcome, not a practical outcome.

This is unachievable because of the government's own policy settings. It is the government's policy settings that have set Victoria on a course of population growth. It is the Treasurer who argues the case that the Victorian economy depends on population growth. He and his mates in the cabinet are plotting and scheming

to induce an exponential growth in population, and we know that world population growth, with forward projections that it will rise from 6.5 billion people to in the order of 9 billion, is the underlying reason that carbon emissions from mankind have been growing. Indeed if you track the growth in carbon emissions in parallel with population numbers, you can quite clearly see the correlation. It is so blindingly obvious it is beyond my comprehension why this Climate Change Bill, which I regard as being inadequate, does not deal with population, which is the fundamental driver of greenhouse emissions.

In addition to that, and I have to give credit to Mr Hall for his earlier contribution where he made the point very reasonably — indeed far more reasonably than I could ever make a point in this place — that one of the major problems that the community has is a failure to accept personal responsibility. The result is increasing consumer demand for retail goods and high-energy-using assets, whether it be motor cars or electrical appliances.

You have only to look at the average family home of today to see there are three TVs, various video games, computers and ancillary equipment. We have just about got to the point where people weld mobile phones onto their ears and other communication devices onto their hands and use electricity all the time. Where is this electricity coming from? It is presently being generated substantially from brown coal in Victoria and perhaps black coal in the northern states. Even if you make a case that you can replace some of that power generation with gas-fired electricity, that is not going to make a material difference to the reality that consumer demand and population growth are driving carbon emissions. If you want to deal with carbon emissions, you have to deal with those two policy issues, and this bill does not deal with those matters.

I argue that this bill is inadequate. This bill is in some respects unfortunate in that it introduces the concept of empowering the Environment Protection Authority to create regulations which will adversely and prejudicially affect investment in a whole range of endeavours. Industry as a whole will be affected by new regulations which will be made as a consequence of the EPA having a remit to introduce regulations that do not, as I read the bill, require consultation with affected stakeholders prior to their being developed. I give the minister notice — and I hope the minister, who has fled the chamber because he is terrified of what I might say about his precious legislation, is in his office with the speaker on and will hear me say this — that I will be looking for some answers during the committee stage of the debate and some reassurances that

industries which will be affected by any proposals to make regulations under the provisions of this bill will be consulted adequately.

There is another issue I am concerned about. I was pleased to see that on a close reading of the Environment Protection Act and the Subordinate Legislation Act the regulations in relation to this bill will be disallowable by either house of Parliament. That is my reading of it, but I would like the minister when he responds to this debate, particularly in the committee stage, to give a clear, unalterable commitment that that will be the case. Indeed, the amendments which have been circulated by the opposition seek to ensure that affected parties would be notified about those regulations. I seek a commitment from the minister that those proposals for advice to the affected parties will be supported by the government.

I have a lot that I could say about climate change. I think it is better that I do not speak about it. What I will say is that my party has resolved that it will not oppose this bill and in deference to that decision of my party I will accordingly resist the temptation to give an expanded speech about the principles that have been captured in this bill. I think some of them will be of great disservice to our wider community and to the economy, and I believe that we will be back here in the not-too-distant future to revisit this legislation because of some of the adverse impacts it will have. However, as I have said in this place before, the aspiration to reduce our impact on our environment is a laudatory one for us all to have.

Ms MIKAKOS (Northern Metropolitan) — I am very proud to be part of a government that has introduced this bill, and I rise to indicate my support of the Climate Change Bill 2010.

Climate change is quite literally the defining challenge of our times. In my mind there is no doubt that we must take action now to avoid the worst effects of climate change and the damage and disruption it could cause to our economy, agriculture, local communities and environment. The Victorian Labor government has long advocated the need for action on climate change, and it has taken a national leadership approach through programs such as the Victorian renewable energy target, the energy saver initiative, 5-star appliance labelling and other measures that have been taken up subsequently at a national level. I am extremely proud that the Brumby government is working to deliver programs such as these that make Victoria a national leader on climate change and ultimately will make a difference to our climate future.

The development of a new climate change strategy for Victoria commenced in April 2008 when the Premier hosted Victoria's first climate change summit at Parliament House. The summit brought together 100 leading Victorians to discuss climate change and its implications for the Victorian community and sought comment on key areas of action the state could take on climate change. The Victorian climate change green paper released on 3 June 2009 was designed to comprehensively encompass Victoria's climate change response and seek feedback from the community on the best ways for the state to achieve its climate change goals and priorities. The engagement of the community has been critical in the ultimate preparation of the Victorian climate change white paper. The main objectives of this bill will implement the legislative aspects of the white paper.

Last November, this house unanimously endorsed a strong resolution recognising the overwhelming scientific evidence that human activity is causing global warming. This is in stark contrast to the position of the opposition and its leader, Ted Baillieu. Just a few weeks ago a Liberal backbencher in the other place, Christine Fyffe, the member for Evelyn, claimed that the science on the issue of man-made climate change was not settled. I know that Mr Finn is quite fond of expressing a similar point of view in this house. If science is not driving the Liberals policy, then I believe we should all be worried about what is. This is true to form and just another example of the Liberal Party's refusal to acknowledge the very real problem faced by all of us through climate change.

This is landmark legislation for our state. It will set the overall framework of and objectives for Victoria's response to climate change and will give effect to policies announced in the white paper that need legislation to assist Victoria to make the transition to a low-carbon economy. The bill commences with a preamble which states that the Victorian Government acknowledges 'the overwhelming scientific consensus that human activity is causing climate change'. It states also that 'Victoria is particularly vulnerable to the adverse effects of climate change' and that 'Early action is necessary'.

Perhaps most importantly, the bill establishes a target. It cements the government's long-term commitment to reducing greenhouse gas emissions in Victoria by at least 20 per cent by 2020. It is important that that target, which this government is committed to achieving, is included in this legislation.

The bill further establishes a strong climate change decision-making framework that creates an obligation

for government and decision-makers to consider the impacts of climate change when making decisions or taking any action under specified legislation. This means that before every decision is made consideration must first be given to the long-term environmental outcomes for Victoria. This is part of our triple-bottom-line approach to public policy. For example, amendments to the Transport Integration Act 2010 reflect this decision-making process and will further ensure that the impact of climate change will be considered in all decisions about Victoria's transport system.

Based on the white paper's recommendations, the government will reduce the greenhouse gas emissions of Victorian brown coal-fired generators by up to 4 million tonnes over the next four years. This includes the staged closure of Hazelwood power station and an assurance that no new power stations using conventional brown coal technology will be built in Victoria. I know that the closure of Hazelwood has become a rallying call for environmental campaigners. I believe that we need to have a sensible and staged approach to this issue so that we can ensure that our energy supply remains safe and consistent for the benefit of the Victorian public, as well as ensuring that we get positive environmental outcomes.

Rather than supporting the government's plan to phase out Hazelwood, we have heard from Mr Barber and other Greens support for protests that will threaten power supply and ultimately place protesters at risk of hurting themselves by interfering with critical electricity infrastructure. I am very alarmed by the reports of this kind of behaviour.

The government's white paper *Taking Action for Victoria's Future* includes a very positive approach to the issue of making that transition to a carbon-free economy by providing, for example, a commitment of \$55 million to the Latrobe Valley to support new jobs and investment, including a \$25 million Latrobe Valley Advantage Fund to drive jobs investment, training and new energy technology through three new programs: Skilling the Valley, which is identifying new opportunities and developing new skills in the Latrobe Valley; Attracting New Industries and Jobs, which is supporting new investment, innovation and partnerships; and the Sustainable Research program, including looking at low-emission energy and alternative uses for coal.

Achieving a reduction in Victoria's carbon emissions can only be done through energy efficiency; increasing the use of solar, wind and other renewable energy sources; increased gas usage; and a significant

reduction in brown coal generation. Creating the right conditions for emission abatement will encourage low-carbon investment within Victoria, making the achievement of long-term emission reductions more cost effective.

The bill requires the preparation of a climate change adaptation plan every four years to document the progress of climate change impacts on Victoria and analyse future trends. The bill further requires the preparation of a biannual report on climate change science and emission data for Victoria, which will include reporting on Victoria's progress in meeting these requirements in the legislation. The bill also provides that if a national emission trading scheme is introduced by the federal Parliament, an immediate review of this legislation will be conducted.

In this respect it was disappointing that on two occasions the Greens have prevented a carbon pollution reduction scheme framework being established by refusing to pass federal legislation in the Senate. It is important that the Victorian public understands that the Greens, whilst they espouse particular policies in relation to climate change, have prevented our nation from taking steps to quickly address this issue.

It will be interesting to see what happens in the next few days and which party is ultimately able to form government federally. Despite the euphoria that the Greens party might be feeling at the moment in relation to the events of the last few days I wish to remind the party and its supporters that it will still be necessary to get the support of independent members of the House of Representatives to pass any piece of legislation through the federal Parliament. Whilst the Greens party might hold the balance of power in the Senate it will be the Bob Katters and the like of this world who may well determine the final shape of any legislation — and they may well end up coming up with critical compromises on that legislation that may lead to outcomes that are less than satisfactory.

There was a missed opportunity when the Rudd government introduced that carbon pollution reduction scheme legislation; the numbers were there in the House of Representatives to pass the legislation to enable this nation to move forward on the issue of climate change. When the Greens prevented that legislation going through the federal Senate it was a missed opportunity, and the government and I will take every opportunity between now and 27 November to remind the Victorian public and my constituents of the record of the Greens when it comes to these issues.

The bill before the house establishes amendments to the Environment Protection Act 1970 to expand the regulatory powers of the Environment Protection Authority to expressly include the regulation of the emission or discharge of greenhouse gas substances. The bill establishes a new forestry and carbon sequestration rights framework to facilitate the development of the emerging carbon sequestration industry on private and Crown land, to repeal the Forestry Rights Act 1996 and to make consequential amendments to other acts.

In conclusion, this is a very important bill. It is necessary to ensure that actions taken on climate change are backed by legislation and protected under Victorian law. This is an issue about which there is a shared community responsibility. There is huge interest in the community in looking at what all of us can do in our own homes around this issue. I am very proud that in the planning portfolio the government has been taking very positive steps to encourage people to introduce greater sustainability elements into their private homes. With the legislation debated in the house over the past few days we are supporting, for example, the City of Melbourne's 1200 Buildings program and other such measures which will see both our residential and commercial buildings move to greater sustainability in the future.

I also am very proud that as the chair of the Carlton community liaison committee I am involved in the biggest public housing project in Victoria in Rathdowne Street, Carlton. It is the first zero net carbon emission public housing project constructed in the state and will see public housing tenants, some of the most disadvantaged members of our community, benefit from having sustainable public housing that will reduce their utility costs in the future. That is something we should emulate in other new public housing constructions in the future.

In conclusion, as I said this is a shared community responsibility. There is an ancient native American Indian proverb I would like to share with members as a lasting reminder of our obligation to our children and their grandchildren. The proverb says:

Treat the earth well: it was not given to you by your parents, it was loaned to you by your children.

I commend the bill to the house and wish it a speedy passage.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Mr MURPHY (Northern Metropolitan) — Climate change and its impact upon humanity is a challenge that

we collectively face. It is like no other challenge we have faced before. By the end of this century we will likely see a radically transformed world that is much more hostile to the survival and flourishing of life. No matter how hard it is to face and no matter how distressing the facts, we will have to deal with an environment that will change more rapidly than it has at any time in the history of this planet. It is believed that all we can do now is limit the change to minimise climate disruption. We have to accept the reality of climate change, but that does not mean we should do nothing. This is the new consciousness that all of us as public representatives must accept.

Cutting global emissions quickly and deeply may delay some of the worst effects of global warming, but it is highly likely that we have passed significant tipping points from which we cannot come back. It is likely that enough warming is now locked into the system to overwhelm any attempts we make to cut back on our carbon emissions.

As I have stated in this place before, this should not come as a surprise to us. In 1965 the then President of the United States of America, Lyndon B. Johnson, recognised that:

This generation has altered the composition of the atmosphere on a global scale through ... a steady increase in carbon dioxide from the burning of fossil fuels.

In 1989 the then British Conservative Prime Minister, Margaret Thatcher, delivered a speech to the United Nations imploring the international community to address the emerging dangers of global warming.

Dr James Hansen, head of NASA's Goddard Institute for Space Studies in New York, has stated:

There is enough information now, in my opinion, to make it a near certainty that ... BAU —

business as usual —

climate-forcing scenarios would lead to a disastrous multi-metre sea-level rise on the century timescale.

A colleague of Dr James Hansen, Jay Zwally, commented in 2007 after a summer that saw a dramatic decline in Arctic sea ice that:

The Arctic is often cited as the canary in the coalmine for climate warming ... now, as a sign of climate warming, the canary has died. It is time to start getting out of the coalmines.

The evidence that our climate is changing is overwhelming and the time for debate is long gone. We must accept this and move quickly to take action.

Every day new evidence is emerging on how quickly the climate is changing; we live in a new world. By burning fossil fuels humans have raised the temperature of the planet by nearly 1 degree Celsius over the last century. Bureau of Meteorology data shows that the 12 months to the end of April 2010 were the hottest ever recorded for Victoria and Tasmania, and 2009 was the second hottest year in Australia since records began to be taken. The Intergovernmental Panel on Climate Change has concluded that the warming of the planet's surface was unequivocal, and it identified human activity — principally the release of greenhouse gas emissions — as the main driver of contemporary global warming.

It is projected that sea levels will rise by half a metre to 1 metre by the end of this century. Science tells us that every increase of temperature by a Celsius degree brings about 6 per cent more lightning, resulting in more wildfires.

We are fully aware of the severity of wildfires or bushfires, as we have had to deal with the impact of Black Saturday in this state. California also experienced significant wildfire outbreaks in 2009, with lightning strikes sparking 1700 fires and burning a million acres. Following these events Ken Frederick, a spokesman for the USA federal Bureau of Land Management, said, 'We are in the megafire era'.

In 2007 the gradual thaw of the arctic ice accelerated — there was less than 22 per cent less sea ice present. The region was 1.1 million square miles smaller. In the summer of 2008 both the North-West and North-East passages opened for the first time in human history.

We are seeing the tropics expand. An Australian government team studying the tropics recently concluded that the tropics have expanded by more than 2 degrees north and south since 1980, with a further 8.5 million square miles of the earth now experiencing a tropical climate. This has seen an increase in mosquito-carried diseases such as malaria and dengue fever, with countries reporting for the first time in history dengue fever cases in affected areas.

Our oceans are more acidic than at any time in the last 800 000 years. If the current rates keep up, by 2050 the ocean will be more corrosive than at any time in the past 20 million years, making it impossible for shellfish to make thick enough shells to survive. These are just some of the statistics that are emerging as we continue to pass the tipping points of irreversible impacts to the earth. We are living in a new world.

We must meet the challenges of climate change, and again Labor has demonstrated its commitment toward meeting this challenge with the introduction of the Climate Change Bill. This landmark legislation makes Victoria a leader on climate change. It demonstrates our determination to take early action on climate change, providing a comprehensive framework for doing so.

I would like to recognise a couple of issues in the bill. The bill commits Victoria to reducing emissions by at least 20 per cent by 2020 compared with 2000 levels. The bill will make Victoria the solar state of Australia by increasing the energy supply of large-scale solar power to 5 per cent by 2020; it will help achieve the construction of 5 to 10 large solar plants in Victoria by 2020; it will make Victoria take action to raise the energy efficiency of Victorian homes to an average of five stars by 2020; it will enable the government to investigate options to support medium-scale solar power and continue support for household solar power; it will provide an investment environment that supports business development and the uptake of clean technologies and systems; it will commit us to taking action in the area of transport by increasing the use of low-emission vehicles such as electric fleet buses, supporting the commercial fleet uptake of low-emission vehicles and investing in new bike paths, safe bike lanes and the public bike hire scheme.

These are just some of the very real actions the Brumby Labor government is committed to when it comes to meeting the challenges of climate change. Yet again it is a Labor government that is leading the way when it comes to meeting the challenges we face as a society today. I proudly speak in favour of this bill, and urge all those opposite to support this legislation without delay.

Mr FINN (Western Metropolitan) — I come to this debate rather late with just a few thoughts on the hysteria surrounding this entire climate change matter. I use the word 'hysteria' advisedly because the hysteria surrounding this whole climate change debate reflects the need for the international left to have something with which to scare people and to hang its hat on.

We have to come to a conclusion that climate change is not so much a scientific thing as it is a political thing. We have seen left-wingers the world over using this as a means to promote themselves. At the 2007 election former Prime Minister Kevin Rudd — 'Kevin07' as he then was — said climate change was the great moral challenge of our time. Then he proceeded to sit on his hands for the next three years. He was intending to do the same for the next three years but the now outgoing Prime Minister got in first.

After the downfall of communism and the arms race, the left needed something else to hang its hat on — to scare people with. It raised a few dollars and promoted its own political interests. It came up with a thing called global warming. This was going along very nicely for a while; quite a number of people were terrified they were going to be fried in their beds and that one morning they would wake up sizzling like so many eggs and sausages on the breakfast table. This opened the purse strings of the gullible — those who are easily fooled. They gave money to environmentalists, greenies and those who promoted this nonsense until it was pointed out to them, predominantly in Australia by Andrew Bolt, that in fact — —

Mrs Coote — A good man.

Mr FINN — A very good man, Mrs Coote. It was pointed out to them that global warming did not actually exist and had not existed for quite some time. Even when it did exist, it was nowhere near as bad as these people had been saying. What did they do? They changed the name. All of a sudden global warming became climate change. What does climate change mean? Climate change can mean anything you like — if it is too hot, it is climate change; if it is too cold, it is climate change; if it is just right, it is climate change.

This is a con; the whole thing is a con. Today we are in the Parliament of Victoria wasting our time on something that is largely an invention of the left. I am not suggesting for a moment that the climate does not change. I think that is a natural phenomenon; it has been happening for thousands of years, otherwise we would get our skates on and skate down Bourke Street. We would still be in the ice age. Obviously the climate changes. It gets warmer, it gets cooler, and that is the way nature works. But the nonsense so many go on about — that is, the fear peddled by the left in this country and around the world — has to be stomped on. We see just how false all this nonsense is when we consider the scare about the rising sea levels. We were told that islands would disappear and that thousands of people would be drowned. This is just absolutely hysterical nonsense. It was put to bed recently by none other than Al Gore when he bought a mansion — paid for by the climate change scare, no doubt — on Miami Beach. That is how scared he is about rising sea levels.

I should add that Al Gore has doubled his personal fortune as a result of his championing climate change. He can see a fast buck when there is one around, and he is very quick to grab it — and he was very quick to grab it. If the Labor-Greens coalition — —

The PRESIDENT — Order! Whilst I am sure a number of us are actually enjoying Mr Finn's contribution, putting aside the fact that he is scaring the children in the gallery, the matter before us is the bill. I think he should concentrate on the bill, and I ask him to come back to it.

Mr FINN — I am very happy to do that, President; I was just moving into the areas to which you referred. I was just going to suggest to our Greens and Labor friends, who are cuddling up very nicely over there on the benches — and a heart-warming sight it is too as they follow in the steps of their federal counterparts! — that if they are looking for something to really scare — —

Mr Lenders — Who did you preference in Melbourne?

Mr FINN — Don't get me started on that. If they are looking for something with which to scare people, they should tell people about the emission trading scheme and what it is going to do to my electorate in the western suburbs, what it is going to do to industries, what it is going to do to business, what it is going to do to people who work out there, how many jobs will be lost, how many homes will be lost and how many people are going to be without work and without a future because of this nonsense we are debating here today. It would be nice — it would be wonderful — if logic and common sense were to prevail on this whole matter. I am not confident that it will, because there are far too many people with far too many dollars to be made out of this con.

However, we have to sit through this, and I have a feeling that unfortunately it is not the last we will hear of this sort of legislation. If the Labor-Greens coalition gets into government in Canberra, I fear for what is going to happen to this country as a result of the climate change scare. I sincerely hope that members of this house will take seriously my words of warning — that there are matters that desperately need to be addressed but that this is not one of them.

Ms PULFORD (Western Victoria) — It was not my intention to speak on this occasion, but for the benefit of any schoolchildren who may be following this on the internet or who may be in the gallery, it is important to state that the overwhelming majority of members of the Victorian Parliament believe that climate change is in fact related to human activity, that this legislation does a great deal to ensure that jobs and industries can blossom as the economy makes this important transition and that Victoria is ahead of the pack nationally. I just thought we needed to clarify that for

the benefit of any schoolchildren who might be in the vicinity.

Mr JENNINGS (Minister for Environment and Climate Change) — I thank the chamber for the opportunity to respond to a number of matters that have been raised in the second-reading debate. I note that going by what has been expressed by the opposition, the Greens and government members, they and certainly we intend to vote for this legislation. I thank what would seem to be all sides of the chamber for demonstrating some degree of wisdom in understanding the science and the gravity of the situation that the global community confronts in relation to rising up and addressing the threat of climate change through taking action to mitigate the degree of carbon dioxide and other greenhouse gases in the environment.

Other members in their contribution to this debate have placed on the record some of the science that underpins that concern and the gravity of the issue. A number of contributors have discussed the real challenges our community confronts in relation to the adaptation that may be required in our landscape and our economic activity and the infrastructure and programs that may be required to place Victoria in a secure position in the future.

We all understand that we do not operate in isolation of global emissions, and we hope the remedies we are seeking to introduce in Victoria will serve as an encouragement to and be picked up by other jurisdictions in Australia and around the world, just as we have been given encouragement by other communities that have led the way in relation to addressing this issue. The Victorian government is committed and determined in its intention to rise up and meet the objectives of the Climate Change Bill in terms of achieving an overall level of abatement of greenhouse gases in Victoria, which is of international standing in terms of its aspiration to the target of a 20 per cent reduction in year 2000 levels by 2020. This builds on a track record of a number of programs and initiatives of the Victorian government that have already led to greenhouse gas abatement during the course of the last decade. We recognise that those efforts need to be ramped up significantly to achieve this outcome.

We do so in a political climate where we, as the Victorian government, have supported the intellectual rigour that was underpinned and supported by state governments in the mid-2000s to try to ensure that there would be a national scheme of emission trading established to do most of the work in transforming our

economy and driving a reduction in emissions through a cap and trade scheme. The Victorian government was very supportive of the work led by Ross Garnaut on behalf of the states. He ultimately made recommendations to the then Rudd federal Labor government about the way it should be embedded in an emission trading scheme, which through the political process became known as the carbon pollution reduction scheme.

This government, in its efforts in relation to preparing its green paper and subsequently its white paper dealing with the climate change challenges, saw great opportunity for the Victorian economy to make the transformation, for our community to adapt and adjust economic and productive activity and consumptive behaviour to make sure Victoria played a leading role in our nation. In the last few months leading up to the Climate Change Bill arriving here the Victorian government has had to revisit some of the assumptions about the effectiveness of an emission trading scheme nationally. I repeat that it is something we continue to be supportive of in the name of national efficiency, the certainty required for industry and investment policies and to balance the cost across all industry sectors to achieve that outcome.

We continue to support that framework and anticipate that the federal government will bring in a scheme introducing a price on carbon during the course of the next decade — from the Victorian government's perspective, the earlier the better. From the Victorian government's perspective, any policies associated with the introduction of our Climate Change Bill, which sets a state-based mitigation target, are predicated on a no-regrets policy that augments the integrity of such a scheme and would augment the integrity of national renewable energy target and other mechanisms that would apply best on a national scale to achieve those outcomes.

In terms of the issues that have been raised during the second-reading debate, I note there has been if not fulsome support then at least significant support expressed by members on the other side of the chamber. I appreciate that. I note that all of them have their degree of scepticism about the science; they have their scepticism about our ability to drive that agenda; they have the scepticism of a political orthodoxy that says, 'There are great risks involved in taking any step forward in the name of taking any real action and we will reserve our right to criticise those actions until we get something that is to our liking'. That is a luxury that people cannot afford. I am glad they have not been prepared to pay that price today and that they have been prepared to engage in mature political action to support

the leadership demonstrated by the Victorian government.

We understand there is a lot of work that needs to be done to shore up the science that underpins this, the accounting of the effects of our actions and to bring stakeholders with us. As I say, we have a track record of achieving programs that deliver a great degree of abatement. That has been totally ignored by contributors on the other side of the chamber in terms of recognising the effectiveness of those programs, whether they range from industry greenhouse programs which have now become the energy resource efficiency program run by the EPA (Environment Protection Authority) that works with large industrial stakeholders within the Victorian community to reduce their emission profile right through to ranges of activity that have been designed to support our households through retrofitting and making available more efficient appliances in their homes and encouraging people through the black balloons campaign to think actively and long and hard about the way adjustments can be made to our economic activity and our personal behaviour that may add to our efforts to reduce greenhouse gases. The cumulative effect of those programs has been many millions of tonnes during the life of this government, and that is something that we want to build on and increase the application of.

The anxiety that may exist in the political debate that is occurring today falls into perhaps a couple of camps. One is in relation to the reliability and appropriateness of mechanisms that are introduced by this bill which give the EPA a role in monitoring and implementing a greater degree of environmental performance for greenhouse gases into the future. The other is the ability of the EPA to establish standards which it will enforce in relation to the emission profile of Victorian industry.

As a government we understand that with any action we take as a stand-alone, state-based jurisdiction it is incumbent upon us to ensure that those standards have been set through a rigorous framework of applying best standards of regulatory controls through the appropriate engagement and scrutiny of major stakeholders. These include large industry players and the investment community to ensure we have ongoing stability of investment opportunities in the state of Victoria and that we do not adversely impact upon the viability and competitiveness of Victorian industry. We do that within a framework in which we believe we can achieve that outcome by being mindful of best practice in terms of regulatory processes and the mechanisms by which those regulatory processes may be determined.

Indeed the government recognises that this chamber is seeking some degree of assurance that that will be the mindset, that it will be the discipline, that it will be the degree of industry engagement in the consideration of the establishment of this regulatory power and that there will be ongoing scrutiny through the Parliament and government generally in relation to the appropriateness and the applicability of those standards. That is an undertaking I give now, although I anticipate that I may be called upon to repeat it on any number of occasions during the committee stage. I give the undertaking that there will be — —

An honourable member interjected.

Mr JENNINGS — One is. There will be opportunities for the Victorian government to ensure that a consultative mechanism, with the industry and other parts of the Victorian community, will participate in a process to establish these regulations and that — —

Mr P. Davis interjected.

Mr JENNINGS — We haven't started the committee yet. The Victorian government understands that the scrutiny which is applied, possibly through the Victorian Competition and Efficiency Commission, will be brought to bear in relation to any regulatory change that is made. Scrutiny will be applied to these decisions by the government and then subsequently, if introduced, through mechanisms that are available for parliamentary scrutiny.

The second basket of issues raised in the second-reading debate as being of primary concern relates to the provisions of the bill that deal with carbon sequestration and those rights that may be afforded to carbon sequestration agreements that may be formed to provide a monetary value to benefits that will accrue to the environment, which I hope will include biodiversity benefits and other environmental benefits to the state of Victoria from Crown land to ensure that they are allowed for in the development of carbon markets into the future and that the state of Victoria is well prepared to deal with the introduction of those carbon markets.

While it is not anticipated that the use of public land for carbon sequestration will generate significant revenue, the financial incentive created by carbon markets will be used to achieve land management outcomes through carbon sequestration agreements as the market develops, and if a national price on carbon is implemented, the management of revenue of CSAs (carbon sequestration agreements), as they will be known, will need careful consideration. The government recognises that and will take action to

embed it in further policy development following the implementation of this bill.

After the passage of the bill the government intends to embark upon a process of community and stakeholder engagement to move towards an initial pilot-scale use of the framework which will be established by the bill. This process will include the development of a carbon sequestration and biodiversity code to apply to the use of public land for carbon sequestration. This will include the principles for use of Crown land for carbon sequestration, minimum requirements and standards for a carbon sequestration agreement, and monitoring and enforcement systems for the management of Crown land under a CSA.

The consultation and implementation for this part of the bill — part 5 — will be outlined in the upcoming climate change white paper implementation plan, which will include the release of a discussion paper articulating the objectives, standards, policies and governance arrangements to guide sequestration on Crown land for community and stakeholder consultation, the development of a code and a process for the initial pilot-scale use of the review of the framework of part 5.

The government puts these matters on the public record as a frame around the facilitative mechanism that is available to us in the bill. We understand that people who are very supportive of better climate change outcomes want to have some certainty that they will be applied in a variety of ways, including by the use of Crown land to achieve those outcomes, but not at the cost of biodiversity protection or other environmental values in a way that is not inappropriately offsetting the obligations of other parts of our economy and our community to make their contribution. The government recognises that and makes those commitments to the chamber and to the Victorian people.

The two baskets of issues that I have just referred to in relation to industry and stakeholder engagement in the establishment and consideration of the appropriateness of the regulatory framework, with powers under the Environment Protection Authority, are major concerns that have been voiced by both Philip Davis and David Davis in the chamber. The matters that relate to forestry rights and carbon sequestration were matters raised substantially by Mr Barber in his contribution, and I think the government is cognisant of those two baskets of concern. We have been mindful of them not only in the preparation of the bill but also in the way we will proceed following the adoption of the bill. We seek to rigorously pursue the agenda that was outlined in the

action plan that was associated with the public exposure of the bill that is currently before the house.

As I conclude this part of the debate I want to thank all of those people in the community who have been involved in the deliberations of the Victorian government's considerations and who have participated through the green paper process, whether they be old people, young people or middle-aged people. Right across the Victorian landscape people came out and took the opportunity to have their say. It was an extensive consultation process where we considered the swings and roundabouts of what 'adaptation' means, what adjustments are required and what 'mitigation' means. Through most of that conversation we had anticipated the mitigation effort being taken up at a faster pace by a national emission trading scheme, and many people in the Victorian community lamented how slow the introduction of that scheme seemed to be. If we were out consulting today not only would they lament how slow it was, they would ratchet it up one or two notches.

Regardless, age knows no barrier with people who are committed to making a difference to climate change, and the Victorian government recognises that. Whether they be representatives from industry or community organisations or academics and people from our educational institutions, there are many people who have contributed to the policy formulation and workload that has led us to this point.

I am personally not only grateful for the Premier of Victoria being prepared to assume a leadership position, not only in the state but in the nation, but also pleased to be part of an administration that recognises the potential for us to drive a proactive agenda that acquits our responsibility to this and future generations in relation to the climate change challenge and to show leadership in how that can be done without having an adverse impact on our economy. That is what we are committed to doing.

Finally, I would like to thank the people from the Victorian public service, some of whom are in the gallery today — inevitably they are people who are younger than me — who have worked long and hard, without necessarily a lot of public support or sympathy, in trying to do their best to bring together leading policy reform. I have been given great encouragement by their professionalism, their dedication and their determination to have the best public policy settings we believe are achievable at this time in Victoria. Their perseverance deserves congratulations. Without necessarily trying to single them out, the inevitably young people who work in my office and who work in

the Premier's office have driven this agenda with great determination. Hopefully their efforts will be of benefit to the cohort who inherit these policy settings and they can receive some great satisfaction from their introduction in the years to come.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT — Order! The house has been advised of some amendments, which have been circulated. They come into play at clause 67. I know Mr Philip Davis wishes to make some remarks on clause 1.

Clause 1

Mr P. DAVIS (Eastern Victoria) — I will try to abridge my role today; with the cooperation of the minister I could be quite expeditious. In my contribution to the second-reading debate I flagged that I would be seeking some clarification in relation to amendments to the Environment Protection Act in particular, which will enable the Environment Protection Authority to create instruments with which to regulate emissions.

There are two issues I seek clarification on. One is, simply put, that my reading of the principal act and the Subordinate Legislation Act leads me to conclude — although it is not very clear — that such instruments would be disallowable by either house. Could the minister confirm that? Secondly but probably equally or more importantly, it is all very well to be considering the disallowance of certain instruments, if you like, retrospectively after they have been created, but it is better to deal with that process in anticipation through a proper relationship with the affected stakeholders.

This is a real concern, in that the nature of these prospective regulations would be potentially exceedingly damaging commercially to certain industries, to certain businesses, and that therefore those particular stakeholders need to be given comfort by the minister, by the government, in relation to the mechanisms that will be utilised to ensure that all matters affecting those industries and/or individual businesses will be taken into consideration before any instruments are created under the Environment Protection Act. Those are the two related things, which I think the minister understands.

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Davis for his assumption that I understand the nature of the question and its gravity. Dealing first with the question that I can answer most speedily, the regulatory powers that would be given to the Environment Protection Authority through the head of power in this bill, when they are ultimately determined by the EPA, would be disallowable instruments, so the answer is yes.

On the way in which those regulations would be developed, the Environment Protection Act 1970 outlines a very similar process by which regulations are created within the scope of that act. It mirrors the regulatory impact statement process and considerations by the Victorian Competition and Efficiency Commission and is just as regulations would be developed under the Subordinate Legislation Act, but this process is outlined within the body of the Environment Protection Act.

In terms of the politics of that circumstance and how it has been interpreted by some industry players, who I can understand may not believe in the policy intention adopted by the government, they may be anxious that this EPA process will not be ultimately subject to parliamentary scrutiny, ministerial oversight or cabinet endorsement and that it may be a regulatory provision that the EPA exercises in isolation of that review and that consideration. That is not the case, because ultimately Parliament can consider them to be disallowable matters. As a result there is a sanction that Parliament can apply beyond the scope of a minister of the day, a government of the day or the EPA itself.

Some demonstrable rigour needs to be brought to bear as to how that regulatory framework is established and the way in which that decision is made. Regarding the new head-of-power provisions that we are adding through the Climate Change Bill, which will enable the EPA to make emission standards for greenhouse gases in a way that is absolutely clear and will be available to the EPA into the future, the government recognises that because it is a new realm and a new opportunity for a regulatory framework in Victoria there are a number of industry stakeholders that are concerned.

Those industry stakeholders particularly remind the government that for a number of years it has been an active proponent of a national emission trading scheme, which would be an appropriate regulatory framework to enact many of the same outcomes. We are not ignorant of the perception of the gravity of the government stepping into this regulatory space. We are not reluctant to do so if there is no other regulatory framework in place and no other degrees of abatement can occur. We

are not baulking at the potential adoption of this regulatory power. However, we certainly recognise that if we take that step, it is incumbent upon the government and the EPA to ensure that there is participation in a genuine consultation process that industry and the community can have some confidence in and that we review international best practice in regard to regulating greenhouse gas emissions.

I was reminded just as I came to the table that the President of the United States is very keen for that country's EPA to step into this space. That is one demonstration from another jurisdiction of a leadership role that could be played in a nation's economy and could be applied here. We are very mindful of establishing the regulatory framework in a way that builds on best practice in the delivery of achievable adjustment and on the real capability of technological advances in our existing industry asset base — the viable technological improvements and what those limits may be.

We are also mindful — and we have recently taken the opportunity to remind industry in conversations had between the introduction of the bill and now — that even though our overall objective is a 20 per cent reduction in greenhouse gas emissions in Victoria, to be achieved by 2020, it is an incorrect assumption to assume that the maths that underpins that target involves a 20 per cent reduction in the emissions of all industries across Victoria. That is not an essential part of the calculations underpinning achieving that target. It is an ongoing challenge for the government to demonstrate that.

By driving new investment in alternative energy sources and by managing demand at the household level, in the commercial building sector, in the construction industry, in the transport sector and in the agricultural sector, significant contributions could be made so that the whole of the 20 per cent abatement figure would not be derived through any one section of Victorian industry. But that is an ongoing conversation for the government and industry to engage in, and the EPA will ensure that that is provided for in establishing a consultative framework to deal with industry and the working through of those issues.

Mr P. DAVIS (Eastern Victoria) — I have made some progress in terms of comfort, but inevitably there are follow-up questions and I want the minister to be a little more specific. In relation to the proposal in which, as I understand it, it is intended that the state environment protection policy, air quality management, be the vehicle for regulating greenhouse gas reduction,

I am interested to understand how industry will be engaged at the front end rather than the back end.

Mr JENNINGS (Minister for Environment and Climate Change) — I am not quite sure how far I am going to go down the path of satisfying Mr Davis because I am not quite sure what his satisfaction threshold is. However, Mr Davis certainly has an undertaking that the Victorian government will support a process to provide advice from industry to the government, and subsequently to the EPA, about the appropriate regulatory framework as part of the process by which the EPA will be assessing best regulatory models and the appropriateness of their standards. That opportunity will be afforded to Victorian industry. It will be afforded to the Victorian community through a process which is open and can be tracked in relation to the appropriateness and the rigour of that regulatory framework. That will be afforded by the Victorian government to demonstrate that we are committed to that outcome.

Mr P. DAVIS (Eastern Victoria) — I am reminded a little of Pauline Hanson who, when confronted with the word 'xenophobia' said, 'Please explain'. By that I mean that that was great rhetoric by the minister, but I do not think that when we and the stakeholders read *Hansard* it will provide very much comfort as to what specifically the minister means by 'consultation with stakeholders'. I do not understand what the minister means, and if I do not understand it, I think it is probably likely that industry will not really understand the point the minister was trying to make. If the minister could satisfy me a little more, just a weeny bit more, maybe I can desist from this line of questioning and we can move on.

Mr JENNINGS (Minister for Environment and Climate Change) — Of course Mr Davis's satisfaction is important in part, there is no doubt about that, but whether it is the total satisfaction that we require, I am not sure. The Victorian government is very keen to ensure that Victorian industry recognises that we are a sufficiently mature and considered jurisdiction that will provide our investment and industrial sectors with the confidence that the regulatory framework will apply best practice in terms of its structure; it will be targeted in relation to achieving our objectives in relation to abatement; it will be mindful of the best technology and the best application of that technology; and also of its impact upon investment and industrial competitiveness in Victoria. We are determined to create a consultation mechanism where that confidence can be maintained.

Mr P. DAVIS (Eastern Victoria) — I thank the minister. I am often satisfied with imperfection.

Mr BARBER (Northern Metropolitan) — I have just a couple of quick comments in response to what the minister said in the latter part of his second-reading response about part 5 of the bill. I have expressed some concerns about this matter because I believe that creating a mechanism or an instrument tied to sequestration of carbon in natural ecosystems and then making it available possibly to attract some monetary value opens up a huge area of concern.

I thank the minister for the commitments that he made about a process following the passage of the bill in order to move towards some testing of the framework, particularly through some sort of code or implementation plan, or perhaps a discussion paper that sets out standards for this. It is my view that there are a huge number of unknowns in this area. It is unknown how much carbon is sequestered in natural ecosystems; we have a huge way to go in order to measure that. It is unknown how the international rules which we are in the middle of writing will treat this carbon anyway, and it is hugely unknown how the value of carbon, if passed on to a third party, would be treated.

In my view, we should be managing ecosystems for their carbon storage potential right now. It is a no-regrets measure for the government. There is no great hurry, in my view, to work out how to create legal rights around it, so my view is that the government, by first giving itself the head of power and then working out how to do it, is putting the cart before the horse.

However, in this case at least I have achieved an outcome in prompting the government to immediately scope out the task for itself. I do not know if it was already planning to do that or if it has put its mind to it now that I have asked the question, but either way we are actually going to start getting some work done in that area, which I believe is very important. I fully support work being done in this area to start to work out how we might measure, manage and judge by what standard carbon is stored in ecosystems. That from my point of view is a very great positive. As always, I am nervous when I hand over power to the executive without knowing how it is going to use it, but in this case it is not a bad deal.

Mr JENNINGS (Minister for Environment and Climate Change) — I take some heart from Mr Barber's description of those issues in that he is taking a political step, if not a jump, to demonstrate that he and the organisation and the constituency he represents are potentially prepared to get their hands dirty and take some action on this important field of endeavour.

Many of the questions Mr Barber raised with me from the very first moment he saw the bill — to his credit, he took the opportunity to track me down and have a conversation — related to what might be the external policy settings and considerations. They are the science, the community engagement, the consideration of matters that relate to forestry rights and the opportunities for carbon sequestration agreements to be struck to make sure that we achieve a higher order set of objectives beyond the price of carbon sequestration rights being afforded and that we have some confidence that there will be broader environmental benefits. He wanted to make sure that there would not be an inappropriate shift of proprietary rights and opportunities from the public sector to the private sector. Not only environmental but public and community benefits derive from these actions, and certainly the Victorian government is mindful of those broader aspects of the policy settings.

We are very keen to deal with those within our jurisdiction and again on a basis where we have a no-regrets policy setting and legislative framework, hopefully before the introduction of the equivalent elements of an emission trading scheme and carbon rights issues being addressed by the federal Parliament. We look forward to the earliest introduction of those mechanisms so that we can harmonise and give full life to the effect of what we have introduced through this head of power in this bill.

In Victoria we have already done quite a bit to try to establish that beyond this rights issue and the opportunities that are available through this bill by undertaking preliminary work — for example, through the establishment of the ecoMarkets program in Victoria, which we have funded for \$14 million over the past two years to try to provide for an early adopter market of environmental services being costed in terms of their values across the Victorian landscape. We have rolled that program out through a number of catchment management authority areas, and we have seen many land-holders parcelling environmental values that are to be maintained or enhanced on their property through a trial market mechanism establishing what that value may be, in anticipation of this becoming a feature of carbon trading in the future. We understand that we need to start apportioning those values as a commercial value.

We have also done a lot of work on what is quite often the vexed question of carbon embedded in the landscape — in the soil and in various vegetation types. We have done as much as any jurisdiction on the planet — as far as I am aware — in establishing the carbon value embedded in the public land estates in

Victoria. We have had a look at the consequences of fire within that regime in terms of the release of carbon or reductions in carbon that has been stored. Based on that we have an estimate of what the contribution of the public land estate may ultimately be to policies about reforestation or forestry into the future. There is some intellectual property that relates to those issues. I know, and Mr Barber would be aware, that we probably need to have some external validation of the various models by which carbon is accounted for within the landscape. That is an area where we are up for establishing our bona fides and having that validated. I am sure too that he is aware of a number of interested parties who are always happy for their work to be evaluated along similar lines so that we can compare notes and ultimately arrive at a method that has a high degree of acceptance, because this is part of the policy development into the future.

Clause agreed to; clauses 2 to 66 agreed to.

Heading to clause 67

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

1. Heading to clause 67, omit this heading and insert —

“Amendments relating to statutory policies and regulations”.

I thank the minister for his contribution and particularly his comments to the other Mr Davis a few moments ago.

Part of the issue we are raising here goes to some of his comments there. Essentially what the opposition is seeking to do — and I will strip this down very sharply — is to make it super clear to the community that this becomes a disallowable arrangement through the Environment Protection Act 1970 and that the making of subordinate legislation is a process that can be scrutinised by this Parliament and the community.

Although there has been a long process in terms of the government’s white paper and general policy and there has been a long process at a federal level, the bill in question here was not broadly circulated and did not have broad immediate input; in fact it took many by surprise. The particular instruments involved that the EPA has carriage of are significant instruments.

I have put on the record in this chamber a number of times before my concerns about the EPA, its functioning, its transparency and its predictability, but as the instruments are developed underneath this legislation by the EPA there needs to be proper and understandable oversight by business and by the community sector as well, and we think it would make

this process smoother, clearer and more transparent if these clauses were inserted.

As the Deputy President has indicated, the first amendment is simply to insert a new heading to clause 67, and in a sense it is a test. As I regard it, Deputy President — and I seek your view on this too — I think we would need to test probably three of these amendments to test the chamber’s attitude in full, so for the minister — —

The DEPUTY PRESIDENT — Order! I will just answer that. In respect of the heading, we see that as a stand-alone amendment that would be acceptable even if the member’s subsequent amendments were to fail, but Mr Davis is correct in saying that in my view his amendment 2 would be a test for his further amendments 3 to 5. I see the heading amendment as being able to be determined by the committee separately from amendment 2, which is linked to those further amendments.

Mr D. DAVIS — Without further ado, I indicate that the first amendment would see a new heading inserted, and that would very simply begin this process.

Mr BARBER (Northern Metropolitan) — As I understand it, the Liberal Party’s amendments attempt to amend sections 16 and 71 of the EPA act and are driving at the same idea — that is, to add weight, as Mr Davis said, to the requirements of the Subordinate Legislation Act around disallowance.

I want to put on the record my understanding of how this is going to work so the minister can perhaps also respond to that. Essentially we are being invited to amend section 16 of the EPA act, which contains, by my count, around 68 different heads of power allowing the EPA to create regulations about things. Some of those things are very small; some of those things are almost all-encompassing in the way they might cover air or water or land across the whole state.

However, it is my understanding that the Liberal Party’s amendments attempt to require, in one place at least, the EPA, after people have had the opportunity to be involved in creating those instruments through both this legislation and the Subordinate Legislation Act, to write to all submitters and notify them that the deed has been done and the regulation has been created. However, the way the Liberal Party’s amendments work means that will only become something the EPA needs to do in relation to these three new sections, not all the other 68 heads of power or regulation-making powers that already exist.

I presume that would mean it would therefore follow that if there were 2000 submissions to a particular regulation that the EPA creates — in this case a regulation to limit or control CO₂ — this would require the government to write back to all of those 2000 people after the regulation had been put in the *Government Gazette* and tell them it was in the *Government Gazette*. It is above and beyond what the government already has to do under the EPA act, which is to put an ad in the paper and put a copy in the *Government Gazette*. If the minister or the Liberals want to confirm that my understanding of the situation is roughly right, that would be good.

Mr JENNINGS (Minister for Environment and Climate Change) — I always want to know. I think that is a very nicely done piece of work from Mr Barber. I have all these people here to advise me of such a thing.

Mr Barber interjected.

Mr JENNINGS — You must have done it by yourself. Look at all these people here. No, you cannot look at them, but there are a lot of people who advise me on these matters, and they pretty much confirm what you were saying, except my take on it is that this is a narrower provision, so I think this amendment would narrow the application of what is happening rather than add to it, so I am of the view that the existing provisions of the Environment Protection Act, which I have had the opportunity to pull out of the list of acts on the table here, provide, certainly in the first instance, the confidence that both Mr Davises have been concerned about, which is the disallowable instrument elements outlined in section 18 of the act. That is no. 1.

In terms of the scrutiny that can be applied by this Parliament to any regulation that the EPA makes, it is pretty clear that it can be disallowed by the Parliament. That is a substantive issue in its own right. Then, as Mr Barber has outlined, in terms of the way there, in the preparation of that regulation and in relation to the Environment Protection Authority Act 1970 there are a number of provisions in clause 18 that demand the disclosure of the EPA's consideration of matters. Anybody who has made submissions to the EPA along the way in relation to the regulatory review will receive notification prior to the making of that regulation that informs them not only of the fact that it is about to be made but also the justification for that decision or the consideration of the matters. That is existing practice, and the effect of this amendment is that there would be an additional requirement that could be read to mean that instead of that process people would just be notified that a regulation has been made.

The government is of the view that in terms of transparency and accountability, particularly for those who may be affected by this decision, the provision may almost have the opposite effect, because it will cast narrowly the obligation of the EPA to write back to affected stakeholders and those who have made a submission. It may apply to fewer matters, and it does not necessarily guarantee that the EPA, under existing practice, would give a rationale for its decision. We do not think the amendments assist, despite what is a reasonable intention to make sure that the EPA is accountable, that there is a rigour brought to bear and that there is confidence in the community, particularly within industry, about the appropriateness of that regulation.

Mr D. DAVIS (Southern Metropolitan) — To make a comment on Mr Barber's point and the minister's commentary, opposition members were concerned as we did our consultations for this bill that this process of consultation by the EPA was inadequate. It became clear to us that major groups, including major business and community groups, were unaware of the capacities that exist for disallowance. The opposition takes the view that this would add clarity, an additional layer of notification and an additional opportunity for people to have input at a later part of the process. In doing that, we think transparency will be increased, and for that reason we think this is a valuable and worthwhile addition to the arrangements that need strengthening.

Mr BARBER (Northern Metropolitan) — My understanding has advanced. It means that this special test, if you like, that we have to write to the government afterwards, would only apply to these three sections within all of the EPA's statutory powers, so it would be unique in that respect. It would also be quite novel across the whole sphere of regulation making, which is largely governed under the Subordinate Legislation Act. We totally reviewed that act last sitting week, the outcome of which I was reasonably satisfied with.

Can the minister tell me: if this step under Mr Davis's proposed amendment were to be improperly carried out — for example, if there were 2000 submissions and the government, under Mr Davis's amendment, had to write back to those people but it inadvertently only wrote to 1999 of them — would there be any risk that the defect in the government's implementation of the law could then make the entire regulation open to challenge?

Mr JENNINGS (Minister for Environment and Climate Change) — In theory the answer is yes, because it is a requirement of the act as it exists that

everybody who puts in a submission has to be written back to.

Mr D. DAVIS (Southern Metropolitan) — The opposition is confident that the government, in discharging its obligations, would be able to ensure that regulations were made properly.

Committee divided on amendment:

Ayes, 17

Atkinson, Mr	Kavanagh, Mr
Coote, Mrs	Koch, Mr
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P. (<i>Teller</i>)	O'Donohue, Mr
Drum, Mr	Petrovich, Mrs
Finn, Mr	Rich-Phillips, Mr
Guy, Mr (<i>Teller</i>)	Vogels, Mr
Hall, Mr	

Noes, 21

Barber, Mr	Mikakos, Ms
Broad, Ms	Murphy, Mr
Darveniza, Ms	Pakula, Mr
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Hartland, Ms	Scheffer, Mr
Huppert, Ms (<i>Teller</i>)	Smith, Mr
Jennings, Mr	Somyurek, Mr
Leane, Mr	Tee, Mr (<i>Teller</i>)
Lenders, Mr	Viney, Mr
Madden, Mr	

Pair

Peulich, Mrs	Tierney, Ms
--------------	-------------

Amendment negated.

Clause 67

The DEPUTY PRESIDENT — Order!

Notwithstanding that the change to the heading did not succeed as an amendment, Mr David Davis is still entitled to proceed with his amendment 2 to change part of the text in clause 67. As I have indicated, I regard amendment 2 as a test for his further amendments 3 to 5.

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

- Clause 67, line 23, before “After” insert “(1)”.

As the Chair has said, I regard this as a test for amendments 3 to 5. I make the point that the substance of what we are doing has been discussed already. Amendment 1 simply related to the title; this amendment seeks to make the first substantive change as outlined earlier.

Committee divided on amendment:

Ayes, 17

Atkinson, Mr	Kavanagh, Mr (<i>Teller</i>)
Coote, Mrs	Koch, Mr
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Petrovich, Mrs
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Vogels, Mr
Hall, Mr (<i>Teller</i>)	

Noes, 21

Barber, Mr	Mikakos, Ms (<i>Teller</i>)
Broad, Ms	Murphy, Mr
Darveniza, Ms	Pakula, Mr
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr (<i>Teller</i>)	Pulford, Ms
Hartland, Ms	Scheffer, Mr
Huppert, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Viney, Mr
Madden, Mr	

Pair

Peulich, Mrs	Tierney, Ms
--------------	-------------

Amendment negated.

Clause agreed to; clauses 68 to 71 agreed to.

Clause 72

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

- Clause 72, line 12, before “After” insert “(1)”.

Again, these matters have been canvassed in the earlier general discussion about these proposed amendments. We believe these amendments will assist with transparency. We believe that whatever the issues for broader reform of arrangements with the Environment Protection Authority and broader reform in terms of notification of the community, this is an opportunity to add another layer of clarity and transparency for business and the community.

Mr BARBER (Northern Metropolitan) — I have a question for the minister on the operation of his proposed section. Clause 72 inserts:

- (fab) prohibiting or regulating the emission or discharge of greenhouse gas substances into the environment;
- (fac) prescribing standards for the emission or discharge of greenhouse gas substances into the environment, including emission intensity standards and maximum levels of emissions of greenhouse gas substances;

(fad) prescribing the conditions under which greenhouse gas substances may be emitted or discharged into the environment;

Within the context of the overall act, which I do not have in front of me, this standard could be used, for example, to set minimum emission standards for a petrol-driven lawnmower. Is that correct?

Mr JENNINGS (Minister for Environment and Climate Change) — Yes, I would have thought so. My instincts tell me yes. We are not going to do it, though.

Mr BARBER (Northern Metropolitan) — I am disappointed now. It could be used to set minimum standards for cars though, in the same way. Let the record show the minister is nodding ever so faintly. In the overall context of the act could it be used to set minimum standards for cows and their emissions?

Mr JENNINGS (Minister for Environment and Climate Change) — There are 475 pages in the Environment Protection Act 1970, and up until now I have not found one page that would prevent this from occurring, but I am happy to keep on scrutinising it.

Mr BARBER (Northern Metropolitan) — I heard the Chair, under his breath, making reference to the one-calf policy before: I just thought I would get that on the record!

It will not affect my vote one way or another. It is just that obviously within the confines of the objects of the Environment Protection Act that may limit or redound to the disadvantage of this power. It is reasonable for me to presume that this power is in fact incredibly wide ranging.

This is why we have debates. We could sit at home and read these acts and bills for a long time and phone in our votes, but it is only in the actual cut and thrust of debate that we ourselves sometimes uncover and discover the consequences, intended or otherwise, of government legislation. I must say, however, that I am feeling even more pleased with the passage of this bill than I was previously.

Committee divided on amendment:

Ayes, 17

Atkinson, Mr	Kavanagh, Mr
Coote, Mrs	Koch, Mr
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr
Drum, Mr (<i>Teller</i>)	Petrovich, Mrs (<i>Teller</i>)
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Vogels, Mr
Hall, Mr	

Noes, 21

Barber, Mr	Mikakos, Ms
Broad, Ms	Murphy, Mr
Darveniza, Ms	Pakula, Mr
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Hartland, Ms	Scheffer, Mr
Huppert, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr (<i>Teller</i>)
Leane, Mr (<i>Teller</i>)	Tee, Mr
Lenders, Mr	Viney, Mr
Madden, Mr	

Pair

Peulich, Mrs	Tierney, Ms
--------------	-------------

Amendment negated.

Clause agreed to; clauses 73 to 81 agreed to; schedules 1 and 2 agreed to; preamble agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Mr JENNINGS (Minister for Environment and Climate Change) — I move:

That the bill be now read a third time.

I thank members for their contributions.

Motion agreed to.

Read third time.

TRADITIONAL OWNER SETTLEMENT BILL

Second reading

Debate resumed from 12 August; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to make some comments on the Traditional Owner Settlement Bill 2010. This is one of the more complex and far-reaching pieces of legislation that this house has been asked to deal with. It is certainly the view of the coalition parties that in light of the complexity and the ramifications of this legislation, for both indigenous and non-indigenous Victorians, the community should have appropriate opportunity to consider the full impact of this bill on the affected parties.

I start this contribution by noting that we have growing concerns that that has not been the case, that this legislation in the form we are being asked to consider this afternoon has not received adequate consideration in the public domain. Indeed I note that in the last 48 hours in particular the coalition parties, through the shadow Attorney-General and the shadow Minister for Aboriginal Affairs, have received a number of representations from Aboriginal parties expressing concern at the lack of consultation on this legislation and its potentially negative ramifications for various Aboriginal parties in Victoria, particularly with respect to contested matters as to local recognition, which would arise under the provisions that the bill seeks to create.

The purpose of the bill is to provide a framework for the state to recognise groups as traditional landowners, to enter into agreements with such groups relating to fundraising and land ownership, management, access and use, and for such agreements to form the basis for the settlement of native title claims. In saying that, however, I note that the scope of the bill with respect to recognising traditional landowner groups and entering into agreements with such groups is not restricted to the settlement of native title matters.

The key provisions of the bill include the definition of 'traditional owner group' in relation to an area of land as being the group claiming native title in relation to that area, the native title holders in relation to that area or, in any other case, a group recognised by the Attorney-General as the traditional owners of the land. One of the key concerns that has been expressed to the coalition about the operation of the legislation is the capacity it gives to the Attorney-General, where the matter is not one of native title consideration, to recognise a particular group at the expense of other groups as the traditional owner of a particular area of land.

The bill defines 'traditional owner group entity' as being a body corporate that a traditional owner group has appointed to represent it. Another area of concern is the bill's lack of identification of a mechanism by which a traditional group would appoint an entity under the legislation, particularly where disputes arise as to whether any particular entity in fact legitimately represents the group it purports to represent.

The bill allows the minister to enter into a recognition and settlement agreement with a traditional owner group entity. This may include a land agreement, a land use activity agreement, a funding agreement and/or a natural resource agreement. The agreement can recognise rights of traditional owners that are of no

greater effect than consistent with the law of Victoria. The agreement may be constituted wholly or partly by an indigenous land use agreement which settles a native title claim under the Native Title Act.

The bill allows the minister to enter into a land agreement under which freehold title on unreserved public land is granted to a traditional owner group entity. The bill further allows the minister to enter into a land agreement under which Aboriginal title is granted on public land. Aboriginal title is title granted with limitations that the land cannot be sold or encumbered. After the traditional owner group entity has entered into a contract to transfer to the state the right to occupy, use, control and manage the land, it cannot deal in an interest in the land and cannot grant any licence over it except as provided in the act under which the land was held prior to the grant of the title.

The bill provides that any existing leases, agreements et cetera over land are continued. However, that has also raised some concerns in the community, particularly in the farming community, as to what circumstances will prevail at the time that an existing lease or agreement expires and the renewal of that agreement is sought, with the provisions of this legislation having come into play in the interim period.

The bill provides that the minister may enter into a land use activities agreement with a traditional owner group entity as part of a recognition and settlement agreement if satisfied either that the agreement is part of an indigenous land use agreement which settles the native title claim or that the Federal Court has determined that native title does not exist in relation to the land. The agreement may give rights to the traditional owner group entity in relation to various possible activities by the state or third parties on the land and may require the entity to be informed, to negotiate the terms of the activity or not to agree to those activities.

The bill provides for the negotiation of activity agreements where those matters come before the Victorian Civil and Administrative Tribunal. There are various categories — class A and class B activities — that are specified in the legislation where VCAT has been called on to determine a matter. Pursuant to that provision, capacity is provided for the minister to override VCAT with respect to a decision it may make. The bill also provides that the minister may enter into a funding agreement for the purpose of giving effect to a recognition and settlement agreement.

The bill provides that the minister may enter into a natural resource agreement regarding ways in which members of the traditional owner group entity may

participate in the management of natural resources on the land that is the subject of the recognition and settlement agreement. It could also specify the types of uses of land for traditional purposes that the entity would like its members to have and provide for facilitation of the exercise of traditional owner rights pursuant to clause 80 of the bill.

The bill provides that after entry into a natural resource agreement members of the entity may be granted, in relation to the land subject to the agreement, authorisations for traditional purposes: taking or keeping protected flora or fauna, hunting, forestry, harvesting, water taking and/or camping in permitted areas. Pursuant to the Conservation, Forests and Lands Act 1987 the bill further provides for the establishment of traditional owner land management boards and the revocation of committees of management. The bill limits the power of the minister to abolish boards established pursuant to this provision or to dismiss members, and it provides for joint management plans.

The bill further provides that under the Crown Land (Reserves) Act 1978 if a land agreement provides that land is to be reserved for a specified purpose, the existing reservation may be revoked and the land reserved for the specified purpose, subject to disallowance by either house, pursuant to clause 110, and provides for regard to be had to any joint management plan in managing the land. Similar provisions exist under the Forests Act 1958, the Land Act 1958, the National Parks Act 1975 and the Wildlife Act 1975.

The bill further provides that under various acts the doing by members of a traditional owner group entity of actions permitted under an authorisation following a natural resources agreement is permitted under the act and does not constitute an offence.

The bill notes that under various acts various consents, licences and authorities under those acts may be land use activities for the purposes of the bill before the house. It further requires that in hearing claims under the bill VCAT, as I referred to previously, must be constituted by at least one member who has a sound knowledge of or experience in Aboriginal culture and land use.

As I indicated earlier, the bill creates a far-reaching and complex regime with respect to providing for title — in some cases Aboriginal title — over various Crown lands as defined. One of the key concerns the coalition parties have about the bill is the level of concern that has been expressed in the Aboriginal community in recent days due to the perceived lack of consultation

that the government has undertaken on these provisions.

Business interrupted pursuant to standing orders.

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

That the sitting be extended for 1 hour.

House divided on motion:

Ayes, 22

Barber, Mr	Madden, Mr
Broad, Ms	Mikakos, Ms
Darveniza, Ms	Murphy, Mr (<i>Teller</i>)
Eideh, Mr	Pakula, Mr
Elasmar, Mr	Pennicuik, Ms
Hartland, Ms	Pulford, Ms
Huppert, Ms	Scheffer, Mr
Jennings, Mr	Smith, Mr
Kavanagh, Mr (<i>Teller</i>)	Somyurek, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Viney, Mr

Noes, 16

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

Pair

Tierney, Ms	Peulich, Mrs
-------------	--------------

Motion agreed to.

Debate resumed.

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

That the debate be adjourned for one week.

I do so on the basis that this bill, as I indicated earlier, is one that the coalition parties regard as being of particular significance and complexity for both Aboriginal and non-Aboriginal Victorians. As I indicated when I started my contribution to the second-reading debate, we have received a number of representations, particularly in the last three or four days, which have highlighted the concerns of a range of indigenous groups and people in Victoria about the potential impact this legislation will have on indigenous groups if it is passed in its current form.

Therefore the reason I am seeking the adjournment of this debate, rather than to acquiesce to the government's intention that this bill be rammed through

late on a Friday afternoon at a time when substantial concerns have been expressed about the legislation, is to ensure that the broader Victorian community and the broader Victorian indigenous community have the opportunity to provide feedback and input into the mechanism that the Attorney-General is seeking to establish by way of this legislation.

As I indicated earlier, there are serious ramifications under this legislation through the mechanism that is being established for a range of Aboriginal groups with respect to their competing rights and entitlements both in the scenario of native title claims and with respect to the Attorney-General's capacity to make determinations where native title claims are not involved.

It seems reasonable, given the late hour and the complex nature of this legislation, for the house to adjourn the debate on this occasion to allow the community to have greater input. During the course of the afternoon we have had in the gallery a number of representatives from various Aboriginal communities in Victoria seeking to follow the course of the debate. I understand those people who were here to listen to the debate this afternoon — and I understand the government's rationale for proceeding with the mechanism it is seeking to proceed with — have been advised by the government to go home because the debate would not be proceeding through the course of the afternoon. I now find it absolutely abhorrent that the government, having told the affected indigenous parties that they need not stay in the Parliament this afternoon because the debate would not proceed, would now turn around and try to orchestrate the stunt we have just seen to have this debate brought on at the death knell of the sitting week. It says a lot about the government's commitment to Aboriginal people in Victoria that it would trick them into leaving the Parliament this afternoon in the knowledge that it would then try to bring on the debate on this bill at a time after which the house was scheduled to conclude.

The fact that this has occurred calls into great question the government's commitment to ensuring that these people are dealt with in a fair manner pursuant to the legislation that is before the house and the model that we are being asked to consider. We have received through the member for Shepparton in the Assembly, who is the shadow Minister for Aboriginal Affairs, a range of representations from groups particularly throughout northern Victoria who are deeply concerned about the lack of good faith that the government has shown in preparing and bringing forth this legislation in the last few weeks of the 56th Parliament. Those

concerns are only exacerbated by the conduct of the government this afternoon.

It is my belief that this debate should not proceed this afternoon on the basis that parties who have a legitimate interest in this particular matter have been told they should not remain in the Parliament and should go home because the debate was not going to take place. I urge the members of the chamber who previously voted to extend the sitting this afternoon to allow the debate to proceed without the interested parties being here today to reconsider their position with respect to whether the debate should continue or be adjourned until the next sitting week. I urge them to search their consciences as to whether they believe it is appropriate for the debate to proceed without the people from the Aboriginal communities being in the chamber today to hear the views put by the government and other parties as to how this model, which represents a substantial change in the treatment of Crown land with respect to Aboriginal parties, will operate. Those parties should have the opportunity to understand the full debate and the implications of what the government is proposing at this late hour.

Mr BARBER (Northern Metropolitan) —

Mr Rich-Phillips just argued his motion on the basis that the bill is complex and more time is needed for all Victorians to understand what it means. I understand this is a procedural motion, but I am addressing his argument specifically. What I would say about that is that Mr Rich-Phillips's colleague Robert Clark, the shadow Attorney-General and member for Box Hill in the other place, published an opinion piece in the *Weekly Times* of 1 September under the heading 'No winners in land bill' with the lead-in 'Aboriginal groups in box seat to get legal title over Victoria's public land, writes Robert Clark'. In that article Mr Clark said that even Parliament House and the MCG are on reserved Crown land, and there is a picture of the MCG. The Liberal Party and the coalition parties have no intention of spending the next week getting into the community a better understanding of how this bill operates. They need another week to whip up the brutal scare campaign the likes of which I have not seen in my four years here, and I find it absolutely abhorrent.

We just passed a motion to extend the parliamentary sitting for an hour. This question we are being asked to deal with is effectively the same question but in a different guise. The reason the Greens were willing to extend debate in Parliament today for an hour is for one reason only: the government is telling us there are some potential implications of the bill not being dealt with this week, and we allowed the extension of an hour simply to allow the government to put that information

into the debate. It is absolutely right, though, that the government put this bill on the bottom of the notice paper and spent a considerable amount of this week having a go at the opposition across the chamber about Adam Bandt's election to the Parliament and a whole range of other time-wasting exercises when we could have been dealing with this bill up front, and now here we are.

We have had a number of representations from traditional owners and people in traditional owner groups who say they do not yet understand how the bill works. We have spent a lot of time talking to them about how we understand the bill works.

At this point the Greens are willing to allow this debate to go on for a bit longer until the government intervenes in the debate to tell us something we do not already know, at which point we will make a further judgement about whether we extend time or continue debate.

Mr DRUM (Northern Victoria) — In response to Mr Barber's tirade, I put on record that I will be using next week to talk to the indigenous leaders in my community to find out exactly what they think about this bill. After coming down here this week I have learnt things about this bill of which I was not previously aware. I will be using the time we have next week to talk to those people about the implications of this bill — hopefully before I have to stand up in this chamber and make my contribution to the debate on this bill, because it is a very important bill. I need that time away from Parliament.

Mr D. DAVIS (Southern Metropolitan) — I am disappointed that we are at this point at just after 4.00 p.m. on a Friday. We have been very cooperative today with the Government Whip, and we have sought to expedite sensibly a number of pieces of legislation, particularly the Climate Change Bill. The government was keen to get that through and we in opposition spoke very responsibly on the bill. There was a brief and reasonable committee stage. I thank the Minister for Environment and Climate Change for his contribution to that process. The opposition has been very helpful.

As Mr Barber pointed out, the government put this important measure, the Traditional Owner Settlement Bill, on the bottom of the notice paper. What is clear here is that the government leadership was unaware that there was anything even remotely urgent about this bill. Until about 3.50 p.m. there was no indication or inkling that the government intended to proceed with debate on this bill. It would not have been before 3.45 p.m. that we were informed that there was any desire to go

beyond even the beginning of the first speech on this bill.

Mr Tee blustered into the chamber with some urgent need, which has still, frankly, not yet been explained to the opposition. There has been no formal or detailed explanation as to why this bill is urgent at this point. The government owes it to the chamber to explain why this bill is urgent and why it has chosen to wait until now — it is nearly 4.20 p.m. — to put on the public record that this bill is urgent. Mr Tee claimed that we could pair people left, right and centre. The problem is that a number of members have commitments in their electorates. We have given them an indication that at 4.15 p.m., 4.30 p.m., or thereabouts they can head back to their electorates. This is an important bill and it needs proper attention, including by members from country Victoria whose electorates are particularly impacted by the bill. Many of my colleagues are representatives of country electorates with significant indigenous communities and those communities want points put on the record. It is all very well to offer to dismiss people, send them home and then form pairs, but many of our people want to contribute to this debate; they want to put on the record things that are of significance to their electorates and their indigenous communities.

I further note that a number of members of the indigenous community have been in the public gallery for much of the day. If the government was serious about treating the indigenous community properly, it could have scheduled debate on this legislation, with the support of the opposition, at a time when members of the indigenous community could have been present as they desired. To send members of the indigenous community home and then begin the debate at the last minute, at 1 minute to midnight, as it were, is extraordinary. This is not the way to deal with a major piece of legislation that requires reasonable community debate, honest input from members, the opportunity to ask questions of the relevant minister and that will certainly have a committee stage. This is not the way to go about it.

The Climate Change Bill was a significant piece of legislation. For that bill we had a sensible and deliberative committee stage and we were able to work through it as sensible and cooperative members of the chamber. The idea that in this case the government would shanghai the opposition in this way and actually seek to manoeuvre in some way so that contributions could be cut short — or that members could be trundled off to their electorates, as Mr Tee suggested, without the opportunity to represent their communities, particularly the indigenous communities — is very disappointing. It is reprehensible. The government has

not been fair. The government owes it to the community, to the chamber and to other members of the Parliament to formally explain why it has suddenly, at 3.50 p.m., developed this enthusiasm to crunch this bill through the house without the normal, proper and deliberative processes.

I note there is a need for further consultation on this bill. There was an opportunity earlier in the day, when the government came to us to seek an arrangement on the Climate Change Bill. We could have negotiated then on the bill that was near the bottom of the government's list, and that would have allowed time for the community to have input.

Mr HALL (Eastern Victoria) — I want to speak in favour of adjourning debate on this bill for one week. I take this opportunity to speak on what I would have spoken on had I been in the chamber at 4 o'clock when an extension of the sitting for 1 hour was sought by the government. I would have brought on a procedural debate on that. Because I was not in the chamber, I did not have the opportunity to challenge that. I was not in the chamber because every one of us in the chamber was of the complete understanding that, given that an adjournment motion was moved by the government today, we would be concluding business at 4 o'clock this afternoon. I believe this house has always operated on the basis of goodwill between both sides of this Parliament. That goodwill has been breached on this occasion, and I am angry about that.

If this sort of behaviour is going to be undertaken by the government, with no warning and no indication, then it is not going to get the cooperation of this side, and quite frankly the last few weeks of this Parliament will be a shambles. It has been deteriorating already this week and in previous weeks, and if it continues on this path, then nothing productive will be achieved over the next couple of weeks of this Parliament.

Moreover, I do not see any logic or sense at all in extending the sitting by an hour. This is an important piece of legislation and many people wanted an opportunity to speak on it, not to have their contributions curtailed, so they could make only a token speech on this issue. It is an important issue, and the lead speaker had only 10 minutes to speak before 4.00 p.m. There is no way known the debate on this legislation would be concluded in an hour. What is the government going to do? At 5.00 p.m. is it going to seek an extension for another hour and at 6.00 p.m. another hour after that, and keep going and going? There has been no indication from the government about that. It did not even tell us that it was going to try to extend the sitting by one hour in the first instance.

What do we expect beyond 5.00 p.m. this afternoon? It is a joke; it is a farce. There is no cooperation, no warning given to us, and therefore this government is abusing the privileges and the goodwill of this chamber.

Perhaps the government has a chance to redeem itself by supporting this adjournment motion now, for the good reasons that Mr Rich-Phillips, Mr David Davis and Mr Drum on this side of the house have already indicated. This is no stunt, as Mr Barber, the person sitting behind me, suggested. It is not that we are going out to drum up some campaign against this piece of legislation — not at all. What we are trying to do is observe the proper processes of the house and moreover give people an opportunity to plan consultation about the legislation, as they believe they had.

The government's action in moving this extension of the debate for an hour is an absolute farce. The only way it can redeem itself is by agreeing to the adjournment motion and halting the sitting of Parliament at this point in time to allow further consultation on this legislation, but more importantly at least restore a minute part of the goodwill that this house has been cooperating on for many years.

Mr JENNINGS (Minister for Environment and Climate Change) — Quite often in all aspects of public life, and quite often privately too, people will see a conspiracy rather than a stuff-up, and what we are dealing with at the moment is a stuff-up. There were clear parts of the government that recognised all this week in relation to the legislative program that this was a bill the government was seeking to pass, except at some point of time during the running of today's considerations we lost sight of that in discussions that took place between the parties. That is unfortunate.

Ms Lovell interjected.

Mr JENNINGS — I was not blaming anybody. I just said that has occurred, and I acknowledge that given there is tension in the air at this hour of the day in relation to this matter, I reckon it is probably better that we play out that tension in relation to procedural matters rather than the policy substance at the heart of this bill. I reckon there might be some tensions at the heart of this bill that will not get an airing, not get a run, not be discussed and not be addressed honestly. I believe that to be the case. Let us take the raised temperature and the anger out of the situation in relation to the procedural matters.

The reason the government has wanted to proceed with this bill is that it has been in the public domain as far as the Aboriginal community is concerned for more than a

year. In terms of the engagement with the community that is most affected, this bill has been subjected to a significant degree of consultation and consideration for more than a year. In terms of the political commentary and the general community's consideration of this matter, the bill has been in the public domain for more than a month once it was tabled in the other house.

Notwithstanding the whole history of native title consideration and the fact that this bill in Victoria has the potential to supersede and provide for more amicable outcomes in the Victorian community, it has not stopped a very mischievous campaign being run by certain circles in the community to portray this legislation as threatening public land, when it clearly does not.

Mr Hall — It is a procedural debate, Minister; talk about the procedure, not about content.

Mr JENNINGS — Well, I reckon you are lucky. If you have a raw nerve, Mr Hall, so be it.

I have heard from people that there is a need for additional time for needs to be discussed. What I say in relation to that consultation and consideration is that there are some people who abuse that by mischievously interpreting and peddling conversations — —

Mr Hall — On a point of order, President, this is a procedural debate, and the minister is embarking on a path where he is debating comments of substance and the process of consultation on the bill. We are debating an adjournment of this bill for one week. The minister cannot embark on a debate about matters contained within the bill.

The PRESIDENT — Order! Mr Hall is in fact correct. This is a procedural debate and the minister should restrict his contribution to whether or not we should adjourn debate on this matter for one week.

Mr JENNINGS — President, and the Clerk, I understand this matter; I understand what consultation is about. I understand what consultation should be put to and what it should not be put to. I understand there is a level of information required about the application of the legislation, and I support that. What I am suggesting is that the arguments that have been mounted in this procedural matter may not get to the spirit or the tone in which that consultation has been undertaken — and that is my point. I was sticking to the nature of the consultation which people are saying is required, which I suggest is not required; because if you embark upon a process that abuses that rather than adheres to the spirit of consultation, it is self-defeating.

In the government's view it is very important to pass this bill at the earliest opportunity because it will enable us to enter into an agreement with an Aboriginal traditional owner organisation within the next few weeks, before the next parliamentary sitting. That agreement has been in negotiation for many years and has — —

Mr Hall — Are we going to sit here until we pass the bill? Is that what you are saying?

Mr JENNINGS — That was the intention of the government — to get to a situation where we could pass the bill. That had been our intention.

An honourable member interjected.

Mr JENNINGS — I started my contribution, before I was interrupted, by saying it was a stuff-up. It is very important from the government's perspective that we pass the bill because the provisions of the bill will support us in reaching an agreement with a traditional owner group that has been in negotiations for many years.

Mr O'DONOHUE (Eastern Victoria) — I rise to support the motion moved by Mr Rich-Phillips. First of all I will pick up on some of the comments made by Mr Barber. He misquoted an opinion piece written by the shadow Treasurer and member for Box Hill in the other place, Mr Clark, that appeared in the *Weekly Times*. Mr Clark has been absolutely consistent on this matter, as has Mrs Powell, the member for Shepparton in the other place. In his opinion piece Mr Clark discussed the bill's complexity and wide-ranging nature and the need for further time to consult on it.

This is in the context of the opposition's position, as enunciated in the Assembly, to not oppose the bill. Indeed the opposition did not oppose the bill in the Assembly but moved a reasoned amendment that passage of the bill be delayed until further consultation could take place. Despite what Mr Barber says, our position on this matter has been consistent.

Picking up on the comments from the Minister for Environment and Climate Change, we learnt for the first time at 4.30 p.m. today, a Friday, that this bill has to be passed. I acknowledge the minister was honest in that he said the government had stuffed up. I appreciate the honesty and candour of the minister, but frankly it is not good enough to be told this at 4.30 p.m. on Friday after the Parliament has had four days of debate and after we passed a range of bills yesterday that had no particular urgency, or not that we were advised. Even today we passed the Mineral Resources Amendment (Sustainable Development) Bill and the Climate

Change Bill. Whilst it may be the case that, as Mr David Davis said, the government wanted to pass the Climate Change Bill, the climate change issue has been around now for a very long time and I wonder whether a delay of one additional sitting week would have made a great deal of difference to the legislation that was just passed by this place.

I do not accept the comments made by Mr Barber, I question the comments made by the minister, and I endorse the comments made by Mr Rich-Phillips, Mr Hall and others that the opposition needs additional time to consult with our constituencies on the bill, particularly those of us who have geographically large or diverse constituencies. I look forward to having the opportunity to consult further on this bill during the next week.

Mr P. DAVIS (Eastern Victoria) — I too support Mr Rich-Phillips's motion to adjourn the debate. It is with incredible disappointment that I, like other members here, learnt that it was the government's intention all week to try to ram this legislation through under the shadows of the close of business and outside the purview of media scrutiny and that of the Victorian community more widely so there could not be proper public consideration.

Mr Jennings said this was of major consideration to the indigenous community of Victoria, and I absolutely agree that this is a fundamentally important bill. However, Mr Jennings may not understand that the bill is critically important to all people who live in the regions of Victoria who will be similarly affected by this legislation. It is a critical piece of legislation which transforms the regulation of land use in this state in a way that no other legislation dealt with by the Victorian Parliament has, I suspect, in nearly 150 years.

This will have a massive impact. It will affect the rights of all stakeholders who have an interest in land, no less so for the Aboriginal community and no less so for the other communities that have a stake in public land issues.

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

Mr RICH-PHILLIPS (South Eastern Metropolitan) — In responding to some of the matters raised in the course of this procedural debate I am particularly interested in the comments made by the responsible minister, the Minister for Environment and Climate Change, who indicated for the first time some urgency on the part of the government in having this legislation passed by the house this week. I have to say

that the minister's comments serve to reinforce the perception, certainly on the part of members on this side of the house, that the government's legislative program is in absolute chaos.

We have seen toing and froing on a series of bills over the course of this week: the public finance bill, the juries bill and now the Traditional Owner Settlement Bill. The government's members have had them on the agenda, have not wanted to proceed with them, have then wanted to proceed with them and have been changing their minds continually. Now we hear from the minister that the reason this piece of legislation is required is that the government, apparently without — —

The PRESIDENT — Order! Mr Rich-Phillips has 2 minutes to speak in response to contributions on his motion that debate on this bill be adjourned for one week. That is the subject he should stick to. I think the member is debating some of the contributions that were made, and I do not think that is appropriate.

Mr RICH-PHILLIPS — The minister in his contribution to this debate said the government had negotiated an agreement with an Aboriginal party that was contingent upon this legislation. That agreement is something we in this house might all support, but it beggars belief that we are now being told the legislation must be forced through today because unbeknownst to this chamber an agreement has been put in place that relies upon the passage of this legislation. I would say to the chamber that that again reinforces the perception that the government's legislative program is in chaos — it must be if agreements are being put in place contingent upon legislation that has not yet been passed and if that is being advanced as the reason we have to pass the legislation this afternoon.

I would submit that it is completely inappropriate to expect the house to pass this legislation on the death knell of a sitting week simply because the government has put the cart before the horse in negotiating an agreement under legislation it does not even have in place. In the interests of getting this legislation right, I urge members to support the motion that debate on the bill be adjourned for one week so that these matters can be dealt with appropriately.

Motion agreed to and debate adjourned until Friday, 10 September.

ADJOURNMENT

Mr LENDERS (Treasurer) — I move:

That the house do now adjourn.

Weeds: control

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Environment and Climate Change regarding the impact of the declassification of African lovegrass as an invasive weed. The red gum plains and coastal hinterland invasive weeds group in East Gippsland has approached me with its concern that the declassification poses a grave threat to the region's pastoral industries. The group says the change in the status of African lovegrass from regionally prohibited to regionally controlled in East Gippsland has resulted in an epic deterioration of the grazing landscape.

It means the Department of Sustainability and Environment no longer devotes resources to controlling this pest plant, and it has led to an attitude of neglect among some landowners. In many areas along Bengworden Road between Bairnsdale and Sale the weed has spread and overtaken large areas of grazing land. Many landowners are doing their best to maintain control of the weed and to educate and support others to eradicate it.

The invasive weeds group, encompassing members of Landcare groups at Perry Bridge, Toms Creek, Bengworden, Romawi and Cobblers Creek, was formed last year for this purpose. The group has established liaison with natural resource management agencies to keep abreast of strategies to keep African lovegrass in check. However, it believes that the most significantly helpful measure would be for the weed to be reclassified as regionally prohibited, which would add the resources of the Department of Sustainability and Environment to the efforts of landowners.

I therefore ask that the minister act with his department to reclassify African lovegrass as a prohibited plant in the East Gippsland region.

Buses: SmartBus route 903

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Public Transport and is to do with SmartBus route 903. This is supposed to be the government's flagship; however, I have had some very detailed documentation from a constituent who is particularly concerned about SmartBus route 903, specifically its timetabling, overcrowding and a number of related issues.

A Mr Lunn, whose details I can give to the minister later, sent me a detailed email containing photographs of people hanging from the straps in very crowded buses — a very unsatisfactory situation. He says that there are holes in the timetable and that the Saturday service is at two 15-minute intervals and one 30-minute interval each hour — how confusing and ridiculous! The timetabling is far too complex. There should be consistent 15-minute services so that everybody knows precisely what is going on.

I remind the chamber that this bus route passes Chadstone, which is one of the key shopping centres in this state and is very busy on Saturdays and Sundays. The service should be provided at 15-minute intervals all weekend to cater for this and should not just be in and around the Chadstone area. It should be across the entire service, from Heidelberg to Mordialloc. On Sundays there is also a problem, because there can be a 45-minute wait for a bus.

This is a new service — a SmartBus service. This is the system that is being rolled out to make public transport better for us all. In fact it is quite the reverse. As Mr Lunn points out, there is a lack of traffic priority. Buses are being caught in traffic, facing many series of red lights and given no priority. Passengers, as I indicated before, are standing up and strap swinging for entire journeys.

A bandaid solution has been suggested that involves putting additional buses on the route or increasing the timetable between Holmesglen and Oakleigh and having a shuttle from Chadstone. But this is just not acceptable. The action I seek from the minister is that he consider as a matter of urgency the option of a more frequent service to be run on the 903 route as a whole.

Water: sportsgrounds

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Water, Tim Holding, and it concerns the proposed massive increase by Grampians Wimmera Mallee Water in water costs from \$42 per megalitre to in excess of \$800 per megalitre for small community clubs. I have received letters from the chairman of the Horsham District Football League, Mr Fred Mellington, and Mr Bruce Petering of the WorkSafe Victorian Country Football League registering their concern and protest on behalf of the user groups of many recreational facilities in the north-west region of Victoria. Mr Mellington writes:

I don't believe that it is possible to calculate the importance of our community clubs in being able to maintain a sense of purpose to the residents in our small rural environment, all suffering under similar stresses brought on by drought. A day

at the footy with your family enabling you to talk to so many others sharing your worries is absolutely priceless.

Mr Petering from the WorkSafe Victorian Country Football League says:

Presently our football and netball clubs are being extended to almost breaking point in providing for the needs of participants and those of the community. This work and much-needed fundraising is performed by hardworking volunteers, who are becoming less in number as time goes by due to population migration out of the area. To add an increased burden on this group by huge hikes in the cost of water may well be the final straw for some.

The action I seek from the minister is for him to prevail on Grampians Wimmera Mallee Water to find a solution to this excessive price grab so that sporting grounds in the Wimmera-Mallee area also benefit from the construction of the Wimmera-Mallee pipeline.

Consumer affairs: responsible service of alcohol

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Consumer Affairs. I note that the Drugs and Crime Prevention Committee yesterday released a very good report into strategies to reduce the number of assaults in public places in Victoria. That report made particular reference to the consumption of alcohol and to violence. One thing the report did not consider, and I therefore ask the minister to examine it, is the responsible service of alcohol — that is, controlling how much alcohol is poured as an individual drink.

Thanks to representations made to me by a constituent from East Gippsland, I am aware of an organisation that has developed what is known as an automatic measured alcohol pour. I believe that precision in alcohol pouring is worthy of further investigation, and I ask the minister to look into the issue for me.

Responses

Mr LENDERS (Treasurer) — Four members raised adjournment items, and I will refer them to the respective ministers.

The ACTING PRESIDENT (Mr Elasmr) — Order! The house stands adjourned.

House adjourned 4.46 p.m. until Tuesday, 14 September.