

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 13 April 2010

(Extract from book 5)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

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

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

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

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

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

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

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

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

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Ms A. P. BARKER

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The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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Hennessy, Ms Jill ⁴	Altona	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
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Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
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Kosky, Ms Lynne Janice ⁶	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 13 February 2010

⁵ Elected 28 June 2008

⁶ Resigned 18 January 2010

⁷ Elected 15 September 2007

⁸ Resigned 6 August 2007

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Tuesday, 13 April 2010

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.04 p.m. and read the prayer.

DISTINGUISHED VISITOR

The SPEAKER — Order! I welcome to the Parliament today Mr Tony Piccolo, who is the member for Light in South Australia.

BUSINESS OF THE HOUSE

Broadcasting of proceedings

The SPEAKER — Order! I advise members that our broadcasting project is still under way. The cameras are not yet fully operational, and the video of proceedings is not being broadcast. However, the cameras will move when the microphones are activated and audio broadcasting will continue as usual this week. The project is on target, and we will be broadcasting the video of proceedings from the sitting week beginning 4 May.

RULINGS BY THE CHAIR

Questions without notice: admissibility

The SPEAKER — Order! On 24 March the Leader of The Nationals asked the Premier a question referring to a ministerial media plan prepared for a former Minister for Major Projects.

After initial points of order requesting a copy of the document referred to, my attention was drawn to a 1993 ruling of Speaker Delzoppo disallowing a question as it related to a matter arising before the period of the Premier's administration. On the basis that the media plan referred to by the Leader of The Nationals was dated January 2007, before the present Premier took office, I ruled the question out of order.

In line with a commitment I gave after hearing later points of order, I have subsequently had a chance to consider the 1993 ruling in more detail. After going back and reading *Hansard*, I now have a different view of the context of the ruling. The summary in *Rulings from the Chair* correctly mentions Speaker Delzoppo's reference to the period before the Premier's administration. However, it is apparent from reading the whole record that he made that reference in the context of a change of government, rather than a change of Premier within a period of the same

government's administration. In essence he gave the phrase 'Premier's administration' the same meaning as 'government's administration'. His ruling, with which I agree, is that a question addressed to the Premier asking about something which occurred when he was Leader of the Opposition was not about government administration and was therefore inadmissible.

Having taken the full circumstances of the 1993 ruling into account, I see the situation is different where there is a change of Premier within the same government administration. It is appropriate that the Premier should answer questions generally about government in connection with the whole period of that government's administration. Accordingly in the future I will allow questions of that nature.

However, in giving my ruling, I also take this opportunity to comment on the length of the preamble to the question, 90 words, and the one asked by the Leader of The Nationals the following day, 174 words, including a substantial quotation. Neither is acceptable parliamentary procedure and, in addition, they were not helpful to the Chair. The Chair has many issues to deal with during question time in what is often a noisy and intense environment. Longwinded questions are difficult to follow and digest, particularly if they give rise to points of order on admissibility.

Previous Speakers have ruled that long preambles are unacceptable and that asking a question is not an opportunity to make a statement or a speech. The preambles to the two questions under discussion exceeded what was reasonable. I seek the cooperation of all members in restricting the length of preambles in the future.

As I mentioned, the second preamble also contained a lengthy quotation. In 1987 Speaker Edmunds ruled that quotations should not form part of questions. That restriction follows the procedure in the House of Commons. I accept that since then the practice of the house has changed. In recent years quotations have been allowed to the extent that they are necessary to make the question intelligible.

I confirm that I will continue to allow succinct quotations but only to the extent that they are directly relevant to the question and strictly necessary to make it comprehensible. *May*, 23rd edition, page 391, deals with quotations in the context of notices of motions, stating that the Speaker has ruled against excessive use of quotations as attempts to write statements or speeches made by persons outside the house into its record. I support that view and its application broadly. My ruling about quotations therefore applies equally to

questions on notice and notices of motion. In future I will not permit quotations that do not meet the criteria I have specified.

Members: provision of information

The SPEAKER — Order! On Thursday, 25 March 2010, the member for Box Hill raised with me by way of point of order what procedure should apply when a member gives a commitment to the house to provide information. I have taken the opportunity to review the Westminster practice of holding answers referred to by the member for Box Hill and the procedures of other Australian parliaments in search of guidance on this issue. However, I have been unable to find a comparable practice in any other jurisdiction.

The member for Box Hill made the point that an undertaking given by a member should be kept within a reasonable time, and what amounts to a reasonable time will depend on a range of factors, including the ease with which the relevant information can be obtained and the importance of the issue. I agree with the member for Box Hill that any member giving a commitment in the house must be expected to honour that commitment within a reasonable time. What constitutes a reasonable time will be dependent upon the circumstances of each individual case.

In my view any member who has made a commitment in the house is expected to meet that commitment as soon as practicable, taking into account the circumstances in which that commitment has been given. Where a member feels a commitment given by another member has not been met within a reasonable time, then that member is entitled to raise the issue in the house by way of point of order.

In response to the particular matter raised, I note that the Premier gave a commitment to respond to the member, and I understand this has occurred.

QUESTIONS WITHOUT NOTICE

Standing Committee on Finance and Public Administration: ministerial advisers

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Given that the independent Clerk of the Legislative Council has advised that the conduct of the Attorney-General in directing staff not to appear at a parliamentary inquiry is a contempt of the Parliament, will the Premier now direct his staff to appear before the Madden inquiry, or does the Premier

endorse this ongoing contempt of the Parliament and this continuing Labor cover-up?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. As I have made very clear in relation to this matter, there are longstanding precedents and conventions which have applied in this place for more than a hundred years. The last time these powers were exercised by a parliamentary committee — that is, in subpoenaing witnesses before a committee and then using the ultimate sanction — was back in the 1860s and 1870s.

I have always made very clear that the longstanding understandings and arrangements in relation to our Westminster system are that a minister is responsible for the discharge of his or her responsibility. The minister in this case, the Minister for Planning, has made it very clear that he is happy to appear before the committee and answer any questions that are asked of him.

As the Attorney-General has made very clear, staff will not be appearing before the parliamentary committee. That has been a longstanding commitment and convention, as I have said, under successive governments in our state. You can go back to the period of the Kennett government, to the period of the Bolte government, to the period of the Cain government or to whatever era you want to pick, and you will see there has never been an abuse of those sorts of powers by parliamentary committees.

The person responsible for making decisions about planning matters is the Minister for Planning. The planning minister is required to do that without fear or favour in accordance with the law and with his oath of office. I am satisfied that he has discharged those responsibilities.

Mr Ryan interjected.

The SPEAKER — Order! The Leader of The Nationals!

Mr BRUMBY — The minister has appeared before the committee and is happy to answer as many questions as the committee would want to ask.

Employment: government initiatives

Ms BEATTIE (Yuroke) — My question is to the Premier. I refer the Premier to comments in May last year that referred to the 2009–10 budget as ‘a house of cards’ and saying that the government ‘cannot be trusted when it comes to promises on jobs’, and I ask:

can the Premier update the house on the government's commitment to job creation?

Mr BRUMBY (Premier) — I thank the honourable member for her question. As the honourable member will recall, when we brought the budget down last year — an excellent budget, by the way — we committed in that budget to 35 000 new jobs. It was a budget that committed \$11.5 billion towards critical infrastructure projects. There were commentators at the time who used those expressions and made silly statements to the Parliament and outside Parliament. The member for Scoresby was of course the person who made those statements. The member for Scoresby could not be more wrong in the claims that he made.

Last week the Australian Bureau of Statistics released its monthly unemployment data. It was a fantastic result for our state. It was a sensational result, with more jobs again being generated in our state, which is the powerhouse in generating jobs across the nation. The data released last Thursday shows that 93 500 new Victorian jobs have been created since the government started investing in the \$11.5 billion of new infrastructure projects on 1 July last year.

To put this into perspective for the member for Scoresby and the Leader of the Opposition, since 1 July last year more than half of all the full-time jobs created in Australia have been Victorian jobs. In fact the figure at the moment is more than 60 per cent of all those jobs. These are the new full-time jobs generated across Australia this financial year. This is why many commentators have described our state as the economic powerhouse of the nation. In fact, contrary to the statements made at the time by the member for Scoresby, we have created more than two and a half times as many jobs as we predicted in last year's budget.

I will comment on a couple of other factors.

Engineering construction is very important to building the long-term economic infrastructure that we need for our state. It has risen in Victoria by 26.5 per cent over the past 12 months, while the national average has been 3.5 per cent. In regard to the value of building approvals, Victoria's total of \$22.5 billion is higher than that of any other state, and it is well ahead of the New South Wales figure of \$19 billion and the Queensland figure of \$17 billion. I might say this is a record for building approvals; this is the highest number ever approved for our state. Victoria has had the highest number of dwelling approvals of all of the states for 22 consecutive months now. One in every three new dwelling approvals in Australia in the last year has been in Victoria. We continue to forge ahead, delivering on

our budget initiatives and making our state the best state in which to live, work, invest and raise a family.

As I have said at a number of functions recently, we have been fortunate in our state that we have been able to deliver, if you like, the double dividend: it is the dividend of a strong economy but also the dividend of the most livable capital city and the most livable state in Australia. That is why people continue to move to our state in record numbers, and it is why our jobs growth continues to lead the nation.

More recently we have had some great announcements on projects. In Ballarat last week the Minister for Health, with the federal minister, announced a new \$55 million partnership for a regional integrated cancer centre, and 230 jobs will result from that. The Nagambie bypass is a project that is now getting under way. There is also the return of passenger rail services to Maryborough. I was up there with the Minister for Public Transport and the local member the other week, and major works are starting on that project. There will be eight new level crossings as well, generating 60 new jobs.

Again with the Minister for Health I was in Coburg recently for the announcement of a major new investment there in a new private hospital and the refurbishment of the John Fawcner Private Hospital. Two weeks ago I was in St Kilda at Wipro, one of the largest IT companies in the world, announcing the expansion of its operations there and 100 new jobs. We also had a vote of confidence in our state of Victoria from Bunnings when it announced a few weeks ago its commitment to spending \$230 million over the next three years to open 12 new stores and 3 new trade centres across the state. As I have mentioned in the Parliament before, Boeing has come from New South Wales and is expanding its operation here at Fishermans Bend, bringing with it 300 new jobs in aviation technology.

All of this is a great story for our state. It is a story about good budget fundamentals; it is a story about successive reductions to business taxes in our state, including successive reductions on WorkCover premiums; and it is a story about a jobs-building budget from last year with the biggest infrastructure program in our history. We have been able to deliver projects across the state in Melbourne and in regional Victoria, push down our unemployment rate and generate more than one in two new jobs across Australia. It is a great performance, and it happened because of the great budget we delivered last year.

Standing Committee on Finance and Public Administration: ministerial advisers

Mr RYAN (Leader of The Nationals) — I refer the Premier to the fact that the advice of the Clerk of the Legislative Council that ministerial staff are able to give evidence to a parliamentary committee is supported by former ALP member for Werribee and former Speaker in this house, Ken Coghill; former Victorian Supreme Court Justice Tim Smith; Monash University Associate Professor in constitutional law, Dr Greg Taylor; *Odgers' Australian Senate Practice*; *Erskine May's Parliamentary Practice*; the Senate Finance and Public Administration Reference Committee; the House of Commons Public Administration Committee; and the *New South Wales Legislative Council Practice*, and I ask: why is it that the Victorian government is the only Westminster system in the world that puts a cover-up before accountability?

Mr BRUMBY (Premier) — As I indicated, I think last time the house sat when this question was raised, in terms of appearances before parliamentary committees all of our ministers, including me as Premier and obviously my predecessor, have always appeared before parliamentary committees. That is very different from the approach of former Premier Jeff Kennett, who would not appear before any parliamentary committee. Here we have the Leader of The Nationals demanding that staff appear when the former Premier in a Liberal-Nationals coalition government could not bring himself to appear before a committee.

Mr Ryan — On a point of order, Speaker, self-evidently the Premier is debating the point, and I ask you to have him answer the question he has been asked.

The SPEAKER — Order! I uphold the point of order and I ask the Premier not to debate the question.

Mr BRUMBY — The Attorney-General has written to the secretary of the Standing Committee on Finance and Public Administration, and he is happy to release that letter or to table it in the house. I am happy to read the letter to the house.

An honourable member — What are you going to do?

Mr BRUMBY — I am about to read the letter, and you would do well to listen.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier and the member for Kew to stop having a conversation with one another across the table.

Mr BRUMBY — I will not go to the preamble of the Attorney-General's letter, but I will read the relevant sections. It states:

As my letter dated 12 March 2010 noted, the committee is a creature of the Parliament which both gains its powers and privileges from the conventions of Parliament and is bound by those conventions. Those conventions establish the immunity of the members of one house from the process of another, extend that immunity to advisers of such members, and provide that those advisers should be held to account through their respective ministers. This convention in its application to advisers, called the McMullan principle, has been asserted by state and federal governments, whatever political party has been in power.

The Clerk of the Legislative Council's letter states that he is directed to advise Ms Duke of a number of legislative standing orders. He refers to standing order 18.04, which provides that witnesses will be summoned in order to be examined at the bar of the Council or a select committee, by orders of the Council signed by the Clerk. The reference to that order is not appropriate in these circumstances. It is clear that there has been no order of the Legislative Council.

The Clerk of the Legislative Council's letter fails to refer to the one standing order which is relevant — namely, standing order 18.06(1). That order provides that a select committee may summon witnesses by its own order, signed by the clerk of the committee. If the Clerk's letter is intended to constitute the order summoning Ms Duke, it is clearly deficient. Not only is it expressed in terms implying that it is he who is summoning the witness, it is not signed by the clerk of the committee.

The letter further states:

If the standing committee intends to persist in calling — —

Mr Ryan — On a point of order, Speaker, the Premier is clearly debating the question. This is not the time, with respect, for the Premier to be reading out some apologist explanation from the Attorney-General. The practical fact is that a contempt has been committed, and the Premier should ensure that steps are taken to accommodate the orders that have been made in the other place.

The SPEAKER — Order! I do not uphold the point of order. I suggest to the Premier that he has been speaking for some time, and I ask him to conclude his answer.

Mr BRUMBY — I am happy to save the time of the house and table the letter.

Police: government initiatives

Mr HARDMAN (Seymour) — My question is to the Minister for Police and Emergency Services. Can the minister outline to the house how the Brumby Labor government's record level of investment in policing and the method of allocation is making Victoria a safer place to live, work and raise a family, and can he advise whether the government considered any alternative policies?

Honourable members interjecting.

The SPEAKER — Order! I ask for some cooperation from the members for Kilsyth, Warrandyte and Hastings.

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for Seymour for his question. Can I say that the Brumby government is proud of the record budget we have for police and the record number of police that we have as a consequence. Last week there were claims by some of those opposite about the slashing of police numbers by Labor, but there is only one party, one group in this house, that slashed police numbers, and that is the one opposite.

When we say we are going to deliver, we deliver. In the past, when in each term of government we have said we are going to deliver police, we have delivered police. We are a police-delivering party. We said that in this term we would deliver 350 police, but at the end of this term we will have exceeded that, as is shown, for example, by our providing an 120 additional police. As members know, the Chief Commissioner of Police has established the operational response unit. Some people may ask, 'Where are they? Where are all these police that Labor has put on?'. The opposition actually knows the answer to that, because it lodged an FOI application, the response to which said that 97 per cent of those additional police are involved in operational roles. We have increased the police-to-population ratio. For every 100 000 people in Victoria there are 210 police.

This is in stark contrast to a time in this state's history last decade when the National Party held the police portfolio and the Leader of the Opposition was the Liberal Party president and the government of the day slashed 800 police. We were down to 199 police per 100 000 people. We have allowed police to make decisions around allocation. We have said, and they have said, that allocation should be done on the basis of professional policing decisions, and we have seen the

results of that with a 25 per cent reduction in crime in the last decade.

The grants commission has revealed that as a result of our budget, given the density of the state and also the crime rate when you look at that, Victoria's investment in police is above the average. Certainly when you look at the latest Australian Bureau of Statistics crime statistics relating to the number of offenders, Victoria's statistics are the lowest when it comes to offenders against the person, offenders related to assaults and offenders in relation to robbery.

But I am aware there is a different approach from another organisation. Three years ago this organisation took the view that politicians should decide where police should go; it said there should be this many police or that many police in certain areas of the state. I know this organisation has now taken another view and has said that the Chief Commissioner of Police should decide where police go. However, there seem to be a number of contrary views, because one member of this organisation, one from the Wodonga area, has declared to the *Border Mail* that Wodonga will get 14 officers. This is in contrast to the view of another member of this organisation, from the Shepparton area, who in the past said that Shepparton should get 50 police but who has now said to the *Shepparton News* that she could not commit to 50 new police. A police spokesman for this organisation says — in typical form I have to say, given the party — Melbourne will get the first increases. This is in stark contrast to another member of this organisation, one from out Horsham way, who was reported in the *Wimmera Mail-Times* as saying that the coalition will make regional police numbers a priority.

This organisation that says there should be an increase in police is the same organisation that says the operational response unit should be defunded. These are the same people who say there should be more protective services officers and then turn up in Parliament a month later and vote against legislation that would provide for that. When it comes to police and police numbers there is only one party you can trust, and that party is Labor.

North-south pipeline: protester privacy

Mr WALSH (Swan Hill) — My question is to the Minister for Water. I refer the minister to media reports that the Sugarloaf Pipeline Alliance has engaged in spying, monitoring and intimidation of Victorians opposed to this government. I refer the minister to his claims last year on radio 3AW that:

... the provisions of the privacy act override any memorandum of understanding or any other arrangement that

people enter into ... people have to obey the law. Everybody has to obey the law.

I ask: will the minister give this chamber an undertaking that this government, its agencies and its bodies have not acted in breach of the Information Privacy Act in spying on and monitoring critics of this government?

Mr HOLDING (Minister for Water) — I thank the member for Swan Hill for his question, because I am happy to make it clear that all organisations in Victoria, certainly all government agencies, are required to obey the laws that apply in this state. That is not surprising. It is worth providing information to the house about the context in which activities safeguarding — —

Honourable members interjecting.

Mr HOLDING — Safeguarding pipeline alliance work — —

Honourable members interjecting.

Mr HOLDING — Safeguarding pipeline alliance workers, safeguarding the community and safeguarding — —

Honourable members interjecting.

The SPEAKER — Order! The members for Warrandyte and Malvern are both warned.

Mr HOLDING — It is worth providing the context to this house of the circumstances in which Melbourne Water was required to safeguard Sugarloaf Pipeline Alliance workers, safeguard the community in the pipeline corridor area and safeguard the delivery of this project. When this project was announced some pipeline protesters, some opponents, indeed some from Plug the Pipe itself, including Mike Dalmau, one of the Plug the Pipe spokespersons, circulated information which advocated blockading of the Hume Highway and other highways by dumping car bodies and other refuse on them; stopping or interfering with water flowing to Melbourne by targeting Sugarloaf, Yan Yean, Greendale and Maroondah reservoirs; blockading rail lines at Seymour and elsewhere by pouring gravel on the tracks; shorting out the rail signal system; targeting firms working on the project; blockading offices of members of Parliament, as well as Goulburn-Murray Water; removing or displacing survey pegs along the proposed route; and warning contractors or civil engineers involved in the project that their lives would be made miserable with blockades and water bombs if they participated in the delivery of the project.

What then occurred when the pipeline project was being delivered — and it is very important to understand this — was that a number of actions were undertaken by an admittedly limited but nevertheless serious number of pipeline protesters which — —

Mr Walsh — On a point of order, Speaker, the minister is debating the question. The issue raised was about whether the government or any of its instrumentalities was breaking the privacy act, not about the actions that demonstrators carried out.

The SPEAKER — Order! I do not uphold the point of order. The minister is being relevant to the question, in particular in relation to the Sugarloaf pipeline, and at this stage I will allow him to continue.

Mr HOLDING — We then saw a number of instances occur which often required the intervention of law enforcement authorities and Melbourne Water staff to protect pipeline alliance workers, to protect the community and frankly sometimes to protect protesters as well from themselves and from the pipeline work. It was a very — —

Honourable members interjecting.

Mr HOLDING — Members of Parliament scoff. These are the circumstances to which I refer. In one instance a pipeline protester arrived at the Toolangi site when seismic blasting was under way, ignored site safety controls and walked inside the 200-metre exclusion zone. Blasting had to be stopped to accommodate that person's removal. In other cases Plug the Pipe protesters threatened to invade the Premier's property. In one case a Plug the Pipe protester arrived at the alliance headquarters in Chirnside Park demanding to see a particular staff member. They then rushed through the security doors as an employee was leaving, went into a staff member's office, locked the door and police had to be called.

In another instance a pipeline protester swerved their car at a pipeline worker, hit them and had to be charged. That charge was upheld by Victoria Police. In yet another instance a Plug the Pipe protester arrived at a security infrastructure facility where there were security workers of Indian extraction and said to them, 'I hope you niggers can swim, because I will be returning with some friends to throw you into the river'. Again reports had to be given to police about that.

In another instance a Plug the Pipe protester removed a metal bar from a car and threatened pipeline workers with assault. Again police had to be called in relation to this incident. In one instance a Molotov cocktail was thrown at the Glenburn facility office, and again police

had to be notified because of course a Molotov cocktail, which is an incendiary device, can cause considerable damage, particularly in a bushfire-prone area.

In other words, Melbourne Water workers and the security agents that the pipeline alliance employed have had to make sure not only that the public was safe and not only pipeline workers were safe but also sometimes that the protesters themselves were safe so this pipeline project could be delivered.

This is a very important infrastructure project for Victorians. It was delivered ahead of schedule and under budget. We have made it absolutely clear that we expect all agencies to obey the law in responding to these incidents. I believe in every instance Melbourne Water has bent over backwards to make absolutely sure that people's legitimate rights to protest have been respected, but at the same time the safety of the community, the safety of pipeline workers and the safety of protesters has been upheld and protected while this important piece of infrastructure was being delivered.

I congratulate those pipeline workers and the security agents who have been employed to make sure the project could be delivered. Often they have been placed in extremely sensitive and provocative situations, but in every instance they have responded with dignity and with restraint to make sure the legitimate rights of Victorians to protest has been respected but at the same time the project could be delivered in a way that was effective and appropriate for Victoria.

Liquor licensing: regime

Mr HOWARD (Ballarat East) — My question is to the Minister for Consumer Affairs. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how the increased resources available to ensure compliance with Victoria's liquor licensing laws are getting results and advise the house of responses to the heightened compliance effort and ways in which the effort can be maintained?

Mr ROBINSON (Minister for Consumer Affairs) — I thank the member for Ballarat East for his question. I understand that he shares the government's objective of achieving a comprehensive compliance program right across the state in respect of our liquor licensing laws. He does that because Victorians expect the government will do no less and that it will adequately resource those agencies that have responsibilities in this field — namely, the director of

liquor licensing, the newly established compliance directorate and our hardworking men and women of the Victoria Police force.

Last year through the regulatory impact statement we costed the necessary resources for this adequate compliance program at in excess of \$30 million a year. At that time we resolved that the industry should pay those costs, not Victorian families, the vast majority of whom are not connected in any way, shape or form with licensed industries.

I can say to the member for Ballarat East that the results of the compliance program to date are significant and growing. We have seen the director of liquor licensing involved in a record number of disqualifications from the industry. In the space of less than a year we have seen the new compliance directorate undertake more than 20 000 inspections, resulting in some 1700 warning notices and around 3800 compliance letters; and we have seen Victoria Police have more resources available to it and be better organised than ever before, particularly, as the Minister for Police and Emergency Services has indicated previously, via the new 120 member-strong operational response unit.

In the regulatory impact statement we costed the Victoria Police effort at around \$20 million a year, which comprises around \$4 million for operational visits to premises and almost \$10 million in associated operations. Importantly, then and since then — and in fact always with this government — we have never gone around promising where it is precisely that those police resources should be allocated. We have always said that that is the role of the Chief Commissioner of Police. In the last few minutes we have seen a very good explanation of why you should do that, because otherwise you will tie yourself in knots very quickly.

I have been asked by the member how we will sustain this compliance effort. It is self-evident in the real world that the resources of the director of liquor licensing, the compliance directorate and Victoria Police — particularly in respect of the new operational response unit — cannot be maintained if all the licensees in the industry are promised a fee reduction. In the real world you cannot do more with less. You might be able to do that in the Noddyland of opposition, where you can go around promising you will do more but people will pay less, but it does not happen in the real world.

Equally you cannot maintain that level of compliance if the fee system is scrapped. This point is important, because there is one leading industry figure in the state of Victoria who has very loud opinions on this. His

name is Peter Iwaniuk. He is the leading strip club operator in Victoria. Mr Iwaniuk has opinions on just about everything. For example, he does not support free water for patrons. He does not support codes of conduct. He does not much like the media — he believes the *Herald Sun* is running a vendetta against his industry. He does not particularly like police — he says they threaten licensees. Incredibly he says that alcohol does not cause violence.

Finally, there is one thing Mr Iwaniuk certainly does not like, and that is the new fee system. He detests the new fee system — and that is not surprising, given that he is now being charged \$30 000 a year per venue, which is 75 times the fee cafes and restaurants in Victoria are being charged. He does not like lots of things, but I can guarantee all members of the house that there is one thing he likes, one thing he loves. He loves to hear people telling the world that they are going to scrap the new licensing fee system. He loves that. It brings a smile to his face. It is music to his ears.

In conclusion, I can assure the member for Ballarat East that the government will not be bowing to whackers like Peter Iwaniuk. He and his type might be comforted by the promise of the opposition to scrap our new fee system, but he will gain no comfort from the Brumby government, which understands the community's desire for a continuation of our comprehensive compliance program, involving as it does the director of liquor licensing, the new compliance directorate and particularly the 120 hardworking officers of the Victoria Police operational response unit.

Former Chief Commissioner of Police: Black Saturday

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Will the Premier advise the house, and indeed all Victorians, when he first became aware that the former Chief Commissioner of Police and deputy coordinator-in-chief of emergency management, Christine Nixon, left the emergency control centre around 6.00 p.m. on 7 February, at the height of the tragic Black Saturday bushfire crisis, and did not return that day?

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order.

Mr Batchelor — On a point of order, Speaker, I refer you to page 181 of the December 2009 edition of *Rulings from the Chair* in relation to royal commissions and a ruling concerning a matter of public importance relating to

a royal commission. Speaker Andrianopoulos made a number of rulings, the fourth one of which was to the following effect:

Under no circumstances were members to canvass evidence before the commission but broad issues could be discussed ...

I put it to you, Speaker, that this is a specific piece of evidence that has come before the royal commission.

Mr McIntosh interjected.

Mr Batchelor — Notwithstanding what the member for Kew might say, the ruling of Speaker Andrianopoulos is quite clear. The ruling goes on to say that members should refrain from pre-empting the outcome of the commission's investigations where the commission has not tabled a report.

The salient point is the point I mentioned earlier: that under no circumstances are members to canvass evidence. Here we have a specific piece of evidence that has come directly from the royal commission and I put it to you, Speaker, that under the ruling of Speaker Andrianopoulos this question is out of order.

Mr Baillieu — On the point of order, Speaker, this was a simple question as to when the Premier became aware. This was a question in regard to the Premier's awareness. This issue has been canvassed widely in the media in the last week, and indeed it was canvassed in the media this morning. The specific question has to be addressed by the Premier in the house.

The SPEAKER — Order! I do not uphold the point of order.

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. As I made clear last week when I was asked about this matter, the first I was aware of the chief commissioner's movements on that night was when she revealed them last week.

Justice: reform initiatives

Ms CAMPBELL (Pascoe Vale) — My question is to the Attorney-General. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Attorney-General outline to the house government reforms to Victoria's justice system that are making it fairer, more accessible and more responsive to the Victorian community?

Mr HULLS (Attorney-General) — I thank the honourable member for her question. Obviously our criminal justice system exists, quite rightly, to punish wrongdoing and also to keep the community safe.

There is obviously a need for police, and that is why, as the police minister has indicated, we have dramatically increased police numbers by over 1400 since coming to office, with a further substantial number on the way. We have also invested in a record police budget of more than \$1.8 billion in 2009–10.

There are within our population hardened criminals who have committed appalling crimes and for whom long-term imprisonment is the only sensible and indeed decent option. Under Labor, serious crime means serious jail time. As recent studies of Victoria's prison population have shown, the average length of sentences of imprisonment handed down by the courts continues to increase significantly.

It is lazy politics if you think that saying 'lock 'em up and throw away the key' is the easy fix to all justice issues. As Jesuit Social Services research suggests, there is no logic to policies that will create more criminals and more victims of crime and will mean new and bigger prisons, which is the most expensive and least effective public policy solution for dealing with law and order. That is why you have to be not only tough on crime but also tough in dealing with the causes of crime, whether they be mental health issues, drug addiction or a history of an offender being a victim themselves.

There has been a quiet revolution taking place in Victoria's legal system in recent years: a process of making it far more innovative, responsive and engaged with the people who appear before it, and indeed more connected with the communities it seeks to support. Whether it be through our Koori Courts right around the state, the Drug Court in Dandenong or the court integrated services program, which links defendants to support services such as drug and alcohol treatment, crisis accommodation and disability and mental health services, it is about addressing the issues of crime whilst at the same time ensuring that victims are heard and that the impact of the offences on victims is acknowledged.

Last week I was very pleased to be at the Neighbourhood Justice Centre to celebrate its third birthday and to release the evaluation completed by the University of Melbourne, Flinders University, the Brotherhood of St Laurence and PricewaterhouseCoopers. The evaluation speaks for itself, I have to say. It shows that recidivism rates among Neighbourhood Justice Centre offenders dropped from 41 per cent to 34 per cent; NJC offenders were 14 per cent less likely to reoffend than offenders at other courts; a community-based order completion rate of 75 per cent at the NJC, compared with 65 per

cent, being the state average; NJC offenders completed an average of 105 hours of unpaid community work; and the Yarra crime rate has actually dropped by 12 per cent since the NJC was established.

I am not saying that the Neighbourhood Justice Centre is the entire reason for that, but it certainly is one of the reasons, there is no doubt about that. I have to say that these results are certainly very pleasing; I think that they are tremendous results. However, they are not unexpected, because of the innovative work that the NJC has been delivering to tackle crime and deliver justice to the community.

These results negate the doom and gloom merchants, who have previously said that the Neighbourhood Justice Centre is nothing more than apartheid justice. I am pleased that the shadow Attorney-General appears to have changed his tune in relation to the NJC, because he was there at the third anniversary celebrations and certainly enjoyed the birthday cake at those celebrations.

The next challenge in our justice system is to take the lessons learnt from places like the Neighbourhood Justice Centre and attempt to integrate best practice in our mainstream courts. That is the challenge, and that is what the Next Generation Courts project, as set out in the justice statement 2, will endeavour to do. I will conclude on this note: this government will certainly stand firm. We will continue to do the hard work and continue to be tough on crime, but will also be smart when it comes to the justice system in this state.

Former Chief Commissioner of Police: Black Saturday

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given that the former Chief Commissioner of Police and deputy coordinator-in-chief of emergency management has admitted that she left her post at the height of the tragic bushfires on 7 February and that this was, as the Premier agrees, a significant error of judgement, and given that now Victorians have learnt that she even failed to advise the Premier of this extraordinary behaviour, will the Premier show real leadership and sack her from her present role?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. The Leader of The Nationals in the preface to his question was right: last week when I became aware of these matters I indicated that in my view the former chief commissioner had made an error of judgement. She acknowledged that she made an error of judgement and that if she had her time again, she would do things differently. I have also

made the point that there are many Victorians who in hindsight would have done things differently on the day.

Honourable members interjecting.

The SPEAKER — Order! I ask members, particularly the member for Bass, to cease interjecting in that manner.

Mr BRUMBY — In relation to the work that Christine Nixon does as chair of the Victorian Bushfire Reconstruction and Recovery Authority, I have spoken in the highest possible terms about the work that she does. I believe that she has undertaken that role with passion, with commitment and with diligence. She has put her heart and soul into working with communities to rebuild in those areas. In terms of the views expressed — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Bass that if he does not cease interjecting in that manner, he will not stay in the chamber. I ask the member for Narre Warren North to cease interjecting.

Mr BRUMBY — In terms of the specific question raised by the Leader of The Nationals, it is worth reminding the house of his statement in September last year:

... I think as a state, we need to make sure that we maintain the great efforts that Christine's involved in, because this is a generational issue.

Further, in October last year an article referred to the Leader of The Nationals and stated:

Peter Ryan ... also attended the Sunday workshop and commended Ms Nixon on the work she had done for all communities affected by the bushfires.

In terms of people in bushfire-affected areas, again as I have said publicly since last week, I understand fully that there will be a range of strongly held views that people have about this issue. However, I conclude by reading from a letter published in the *Herald Sun* of 10 April:

We want to state clearly that we have complete confidence in Christine Nixon's ability to lead the Victorian — —

An honourable member interjected.

Mr BRUMBY — For goodness sake, you are an embarrassment.

The SPEAKER — Order! I ask the Premier to ignore interjections. I ask the member for Polwarth to

cooperate with the smooth running of question time and to cease interjecting in that manner. I remind the member for Hastings that when the Chair stands he should cease interjecting.

Mr BRUMBY — This is the *Herald Sun* of 10 April:

We want to state clearly that we have complete confidence in Christine Nixon's ability to lead the Victorian Bushfire Reconstruction and Recovery Authority.

She has demonstrated an unfailing commitment to the wellbeing of those of us who have been so acutely bereaved.

The letter is signed by Gary Brown, Robyn Brown, Leanne Brown, Rebecca Buchanan, Di Rolands, Jan Chambers, Sheryl White, Jane Bayliss and Owen Bayliss. All these people are from families in those areas which directly lost lives, and they are expressing their full confidence in Christine Nixon.

I acknowledge that there will be a range of views.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for South-West Coast.

Mr BRUMBY — Christine Nixon will be appearing before the bushfires royal commission again this week. I urge members of this place and elsewhere not to reach judgement until the commission has completed its work.

Government: financial management

Mr STENSHOLT (Burwood) — My question is to the Minister for Finance, WorkCover and the Transport Accident Commission. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house the benefits of the Brumby government's sound fiscal management and any challenges to this approach?

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I thank the member for Burwood for his question. As well as any member on this side of the house the member for Burwood is aware that the government's prudent and responsible financial management is delivering huge benefits for Victorians. In fact Victoria has maintained a AAA credit rating throughout the life of this government, as members would be aware.

Moody's Investors Service said in January 2009:

Victoria's credit quality reflects a sound record of financial performance underpinned by the state's prudent fiscal practices along with —

the state's strong —

... tax revenues and commonwealth grants, a modest debt burden stemming from positive cash operations over many years, and a sizeable and diversified economic base which amply supports the state's financial obligations.

Standard and Poor's said in September 2009:

The ratings reflect the state's strong balance sheet, diversified economy, ongoing fiscal discipline and strong system support.

We have delivered budget surpluses for every year we have been in government. We are forecasting budget surpluses in each year of the forward estimates. In fact we are the only state in Australia that has current published estimates forecasting a surplus each year until 2012–13.

This sound record of responsible financial management is delivering benefits, because we have been able to invest a record amount in employing additional police, employing additional nurses, reducing classroom sizes for primary school students in particular and treating more patients in our hospitals. These are the consequences of sound and responsible financial management. The government's responsible approach has been acknowledged by none other than Barry O'Farrell, the New South Wales opposition leader — I cannot believe I am quoting Barry O'Farrell — who said, 'Victoria has spent a decade improving productivity and the delivery of government services' and went on to say that Victoria was one of the states that had 'worked hard to keep their taxes low, red tape under control and bureaucracies focused on the economic needs of their states'.

Ms Asher interjected.

Mr HOLDING — The Deputy Leader of the Opposition interjects and says he is wrong on that point. There we have it: a debate between — —

The SPEAKER — Order! I ask the minister to ignore interjections, which are disorderly.

Mr HOLDING — Tempting as they are, I will ignore them, Speaker. It is very important that we continue the strong record of sound financial management and that we continue to produce strong surpluses going forward. I was surprised, therefore, on 11 March this year to see one commentator issue a

press release claiming that the surplus for the half-year period was \$1.2 billion, then another saying it was around \$40 million and then learning that the surplus for the half-year period was \$85 million. I mean, what is a billion dollars between friends!

The reason it is important that commentators get the surplus right is that some of these same commentators are proposing to spend some of this surplus to recruit additional police officers. We think it is important that Victorians understand where the money will come from, according to some commentators, for funding extra police. Some have said they should spend some of this surplus, despite not knowing what the surplus actually is; other commentators have said — and I was asked about alternative approaches — —

Dr Napthine — On a point of order, Speaker, the minister is debating the question. I ask you to bring him back to answering the question with respect to government business.

The SPEAKER — Order! I believe the minister is answering the question asked, which did canvass alternatives.

Mr HOLDING — Responsible and prudent financial management is an important precondition to being able to deliver improved services to Victorians. Not only have we had the suggestion from some commentators that the budget surplus should be used to fund additional police but others have said that in fact reducing the state's advertising spend should be the place to go to find the bucket of money to fund additional police.

What I was surprised to learn was that these commentators have raided this so-called bucket of money not just on the occasion of placing protective services officers on our rail infrastructure but that they then did the same trick and said the same bucket money could be used to fund the recent announcement in relation to 1600 police.

Honourable members interjecting.

The SPEAKER — Order! I believe the minister is debating the question, and I remind him that he has been speaking for some time. I ask him to conclude his answer.

Mr HOLDING — We make it absolutely clear that we have an ironclad commitment to keeping the budget in surplus. We see that as an absolute precondition to providing high-quality services to Victorians, whether it be in the form of additional police, additional nurses, lower primary school class sizes or treating more

patients in our public hospital system. It is necessary to keep the budget in surplus if we are to do that.

Today's budget surplus is tomorrow's investment in additional infrastructure. This is a commitment that we take absolutely seriously, and we are derisive of those opposite who would spend the budget surplus that they cannot even calculate or proceed with multiple commitments on reducing government advertising when they have no credibility on the issue of responsible financial management.

COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the County Court Act 1958 in relation to certain pension entitlements, to amend the Constitution Act 1975, the Supreme Court Act 1986, the County Court Act 1958, the Children, Youth and Families Act 2005 and the Coroners Act 2008 in relation to the office of judicial registrar, to amend the Coroners Act 2008 in relation to acting coroners, to make consequential amendments to various acts and for other purposes.

Mr CLARK (Box Hill) — I ask the Attorney-General to provide a brief explanation of the bill.

Mr HULLS (Attorney-General) — This bill does three things really. Firstly, it amends the County Court Act to preserve the entitlement to a pension of associate judges, who were formerly known as masters, as the member would know, and who were originally appointed to judicial office before the commencement of the Judicial Remuneration Tribunal Act. Secondly, it amends the Coroners Act to permit an acting coroner to be paid the same salary and allowances as a magistrate. Thirdly, the bill creates the office of judicial registrar in the Supreme, County, Children's and Coroners courts.

Motion agreed to.

Read first time.

PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL

Introduction and first reading

Mr WYNNE (Minister for Local Government) introduced a bill for an act to amend the Prahran Mechanics' Institute Act 1899.

Read first time.

BUILDING AMENDMENT BILL

Introduction and first reading

Mr WYNNE (Minister for Housing) — I move:

That I have leave to bring in a bill for an act to amend the Building Act 1993 and for other purposes.

Mr BAILLIEU (Leader of the Opposition) — May we have a brief explanation of the bill from the minister?

Mr WYNNE (Minister for Housing) — The bill increases the maximum penalties in the Building Act 1993 for certain building and plumbing offences to improve the operation of the building sector by increasing compliance with building and occupancy permits, which I know will be of interest to a number of members. The bill also specifically identifies the Victorian Managed Insurance Authority as a designated insurer within the terms of section 137AA(2) of the act to support the introduction of a government-underwritten domestic building insurance scheme.

Motion agreed to.

Read first time.

FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL

Introduction and first reading

Mr ROBINSON (Minister for Consumer Affairs) — I move:

That I have leave to bring in a bill for an act to amend the Fair Trading Act 1999 in relation to unfair contract terms and for other purposes.

Mr O'BRIEN (Malvern) — I ask the minister to provide a brief explanation as to the contents of the bill.

Mr ROBINSON (Minister for Consumer Affairs) — I would be delighted to do so. The objective of the bill is to make amendments to part 2B of the Fair Trading Act to achieve broad consistency between the unfair contract terms provisions in part 2B and similar provisions in the commonwealth Trade Practices Amendment (Australian Consumer Law) Bill 2009.

Motion agreed to.

Read first time.

GAMBLING REGULATION AMENDMENT (LICENSING) BILL

Introduction and first reading

Mr ROBINSON (Minister for Gaming) — I move:

That I have leave to bring in a bill for an act to amend the Gambling Regulation Act 2003, the Gambling Regulation Further Amendment Act 2009, the Casino Control Act 1991, the Confiscation Act 1997 and for other purposes.

Mr O'BRIEN (Malvern) — I ask the minister to provide a brief explanation as to the contents of the bill.

Mr ROBINSON (Minister for Gaming) — The bill will supplement provisions which have already been implemented in the Gambling Regulation Amendment (Licensing) Act 2009 and the Gambling Regulation Further Amendment Act 2009 for the regulatory arrangements for the post-2012 gaming machine industry structure as well as to implement further provisions for the post-2012 wagering and betting and keno licensing procedures.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 16, 17, 189–191, 223 and 224 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Lentil As Anything: tenancy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to urgently reconsider the proposed cessation of Lentil As Anything's tenure at the Abbotsford Convent. Upon signing this petition, I am showing my support and vote of confidence for Lentil As Anything and overturn any decision by the Abbotsford Convent office that will negatively impact on Lentil's tenure.

By Dr SYKES (Benalla) (31 signatures).

Insurance: fire services levy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current fire services levy (FSL) on house, property and business insurance and points out to the house that everyone who benefits from fire services should contribute to its funding not just those who take out insurance whose premiums are effectively doubled by the FSL and associated taxes.

The petitioners therefore request that the Legislative Assembly of Victoria investigate and implement a fairer model of funding fire services.

By Dr SYKES (Benalla) (135 signatures).

Electricity: smart meters

To the Legislative Assembly of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Assembly's attention the Brumby government's mismanagement of smart meters, in particular:

the Auditor-General's finding that the project cost has blown out from \$800 million to \$2.25 billion, all of which will be paid for in higher bills;

the Auditor-General's finding that the electricity industry may benefit from smart meters at the expense of the consumers who pay for them;

the unfairness of many consumers and small businesses having to pay for smart meters before they are installed; and

findings by Melbourne University that many families will have to pay around \$300 per annum in higher electricity bills as a result of Labor's smart meters.

The petitioners therefore request that the Legislative Assembly require the Brumby Labor government to immediately freeze the rollout of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby government mistakes in the smart meter project.

**By Dr SYKES (Benalla) (224 signatures),
Mr DELAHUNTY (Lowan) (343 signatures),
Mr CRISP (Mildura) (23 signatures) and
Mr NORTHE (Morwell) (31 signatures).**

Rail: Mildura line

To the Honourable Speaker and Members of the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the reinstatement of the Mildura–Melbourne passenger train.

The petitioners register their request that the passenger service be suitable for the long distance needs of the aged and disabled who need to travel for medical treatment, for whom

travelling by coach or car is not a comfort option, and for whom flying is financially and logistically prohibitive.

The petitioners therefore request that the Legislative Assembly of Victoria reinstate the passenger train to service the needs of residents in the state's far north who are disadvantaged by distance.

By Mr CRISP (Mildura) (42 signatures).

Tabled.

Ordered that petitions presented by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).

Ordered that petition presented by honourable member for Lowan be considered next day on motion of Mr DELAHUNTY (Lowan).

Ordered that petitions presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Mr CARLI (Brunswick) presented *Alert Digest No. 5 of 2010* on:

Education and Training Reform Further Amendment Bill
Environment Protection Amendment (Landfill Levies) Bill
Equal Opportunity Bill
Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill
Members of Parliament (Standards) Bill
Therapeutic Goods (Victoria) Bill
Trustee Companies Legislation Amendment Bill

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Albert Park Reserve

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 180/2009 (*Gazette G7, 18 February 2010*)

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns March 2010 and Summary of Variations notified between 16 September 2009 and 12 April 2010 — Ordered to be printed

National Environment Protection Council — Report 2008–09

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Alpine — C24
 Boroondara — C97
 Brimbank — C132
 Colac Otway — C60
 Darebin — C79
 Glen Eira — C67
 Glenelg — C48
 Greater Bendigo — C101
 Greater Geelong — C185
 Hobsons Bay — C75
 Hume — C117
 Latrobe — C21
 Melbourne — C133, C151
 Melton — C96
 Moreland — C97
 Mornington Peninsula — C139
 Moyne — C5
 Pyrenees — C23, C28
 Stonnington — C123
 Surf Coast — C46
 Warrnambool — C17, C61 Part 1
 Whitehorse — C125
 Whittlesea — C134
 Wodonga — C68
 Yarra Ranges — C87, C96

Professional Standards Act 2003 — Under s 14:

Australian Computer Society Limited Liability (NSW) Scheme (*Gazette G10, 11 March 2010*)

Instrument Amending the Victorian Bar Professional Standards Scheme (*Gazette G10, 11 March 2010*)

Law Institute of Victoria Limited Scheme (*Gazette G10, 11 March 2010*)

Professional Surveyors' Occupational Association Scheme (*Gazette G10, 11 March 2010*)

Victorian Bar Professional Standards Scheme (*Gazette G10, 11 March 2010*)

Surveillance Devices Act 1999 — Report of the Special Investigations Monitor under s 30Q

Charter of Human Rights and Responsibilities Act 2006 Report 2009 on the operation of the Act — Ordered to be printed.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

Credit (Commonwealth Powers) Act 2010 — Part 1, Part 2 and ss 11, 19, 29, 33, 39 and 48 — 1 April 2010 (*Gazette S114, 31 March 2010*)

Liquor Control Reform Amendment (ANZAC Day) Act 2010 — Whole Act — 25 March 2010 (*Gazette G12, 25 March 2010*)

Liquor Control Reform Amendment (Party Buses) Act 2009 — Remaining provisions except s 9 — 1 April 2010 (*Gazette G13, 1 April 2010*)

Transport Legislation Amendment (Hoon Boating and Other Amendments) Act 2009 — Section 11 — 31 March 2010; remaining provisions of Part 9 — 30 April 2010 (*Gazette S110, 30 March 2010*).

ROYAL ASSENT

Message read advising royal assent on 30 March to:

**Credit (Commonwealth Powers) Bill
Magistrates' Court Amendment (Assessment and Referral Court List) Bill
Statute Law Amendment (National Health Practitioner Regulation) Bill
Victoria University Bill.**

APPROPRIATION MESSAGE

Message read recommending appropriation for **Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill.**

BUSINESS OF THE HOUSE

Budget speech 2010–11

Mr BATCHELOR (Minister for Energy and Resources) — By leave, I move:

That:

- (1) So much of standing and sessional orders be suspended so as to allow on Tuesday, 4 May 2010, following the introduction and motion for the second reading of the annual appropriation bill:
 - (a) the minister moving the second reading to retain their right to speak for 15 minutes on the question later in the debate;
 - (b) John Lenders MLC, Treasurer, under section 52 of the Constitution Act 1975, be permitted to attend the house for the purpose of giving a speech of unlimited duration in relation to the Victorian state budget 2010–11.
- (2) A message be sent to the Legislative Council advising them that under section 52 of the Constitution Act 1975, approval has been granted for John Lenders MLC, Treasurer, to attend the Legislative Assembly on Tuesday, 4 May 2010, for the purpose of giving a speech in relation to the Victorian state budget 2010–11.

Motion agreed to.

Program

Mr BATCHELOR (Minister for Energy and Resources) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 15 April 2010:

Education and Training Reform Further Amendment Bill 2010

Environment Protection Amendment (Landfill Levies) Bill 2010

Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010

Livestock Management Bill 2009 — amendment of the Legislative Council

Members of Parliament (Standards) Bill 2010

Therapeutic Goods (Victoria) Bill 2010.

Trustee Companies Legislation Amendment Bill 2010

The motion on the government business program that I have just moved has identified seven items of government business we seek to have dealt with by this chamber by 4.00 p.m. on Thursday, 15 April. One of those, the Livestock Management Bill, involves amendments from the Legislative Council being sent back to this house. The government indicates that it is anticipated those amendments will be accepted, leaving another six pieces of legislation to be progressed during the course of the week. I expect those six pieces of legislation and the amendments from the Legislative

Council will be able to be dealt with by 4.00 p.m. on Thursday.

In the unlikely event that we are able to conclude that task before Thursday there is the annual statement of government intentions, on which a number of members have yet to speak, and that would provide an opportunity for them to do that. If that is not possible then of course it will remain on the notice paper, but we are seeking to advise members that that is a possibility.

For the assistance of the house I point out that it is the intention of the government to start the government business program today with the fifth order of the day, the Trustee Companies Legislation Amendment Bill, debate that to its conclusion today and then proceed in roughly the order set out in today's notice paper. In that context I would be surprised if there were any objection to this program, because it provides the opportunity to achieve the objectives set out in the motion and will also provide plenty of speaking opportunities for members of this house. I commend the motion to the house.

Mr McINTOSH (Kew) — The opposition will not oppose the government business program but I put on the record that we were profoundly concerned about the government business program on the last occasion. My recollection is that we did not oppose the program in the previous sitting week but the government decided to bring on two significant debates. One related to the growth areas infrastructure contribution referral to the Dispute Resolution Committee. That motion had been sitting on the notice paper since the end of last year but the government chose to introduce it during the course of the week. But most importantly, there was also a motion on water which occupied the time of the house. As a consequence we did not conclude the program, having given all members the opportunity to speak on a number of pieces of legislation. In particular a number of opposition speakers wanted to make their contributions to debate on the Equal Opportunity Bill. I also note that a number of opposition members are still to speak on the Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill, and that although through an arrangement with the government in the previous sitting week many members had their allocated time cut short, we were still unable to provide them all with the opportunity to speak.

When I initially see six bills listed for debate on the government's business program this week, together with the amendment from the Legislative Council, I am perhaps not confident, but accept that there will be a sufficient amount of time to get through them all. One

thing that does concern me is the Members of Parliament (Standards) Bill, on which a large number of opposition members wish to make contributions to debate. There are a number of other bills, of course, but I note that a number of opposition members want to make a contribution in relation to that bill. I have also given notice to the Leader of the House that there are a number of amendments the opposition wants to make to that bill to improve its operation and we would like ample opportunity to put all those amendments to this place in order that all members have the opportunity to canvass and, if necessary, vote on them.

As I said, at first blush I think this is a business program that will meet the time limits provided by the normal sitting times. I hope the government does not try to pull any fast tricks and put on other matters that will occupy the time of the house, as it did in the last sitting week, which prevented every member having the opportunity to make a full contribution in the debate on respective bills. Indeed, a number of bills went to the guillotine without the completion of those contributions.

Most importantly this week, the Members of Parliament (Standards) Bill is a matter of some significance to this place, including to members of the coalition parties. There should be an opportunity to move amendments to that bill in an appropriate fashion, not just in the last 10 minutes on Thursday. Some significant time should be allocated to that important matter. I hope that the government gives ample opportunity for it to be debated in full, but also for consideration of the amendments to that bill that the opposition proposes to move.

Mr DELAHUNTY (Lowan) — Acting Speaker, it is good to see you in your rightful position in the Parliament. I want to make just a few comments on the business program from the point of view of The Nationals. As you, Acting Speaker, know, we travel long distances to get here to make contributions to debate on legislation that is important not only for Victorians generally but also specifically for the electorates that we represent right across Victoria. The Leader of the House referred to seven items that are planned to be debated this week. We do not see any problem with them. Like the member for Kew, The Nationals will not be opposing this government business program.

As I said, there are seven items in the program for this week. They are as outlined: six bills, with their second-reading debates to finish by 4.00 p.m. on Thursday, and also an amendment of the Legislative Council to the Livestock Management Bill 2009 to be considered. It is interesting to note that we have had a

few amendments come back from the Legislative Council. It is good to see the upper house doing its rightful job in reviewing legislation before it becomes law. My recollection is, and it is interesting to note, that from 2002 to 2006 no amendments were made by the Legislative Council and returned to this house. It has only happened because of the reform of the upper house by this government. The government often does not like what happens, but the reality is that the upper house is working as it should and it is appropriately reviewing legislation.

The member for Kew raised the matter of the last sitting week. I raised a concern then that I did not believe we would get through the business program in an appropriate amount of time to allow members, particularly the country members from across Victoria, the opportunity to contribute to debate on matters of importance to them. We also had a couple of other items brought on at late notice. One was the motion on water, which is critical for us in western Victoria but also right across country Victoria. Water is a lifeblood that drives our community not only economically but also socially and it is important to the environment.

We also had the motion on the growth areas infrastructure contribution, which again took a lot of time out of the government business program. Therefore many bills that were debated got very little time for contributions by members. As the Leader of the House says, we want to give everyone the opportunity to contribute to debate on the bills that are important to their electorates. We know that not every one of the 87 members in this place will get that opportunity, but I think it is appropriate that they are given every opportunity to contribute to debate on the bills that are important to their electorates. There is often an agreement between the whips — the Labor Party whip, the Liberal Party whip and myself — to try to limit the amount of time that members have so that all members who want to contribute to debate can do so.

The other thing I note — and the Leader of the House spoke about it — is that the annual statement of government intentions is still on the notice paper. I am pleased to say that we are ploughing through debate on it much better than we did on the statement in 2009. I do not think too many members had the opportunity to speak then, but this year I believe that all Nationals and Liberals have spoken on it and only a few Labor members are still to make a contribution.

Also on the government business program are items 11 and 14. I will address item 14 first because it relates to consideration of amendments of the Legislative Council

to the Water Amendment (Critical Water Infrastructure Projects) Bill 2006. That item has been on the notice paper for four years. We see also item 11, which is consideration of an amendment of the Legislative Council to the Water Amendment (Entitlements) Bill 2009. I will be interested to see how long that sits on the notice paper under government business, orders of the day, before it is debated.

As I said, water is critical to our area. I am pleased to say that on Thursday in western Victoria we will be having a major event, the opening of the Wimmera–Mallee pipeline. That will mean that the Premier will not be here on Thursday. My understanding is that he will not be in this place tomorrow either. So I doubt whether the government will bring on some other motions that may take up time.

I think we have adequate time to debate the matters that are important to members of The Nationals and all other members of the house. The Nationals will not be opposing this government business program.

Mr HODGETT (Kilsyth) — I rise to make just a few brief comments on the government business program. As has been stated by the member for Kew, we do not oppose the government business program for this sitting week.

Just to repeat a couple of comments, if you like, I note there are seven items on the government business program, one being consideration of an amendment of the Legislative Council to the Livestock Management Bill, which I agree we should be able to move through pretty quickly, as the Leader of the House said.

I have some concerns, though. A number of speakers on this side of the house want to make contributions to the debate on any number of the other items, and two or three in particular. I trust adequate time will be allowed for members to be able to make their contributions to the debate on those important bills.

At the risk of repeating what the member for Lowan said, I just draw the attention of the house to item 14 on the notice paper. It begs the question, and I renew the call, as to what the government intends to do with that item, which is consideration of amendments of the Legislative Council to the Water Amendment (Critical Water Infrastructure Projects) Bill 2006. In 2006, following a state election, members were dragged back into the Parliament to deal with this critical water infrastructure projects bill, and it has sat on the notice paper since 2006. We are now in 2010. It raises the question of what the government is going to do with this and certainly what its definition of 'critical' is,

given that it is titled the critical water infrastructure projects bill.

That said, I will conclude on the note that we will not oppose the government business program for this sitting week.

Motion agreed to.

MEMBERS STATEMENTS

TarraWarra Museum of Art: Bushfire Australia exhibition

Mr BATCHELOR (Minister for the Arts) — Recently I was pleased to join members of the Healesville and Yarra Valley communities to officially open the Bushfire Australia exhibition at the TarraWarra Museum of Art. The exhibition offers reflection, inspiration and hope to both the local and wider communities following the tragic events endured in February last year. The Brumby government is proud to have provided TarraWarra with \$33 000 to help present this exhibition.

The exhibition examines current and historical portrayals of bushfires through art. It gathers together a range of superb Australian work from public and private collections by well-known artists such as Rick Amor, John Longstaff, Joy Hester, Arthur Boyd and Fred Williams. It also features stunning new works by artists such as Richard Larter, Claudia Terstappen, Peter Wegner, Glenn Morgan and Susan Purdy. A major feature of the exhibition is the 3-metre-long iconic work by William Strutt, *Black Thursday, February 6th, 1851*, which is considered to be one of Australia's most important colonial paintings and is on special loan from the State Library of Victoria.

Bushfire Australia is at the TarraWarra Museum of Art until 25 July. The museum is providing free entry to visitors and I encourage everyone to take the time to visit. TarraWarra Museum of Art has been a generous gift from Eva and Marc Besen to the people of Victoria. It is a wonderful place worth visiting at any time, but especially during the Bushfire Australia exhibition.

Caulfield Primary School: library funding

Mrs SHARDEY (Caulfield) — Yesterday I received a letter of complaint from a parent about the absence of library funding for Caulfield Primary School. My constituent claims that:

It is completely incongruous, with the much-publicised emphasis on improving literacy levels in schools, that we

learn that with a school of less than 200 students, we are not entitled to any funding at all for a qualified teacher-librarian — not even for two days per week! The national standard recommended by the Australian School Library Association is one teacher-librarian per 318 primary students ...

My constituent goes on to explain:

Our library is funded and supported solely by parents club fundraising efforts and parent volunteers who recognise the importance of the library as the intellectual hub of the school and work tirelessly to support this for our children. What is missing, though, is the qualified teacher-librarian — something that is compulsory in New South Wales!

As my constituent points out:

Studies over the past two decades have consistently highlighted the direct correlation between student achievement and well-staffed school library programs. Australian research has also confirmed that extensive use of the school library is associated with a significant difference in students' literacy achievements.

If governments are in the least bit genuine in claiming they wish to improve the quality of teaching and literacy and resource-based learning, then they should acknowledge that all students deserve professional school library services managed by professionally trained teachers.

Essendon Lions Club: 57th anniversary

Mrs MADDIGAN (Essendon) — Last night I had the pleasure of joining members of the Lions Club of Essendon at Windy Hill to celebrate the 57th anniversary of their club. I think the Lions Club of Essendon is an organisation that deserves to be admired. Over the 57 years it has operated in Essendon it has shown real community service and made a real difference to the community. I would particularly like to congratulate president Selva Selvendra, secretary Kevin Plant and Neil Baudinette, the club's longest serving member, who gave a history of the club last night.

This club has become an established part of the community of Essendon, having been involved in many community activities over the years. Perhaps its most famous achievement was the establishment of Lionsville, which provides accommodation for older people. More recently it has become extremely well-known for an event that has become part of the calendar of most Essendonians — the I Love Australia breakfast, which of course is held on Australia Day. The club continues with its community service and its fundraising for causes in the area, particularly on issues related to the lack of sight.

I congratulate Essendon Lions Club on its 57 years and I wish it all the best for the future. Last night it had the great pleasure of inducting several members who will form the new Lions Club of Taylors Lakes, a Lions club that is being supported by Essendon.

Budget: Lowan electorate

Mr DELAHUNTY (Lowan) — The Lowan electorate is looking for a fair share of funding in this year's state budget. There is a need to upgrade the Coleraine and Edenhope hospitals, and there is a mounting need for increased mental health services.

Our young people are our investment in the future and require access to top quality education and training facilities. Funding is needed to upgrade the Hamilton, Dimboola and Horsham colleges and the Horsham Special School.

There is a growing need for more public housing and supported accommodation for people with disabilities. Many country sporting facilities such as ovals, courts, change rooms and toilets need upgrading, including those at Balmoral, Coleraine and Rainbow. Transport funding is needed not only for the Dooen freight hub but also for roads and bridges along our B and C-class roads across western Victoria. Lake Bolac, a progressive town, is still waiting for wastewater and sewerage infrastructure.

There are also increasing pressures on small businesses which impact on their sustainability. They want a reduction in red tape and in fees and taxes, such as liquor licence fees, payroll tax and the fire services levy, which is also impacting heavily on private residents. With western Victoria having a strong reliance on the agriculture sector, greater support for agricultural research and development is needed at the Department of Primary Industries centres at Hamilton and Horsham.

Law and order is an increasing concern, and adequate funding is required to ensure a police presence in our towns and cities across the Lowan electorate.

I remind the Acting Speaker and members of the house that Victoria is bigger than Melbourne. The Lowan electorate is looking for these services and projects to be funded in this year's state budget.

Bushfires: psychology workshop

Ms LOBATO (Gembrook) — Last week I was honoured to be asked by the Country Fire Authority region 8 to launch a bushfire psychology workshop organised by the authority and the Australasian Fire and

Emergency Service Authorities Council. Dr Danielle Clode, the presenter of the workshop, is also the author of *A Future in Flames*, an account of our fire-prone country, from our ecological past into the future. The book discusses fires across Australia in an attempt to understand why, after so many fires, people are still dying in bushfires.

Dr Clode, who is also a psychologist, explored and explained the psychology of preparation and response to fires. The participants learnt of the importance of being not only physically prepared but also psychologically prepared to make the decisions we need to survive and in order to recover from fires.

I congratulate David Baker and Peter Schmidt for organising the workshop and thank all emergency services workers and interested community members for attending.

Sport and recreation: Gembrook electorate

Ms LOBATO — I also wish to congratulate organisers of other events that were held over the weekend. On Saturday I attended Yarra Junction's first footy match of the season where the club versed Powelltown. Yarra Junction was the victor in the match and therefore received the Jeff Cole medal, which I was privileged to be asked to present. The Minister for Sport and Recreation also attended to officially open the adjoining new netball courts. That opening was celebrated by all members of the netball club and members of the Upper Yarra Community House, who work so hard to ensure that the success of local netball continues and is shared with the footy club. Well done to the Upper Yarra Community House. Congratulations also for the RecSpo exhibition, held on Sunday, which showcased and encouraged local sport and recreation.

Michael Knibbs

Mrs FYFFE (Evelyn) — I was honoured to be asked to speak today at a retirement function for Detective Sergeant Michael Knibbs, who has served for 43 years as a member of the Victorian police force. Mike and I met in the Nunawading migrant hostel in February 1967 when he was first applying to join the force. Mike has proudly served the state with dedication, decency and integrity. I am proud to call him my friend.

Tony Van Gorp

Mrs FYFFE — On another matter, deep sadness has been expressed in the Yarra Valley at the sudden death of police Sergeant Tony Van Gorp. Tony was a

much loved officer, having served 30 years. Tony was a darn good local country copper who knew his community and whose community knew him. He was approachable and accessible. He had an exuberance for life, and a smile was never far away. I knew of Tony and then knew him for many years. As the tributes that have flooded in since his death have shown, he was held in high regard by schools, the Aboriginal community, members of the police force, the State Emergency Service, the Country Fire Authority and service clubs. Tony was a leader during and after Black Saturday. He worked tirelessly for the community.

The details behind the circumstances of Tony's sudden resignation will no doubt be revealed at the inquest into his death. However, I and many members of the community and the police force are asking why there was no intervention, no counselling, no reprimand, no reassignment, instead of the matter being taken straight to the section of the Police Regulation Act that allows the supreme executive power.

Youth Education Support, Forest Hill: op shop

Ms MARSHALL (Forest Hill) — I am always pleased to bring to the attention of the house an individual or organisation that has achieved a significant goal or reached a milestone. The opening of the Youth Education Support op shop in Mahoneys Road, Forest Hill achieved both of these.

Julia Mosley, the wonderful chairperson of YES and the person whose idea it was to set up a shop the profits of which directly assist the struggling students of Forest Hill through scholarships, amongst other things, set herself the goal of meeting, communicating and indirectly collaborating with other not-for-profit organisations located in Mahoneys Road to ensure the maximum benefit to our community, not just to local disadvantaged youth, who are her primary focus. This collaborative approach was evident in the number of other local businesses present at the opening.

The friendship and respect between Julia and Forest Hill management, other groups that had provided pro bono assistance and the many friends and supporters present on the day is testament to Julia's ability to motivate, inspire and guide us. Our master of ceremonies was Julia's good friend, the talented Jennie Deane, a former councillor and mayor in South Gippsland; and natural entertainer, friend — and by her own clarification — not retired New South Wales magistrate and author Barbara Holborow was the guest speaker, who provided the audience with a thought-provoking speech.

I saw the evidence of many hours of volunteer labour in the shop as I had purchased some Kriss Kringle items last December and the change since then has been enormous. The shop looked great, and I managed to pick up some new recycled goods. I was honoured, in partnership with the mayor of the City of Whitehorse, Bill Pemberton, to have been asked to officially open such a fantastic initiative that pulls together so many different sections and people in the Forest Hill area. Well done, Julia; we are very proud.

Gaming: second casino licence

Mr CRISP (Mildura) — A proposal has been developed to establish a second Victorian casino at Mildura. People in Mildura and elsewhere are already lining up for what could soon become a very messy debate, all because an idea for a casino has been proposed but in circumstances where no-one knows the ground rules for its consideration. The Brumby government must confirm that it has been quietly planning for a second casino and, if it has not, it should say so and put an end to the matter. If it is, it should set out the basis on which the licensing process is to proceed.

The Brumby government must remove the potential for community fragmentation in Mildura and other feature locations around regional Victoria which might be considered for a casino. Communities need to understand what processes the government will enter into to determine the level of community support and also explain how the positive and negative outcomes will be measured. The community of Mildura needs the assurance of a socioeconomic impact study. Such a study was a condition of Crown Casino's approval for additional tables. The least the Premier could do is indicate that a socioeconomic study will be part of any process.

The Brumby government must demonstrate the responsibility that goes with being in government and it must do so urgently. It must resolve the many uncertainties which now prevail and it must do so first and foremost in the interest of the people of Mildura. This must be resolved before the community disintegrates under an uninformed debate.

Schools: Clayton electorate

Mr LIM (Clayton) — I congratulate the following schools in my electorate. On 22 February I attended Clayton South Primary School and met the new principal, Lynne Dickins, and their 2010 school captains. Ms Dickins informed me of the work of the Halogen Foundation, a non-profit organisation that

aims to inspire and influence young people to lead themselves and to lead others. The Clarinda Lions Club supported the school by sponsoring four students, school captains Gity Amiri and Stephen Ghosh, and sports captains Justin La and Madonna Tangiau, to attend the Halogen Foundation National Young Leaders Day at the Melbourne Convention Centre on 12 March. The Halogen Foundation is supported by the Brumby government and the National Young Leaders Day has become one of the largest and most significant leadership events in Australia. I am confident the experience will encourage the young leaders to help their fellow students and school community.

On 17 March I attended a local leadership group of six primary schools at Clayton Primary School. This was a two-day program involving student leaders from Clayton primary, Clayton North primary, Huntingdale primary, Amsleigh Park primary, Oakleigh primary and Sussex Heights primary schools. School principals Darren McDonald, Rukshana Verzijl, Monica Scully, Frank Catalano, Cheryl Sanders and Michael Cormick are to be commended for the operation of the program which identifies potential leaders from their schools and teaches them about leadership.

Planning: Cowes jetty

Mr K. SMITH (Bass) — Just when we thought the Minister for Planning could not show any greater stupidity than the dodgy consultation process for the Windsor Hotel redevelopment, he comes up with another doozy, the Stony Point–Cowes vehicular ferry project, and the release of a directive that shows the proposed jetty at Cowes does not need an environment effects statement before it is built. There was no option offered, only the directive that if the jetty is to go ahead, it will be built adjacent to the current jetty without any consideration of the impact of the north-facing beach of Cowes, which is a major tourist attraction in itself, or of the traffic chaos that will be created in Thompson Avenue and down at the triangle at the bottom of Thompson Avenue that will have to become a holding bay for vehicles coming or going on to the ferry. This is not an option for the people of Bass Coast.

As with the desalination plant at Wonthaggi, this project has been forced on the people of Bass Coast, particularly those living at Phillip Island. This has been an issue for many years on both the Mornington Peninsula and Phillip Island. After 25 years is this all the government can come up with? It is nothing but a push by the government to be seen to have something happening before the election later this year. I am not against the extension of the link highway from the peninsula, but it should be built with full community

support and consultation, not as proposed by the Department of Planning and Community Development — that is, down near the current jetty. It should not happen there, and it will not happen there.

Yarraville community centre: restoration

Mr NOONAN (Williamstown) — Next Tuesday, 20 April, the Yarraville community centre will officially reopen its doors on Francis Street, following the completion of major restoration work to the historic building. The reopening of the centre is cause for great celebration and will add another wonderful chapter to this building's proud history. A concerted campaign over a 10-year period, led by hardworking quarrymen and local residents brought Yarraville its first school at the site in 1875. Tragedy was to strike nine short years later when the building was destroyed by fire. But the community of Yarraville banded together and overcame adversity to rebuild the school on the same site. In 1975 the school was closed and the building became the new home of the Yarraville community centre.

When the building started to deteriorate, it was our local community that once again stood tall and agreed to find a way to preserve one of the best and most important buildings in the western suburbs of Melbourne. Funding for the building's renovation was eventually sourced from all three levels of government in partnership. The commonwealth and state governments each contributed \$1.8 million and Maribyrnong City Council contributed \$1 million. I thank the many people involved in this project, including Christine McCall, Tina Soumbassis, Toni Pearson, Catherine Hamm, Jo Denton, Rebecca Cleaver and John McCartin. I also thank and congratulate Maribyrnong City Council CEO Kerry Thompson and her team for successfully delivering this great project for local residents of the Yarraville community.

Police: numbers

Mr TILLEY (Benambra) — When it comes to the facts on crime in Victoria they do not lie. Fact: since the election of Labor, total violent crime against the person has risen 40 per cent. Fact: since the election of Labor, assaults have risen 70 per cent, reports of rape have increased 32 per cent, weapons and explosives offences have increased 57 per cent and Victorian families have had enough. Fact: in the first term of a Baillieu-led Liberal-Nationals coalition government, 1600 new front-line officers will be recruited to give police command the ability to cover the shortfall of on-the-beat officers which has developed under Labor.

Fact: this will be the largest single recruitment of officers over one term of government in Victoria's history. Fact: a visible police presence is a key driver in preventing crime from taking place in the first instance. Fact: only the coalition has policies on the table today to stop crime in its tracks and to make our streets safe again. Fact: if Victorians want more bashings, glassings and assaults on our streets, at November's election there is Labor. However, if Victorians want 1600 new front-line police officers on the street to stop the violence and a plan to make Victoria safe again, the choice has to be a Baillieu coalition government. The sad fact is that Labor has failed Victorian families when it comes to keeping them safe on our streets.

Pascoe Vale Soccer Club: funding

Ms CAMPBELL (Pascoe Vale) — I pay tribute to the work and spirit of the Pascoe Vale Soccer Club and particularly to the Tona family. The Tona family's pivotal role has been crucial to the enjoyment of community sport for the club's playing and social members, supporters and volunteers and to our general Moreland community. The significant growth and success of the club, especially its 300 junior members, is a tribute to the Tona family's long-term dedication, spirit and inclusiveness. Dimatar, who is known as Jim, and Angelina Tona arrived in Australia from Bitola in Yugoslavia in March 1996. They were a young married couple with one child, Athena, who later had an Aussie-born sister, Alex, and a brother, Lou. Jim and Angelina love soccer and they helped form the club which originally comprised players from their old club, known as Pelister, a mountain range in what is now known as Macedonia.

In November-December 1966, the club was officially formed in Wicklow Street, Pascoe Vale and was called the Pascoe Vale Soccer Club. The Tonas and many of their original friends, including Michael Puljevic, still enjoy weekends together at Pascoe Vale Soccer Club games. We thank them and all the original stalwarts for what they have done in the 44 years of this wonderful club.

On Saturday I visited the club along with Lou Tona, the club president, and informed them of the \$60 000 state government Sport and Recreation Victoria funding which will be matched by the Moreland council as well as by club funds and labour costs plus volunteering of time. This funding partnership will provide great improvements to the club's facilities.

Police: Neighbourhood Watch

Mrs VICTORIA (Bayswater) — During recent public meetings about the changes taking place to the Neighbourhood Watch program, the message conveyed by the presenters was that the program is underperforming and needs to justify the resources allocated to it. The overwhelming majority of people at the meetings were Neighbourhood Watch volunteers who have supported the program for 25 years. They consider that their views and experience are now being ignored. While I recognise the need for police resources to be allocated to the areas most in need, it saddens me to hear from volunteers who are losing their enthusiasm. Local crime fighting has fallen victim to the Brumby government's failure to properly fund our police force. This further highlights the need for another 1600 police officers to make our streets safer — and only a coalition government will commit to delivering them.

Hospitals: government performance

Mrs VICTORIA — In yet another example of the Labor government's failure to adequately resource our health system, a constituent living in Boronia has been on the public hospital waiting list for shoulder surgery for more than two years. She has been told that doctors will not operate due to issues with ageing medical instruments. How can this state be called the best place to live, work and raise a family when doctors in its hospitals cannot even get access to the instruments they need to perform common operations? The Brumby Labor government has completely dropped the ball on health.

Ringwood Highland Games

Mrs VICTORIA — Congratulations to Sue McLeod and everyone else involved in the Ringwood Highland Games on Sunday. The event was as colourful and as much fun as ever. The wonderful sense of community spirit displayed by participants and spectators alike made for an enjoyable afternoon of great Scottish fun.

Cathy Vescio-Dibella

Ms BEATTIE (Yuroke) — Today, I rise to acknowledge the fantastic work being done in Yuroke by local resident Cathy Vescio-Dibella. Cathy has recently been appointed an ambassador for the Craigieburn Football Club's pilot program to crack down on drinking and violence at football games.

Cathy is a mother of two who has lived in the local community for 35 years. She owns and runs an extremely successful local hairdressing business and is an active member of the community. In 2004 Cathy formed the Body Culture group, which promotes healthy body image, self-esteem and confidence in young people. Body Culture runs workshops in Victorian schools. They encourage young people to respect themselves, their bodies and others. I have received terrific feedback about the Body Culture program, and I am sure that young people gain invaluable skills from attending those sessions.

Antisocial behaviour at sporting events is not welcome in Victoria, and the Craigieburn Football Club is leading the way in stamping out that sort of behaviour. I take this opportunity to thank Cathy for the tremendous work she does in the local community. I know she will bring a great set of skills to the Craigieburn Football Club and will be a great ambassador. She is a great role model for young people. If people look at Cathy and emulate her life, they will do well.

Government: purchasing policy

Mr NORTHE (Morwell) — I refer to the Australian Industry Group (AIG) submission to the Brumby government on its 2010–11 budget priorities and specifically note page 9 of the submission under the heading ‘Government procurement’. I concur with the sentiment expressed by the AIG about the Brumby government’s procurement policy which, in the opinion of AIG — and might I say many others — excludes the ‘net community benefit’ of government procurement. As pointed out by the AIG, the Brumby government’s procurement policy seems to focus on the cheapest possible price of goods and services and not on best value. Best value should include important aspects such as skills development and the development of Australian industries. However, the Brumby government continues to ignore this point.

It is interesting to note the third paragraph under this section in which the AIG notes:

Government departments have not sufficiently supported Victorian and Australian businesses.

This rings true for many businesses. An example relates to Australian Paper’s Maryvale mill based in the Morwell electorate. It is Australia’s largest white paper manufacturer and it has to compete extensively with overseas paper manufacturers which neither provide the economic benefit nor environmental performance to match Australian Paper’s contribution to Victoria. This is replicated across the state. In many instances local manufacturers and businesses are not afforded the

opportunity to provide goods and services to the Victorian government or its departments. If the Brumby government is serious in its endeavours to grow and support regional Victoria, it must reconsider aspects of its purchasing policy and demonstrate its commitment to better support Victorian manufacturers and businesses, particularly those based in regional Victoria.

Schools: Cranbourne electorate

Mr PERERA (Cranbourne) — Recently I joined the Minister for Education in visiting some very exciting education projects in the electorate of Cranbourne. Together we officially opened Langwarrin’s Elisabeth Murdoch College’s \$8.3 million modernisation. This major transformation is the result of a combined Brumby-Rudd Labor government investment in education. It includes a new senior centre, a student lounge and extensive IT access. The college has also benefited from the refurbishment of its science, arts and home economics faculties.

We also officially opened the state-of-the-art Cranbourne Carlisle Primary School. This year more than 170 city of Casey children are enjoying the benefits of studying at a brand-new multimillion-dollar state-of-the-art primary school. Modern features of the school include learning spaces filled with natural light; state-of-the-art ICT, including comprehensive wireless, electronic whiteboards and multimedia systems; energy-efficient buildings and a wetland; integrated science, technology and arts spaces; an indoor gymnasium; and outdoor plexipave courts and a sports oval. This school complements the new state-of-the-art Brumby Labor government P-12 college that is being constructed in Cranbourne East.

Also on the day together we officially opened the \$400 000 new and redeveloped years 1 and 2 learning spaces at the Belvedere Park Primary School. Education remains the no. 1 priority for the Brumby Labor government. I am proud to be part of a proactive government.

Government: performance

Mr WELLS (Scoresby) — With this being the last parliamentary sitting week prior to the Treasurer handing down the 2010–11 state budget on 4 May, this statement condemns the past 11 years of a tired and out-of-touch state Labor government. It is a government which has benefited from over \$300 billion in revenue yet has lurched from one disaster to another. Despite the unprecedented record revenue flow,

Victorians are still faced with deteriorating basic government services and crumbling infrastructure.

In addition, our total state public sector net debt has increased alarmingly and is forecast to reach \$31.3 billion in 2013, leaving future generations with a heavy burden to pay back. Do members know how this government fixes problems? Rather than actually improving government services and infrastructure deficiencies, the Brumby Labor government spends millions of taxpayers dollars on spin, blatantly political advertising and rhetoric in a bid to cover up its shameful neglect. This is a disgrace and totally unacceptable. However, it is typical Labor; it is all about spin and no substance.

Labor simply cannot be trusted to manage taxpayers money. Victorians may well ask where all the money has gone — because they have not seen anything for it. Our road network is increasingly congested; our trains are crowded, forever late and unreliable; our hospitals simply do not have enough beds —

The ACTING SPEAKER (Mr K. Smith) — Order! The member's time has expired.

Libraries: St Albans

Ms KAIROUZ (Kororoit) — On Thursday, 8 April, I had the pleasure of attending the official opening of the redeveloped St Albans library. The state-of-the-art \$1.26 million library, thanks to a partnership between the Brumby Labor government and Brimbank City Council, was officially opened by the Minister for Community Development.

The funding for St Albans library was secured from the \$31.5 million Living Libraries grants, which are dedicated to the renewal of public library infrastructure, and the Brimbank City Council. The library is located on Alfrieda Street, one of the main shopping strips in St Albans. The redeveloped library will no doubt be used as a gathering place for local residents, students, community service providers and traders.

The partnership between the Brumby Labor government and the council has produced a much larger library, including a lounge, a customer service area and dedicated spaces for children and teenagers, as well as more access to programs and activities. The redeveloped library has 30 more computers with expanded technological resources. This was a central part of the project. The library also provides access to hundreds of newspapers from around the world which can be read online.

This is indeed a 21st-century facility. Through its modern and inviting facilities and services the library will foster lifelong learning and job opportunities for local visitors and students. I congratulate the Brumby Labor government on continuing to address the gaps.

The ACTING SPEAKER (Mr K. Smith) — Order! The member for Albert Park has 1 minute.

Albert Park electorate: bowls clubs

Mr FOLEY (Albert Park) — I wish to bring to the attention of the house the great work done by the Port Melbourne Bowling Club and the Albert Park VRI Bowls Club in my community. I recently had the privilege of joining the Minister for Sport, Recreation and Youth Affairs in announcing a series of grants to assist these two clubs to develop and adopt water-saving technologies to secure each of the clubs in this increasingly dry environment.

Each of these wonderful clubs acts as much more than a repository and centre for the fine art of bowling. They are centres where the community can come together in a range of ways that go well beyond bowling. I take the opportunity to acknowledge the good work done by each of their committees and look forward to working with them in the many years to come and continuing to promote their activities.

TRUSTEE COMPANIES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 25 March; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Mr WELLS (Scoresby) — I rise to speak on behalf of the coalition on the Trustee Companies Legislation Amendment Bill 2010. I say from the outset that we support this piece of legislation. I would like to thank the Treasurer for organising the briefing we had; it was excellent.

The purpose of this bill is to complement commonwealth legislation that will see the transfer of responsibility for the regulation of private sector trustee companies from the state to the commonwealth.

There are four main provisions in this bill. Firstly, it repeals the sections of the Trustee Companies Act 1994 relating to trustee companies being regulated by the state. However, it retains the general powers and obligations of trustee companies. Secondly, it makes

consequential amendments to the Administration and Probate Act 1958 and the Guardianship and Administration Act 1986 to preserve certain powers of the Supreme Court and the Victorian Civil and Administrative Tribunal under those acts. Trustee companies are still subject to Victorian law with respect to probate and estate administration, and unincorporated trustees remain under Victorian law.

The third provision of this bill amends the State Trustees (State Owned Company) Act 1994 to provide that State Trustees Ltd — a fully owned state corporation — remains regulated by Victorian legislation by agreement with the commonwealth. Due to State Trustees Ltd performing functions which are performed by unincorporated public trustees in other states, the trust, the state and the commonwealth agreed to State Trustees Ltd remaining under Victorian regulation, and the coalition sees the common sense in that. The fourth provision aims to have this legislation enacted prior to the enacting commonwealth legislation becoming operational on 1 May 2010 to avoid conflict between state and commonwealth regulations.

I would like to make a couple of comments on this bill. The proposal to transfer the regulation of trustee companies from the states to the commonwealth was flagged as early as the 1990s. It was delayed due to the view that APRA (Australian Prudential Regulation Authority) could not take on further prudential regulatory programs until its responsibilities in overseeing the banking, superannuation and insurance sectors had been fully met. There was a final commitment by COAG (Council of Australian Governments) in July 2008 for the commonwealth to assume regulatory authority over trustee companies.

Although it was originally foreseen that APRA would assume prudential responsibility over trustee companies, due to the commonwealth using its constitutional corporation powers there was no need for referral of powers from the states. Trustee companies will be regulated through a national licensing and consumer protection model administered by the Australian Securities and Investments Commission.

The bill's purpose is generally not opposed by legal and tax practitioners, who believe that the national regulation of trustee companies under the commonwealth Corporations Law regime is logical and reduces any false parts here and there and any burden between state jurisdictions. The only concern that has come across to us in our consultations is that trust structures are used by many businesses and charities for legitimate purposes for business continuity and estate planning. Stakeholders have raised concerns regarding

the recent emphasis of the Australian Taxation Office and the State Revenue Office on targeting trusts. That is just some of the feedback that has come back to us.

Examples of those private sector trustee companies are ANZ Trustees Ltd, Equity Trustees Ltd, National Australia Trustees Ltd, Public Trustees for the ACT, Public Trustees for the Northern Territory and Sandhurst Trustees. There is a list of about 16 major trusts. As I mentioned, this was being proposed in the early 1990s. However, a number of issues had arisen at that time, including the formulation of regulations for the superannuation and banking industries. The Australian Prudential Regulatory Authority had its hands full and, as a result, wanted this put off until a later time. That is the point we are at now.

I turn to the background of trustee company services. Traditionally only a natural person could discharge the role of a personal trustee in the sense of acting as an executor or an administrator appointed by a will. For this reason a body corporate, having limited liability, could not act as a personal trustee, and governments enacted legislation to license trustee companies to provide an alternative to natural trustees and to allow for a long-term trust, such as a charitable trust, to be established. Governments generally conferred trustee company status only on large public companies that had a broad spread of ownership. Such companies were thought to be best able to ensure proper administration of trusts because of their resources and stability. A smaller proportion of the business of trustee companies is personal trust work, and trustee companies offer a range of other financial services, such as insurance, superannuation and estate planning services.

As I mentioned, in May 2008 it was announced that as part of the Council of Australian Governments reform agenda the commonwealth would be assuming responsibility for the regulation of trustee companies. The Financial Services Moderation Act 2009 will commence on 1 May 2010. In August 2009 the Trustee Corporations Association of Australia put out a paper entitled *National Consumer Credit Protection Bill 2009 and Related Bills — Submission to the Senate Economics Committee*. The opening section of the executive summary states:

The TCA welcomed the announcement last year that the commonwealth would take over responsibility for the regulation of trustee companies.

Such a move, by eliminating duplication of licensing and reporting arrangements and a number of restrictive operational requirements in the various state and territory legislation, was expected to reduce the regulatory burden on trustee companies, while creating a national market for trustee services.

It would also be expected to improve the effectiveness and efficiency of the industry's supervision.

However, we have concerns with several aspects of the approach proposed in the Corporation Amendment (Financial Services Modernisation) Bill 2009.

I will just pick up the one point. Whereas the exposure draft says the states and territories will repeal their respective trustee companies acts, the bill provides for the commonwealth to assume exclusive responsibility for entity-level regulation of traditional trustee company services with existing state and territory legislation and the rules of common law and equity continuing to govern the functions and powers of the trustee companies. It is unclear how that amended model would work in practice — for example, how the obligations imposed on trustee companies by commonwealth legislation interact with the responsibilities of state and territory tribunals in respect of represented persons.

The last point I make is that it is my understanding that the regulations have still not been fully formulated at this point but that a discussion paper was put out in March 2010 by the Australian Securities Investment Commission. It is consultation paper 132 entitled *Trustee Companies — Financial Requirements and Conduct Obligations*. This paper has been circulated widely. I have great confidence that the regulations will be put in place quickly. The discussion paper states how this will unfold. It states that stage 1 was the release of the paper on 15 March; stage 2 was that comments were due on the consultation paper on 7 April 2010, which leaves a couple of weeks in April for the drafting of amendments to RG 166; and stage 3 is the re-release in May 2010 of RG 166. We hope the commission will stick to the time lines and that the regulations will be up and running quickly. On that note, as I said at the start, the coalition will be supporting this bill.

Ms RICHARDSON (Northcote) — I am pleased to rise to speak in support of the Trustee Companies Legislation Amendment Bill 2010. This bill has received overwhelming support from the trustee companies, and I was pleased to learn that the parties opposite will also be supporting the bill.

The support from the trustee companies has followed extensive consultations conducted by the commonwealth. The bill will transfer responsibility for the regulation of private sector trustee companies to the commonwealth, and the referral of the regulations will be undertaken via the commonwealth's powers over corporations, as private sector trustee companies, by

definition, are corporations. No further referral of powers is required.

As a result of a number of inquiries into the financial services system during the 1980s and the 1990s a consistent view was formed that we needed to have a national approach to the regulation of financial services. That has been done consistently and in stages with, for example, the commonwealth assuming responsibility for the non-bank financial institutions such as building societies and credit unions. The transfer of responsibility of private sector trustee companies was due to take place during the introduction of other financial regulatory reforms but was deferred to ensure that these measures were properly implemented before this important measure was proceeded with.

In July 2008 the Council of Australian Governments confirmed its commitment that the commonwealth would assume the authority over the regulation of private sector trustee companies. The commonwealth's legislation is expected to commence on 6 May 2010 at the latest. Therefore the Victorian Parliament needs to debate and pass this bill to avoid overlapping provisions between the state and commonwealth jurisdictions.

Specifically the bill repeals provisions of the Trustee Companies Act 1984 to impose a regulatory regime on trustee companies while retaining provisions that facilitate those companies' activities in relation to estates and asset management. It also amends provisions of the Administration and Probate Act 1958 and the Guardianship and Administration Act 1986 to enable trustee companies regulated by the commonwealth to continue to undertake the estates and asset management activities they previously undertook under a state regulatory regime. Finally, it amends the State Trustees (State Owned Company) Act 1994 to provide that the repealed provisions of the Trustee Companies Act 1984 continue to apply to State Trustees Ltd.

State Trustees Ltd continues to be regulated by the state because it performs the functions of a public trustee in Victoria even though it was established as a corporation. In all other states this role is carried out by unincorporated government agencies, which are not covered by the commonwealth's corporations legislation. Given that State Trustees Ltd undertake some activities of a non-commercial nature, both the Victorian government and the commonwealth government agreed to keep the regulation of it in the hands of the state for the time being. However, State Trustees Ltd will still be subject to the same provisions given the similarities between the state and commonwealth regulation regimes.

The Australian Securities and Investments Commission will be the regulator of trustee companies, because the regulation is being implemented by the Corporations Act. While there are changes that trustee companies must make to comply with the new commonwealth regulations, these changes are considered to be of a minor nature and worthwhile given that they will provide uniformity for these usually nationally operating organisations. This will forever do away with the need for compliance with eight different sets of regulatory requirements and will therefore improve the efficiency of those organisations. It is for these reasons and more that I commend the bill to the house.

Mr WELLER (Rodney) — It is with great pleasure that I rise today to speak on the Trustee Companies Legislation Amendment Bill 2010. I say from the outset that the coalition is supporting the bill. The bill complements commonwealth legislation that will see the transfer of responsibility for the regulation of private sector trustee companies from the state to the commonwealth.

I turn to the main provisions of the bill. Firstly, it repeals sections of the Trustee Companies Act 1984 relating to trustee companies being regulated by the state; however, it retains the general powers and obligations of trustee companies. Provisions of the existing Victorian legislation, such as fees, accounts and reporting requirements, are repealed and are assumed under the commonwealth regulatory regime.

Secondly, the bill makes consequential amendments to the Administration and Probate Act 1958 and the Guardianship and Administration Act 1986 to preserve certain powers under those acts of the Supreme Court and the Victorian Civil and Administrative Tribunal. Trustee companies will still be subject to Victorian law with respect to probate and estate administration. Unincorporated trustees will remain under Victorian law.

Thirdly, the bill amends the State Trustees (State Owned Company) Act 1994 to provide that State Trustees Ltd, a fully state-owned corporation, remains regulated by Victorian legislation by agreement with the commonwealth government. Due to State Trustees Ltd performing functions which are performed by unincorporated public trustees in other states, the state and commonwealth governments mutually agreed that the corporation remain under Victorian regulation.

Fourthly, the aim is to have this legislation enacted prior to the enacting commonwealth legislation becoming operational on 1 May to avoid conflict between state and commonwealth regulations.

I went through the bill and found some interesting parts. I bring the house's attention to new section 26B, 'Exemption from state tax'. I quote:

... exempt matter means the transfer of the estate assets and liabilities of a transferring company to a receiving company under Division 2 of Part 5D.6 of the Corporations Act ...

It is good that we are getting out of the way and not putting unnecessary charges on business and on people's estates. It is a very good thing to be doing. The section also defines 'state tax' as meaning:

... application or registration fees, duty under the Duties Act 2000 or any other tax, duty, fee or charge imposed by any Act or law of the State.

It continues:

... State tax is not payable in relation to —

... an exempt matter —

which is a good idea —

or

... anything done because of, or for a purpose connected with or arising out of, an exempt matter.

This will minimise the cost of the operation of these estates.

I turn to new section 61, 'General transitional provision', which says:

... The amendments and repeals made by the Trustee Companies Legislation Amendment Act 2010 are not taken to affect any duties, obligations, rights, liabilities, immunities and privileges that apply to a trustee company pursuant to this act that are not otherwise dealt with by Chapter 5D of the Corporations Act.

I think that makes immense sense.

I turn to part 3, 'Administration and Probate Act 1958'. Clause 18, 'Executors' etc commission', inserts section 65(2), which says:

Despite subsection (1), the commission or percentage allowed by the court in respect of a licensed trustee company must not exceed the commission or percentage that a licensed trustee company may charge under Chapter 5D of the Corporations Act.

Once again, this limits the cost, which I think is a positive thing.

In part 4, 'Guardianship and Administration Act 1986', clause 19, 'Remuneration of professional administrator', puts a limit on how large fees can be. It is a great thing that we ensure charges are minimal so that the cost of doing business is minimised for estates

and estate beneficiaries. That is a positive thing, and I give the bill my full support.

Mr STENSHOLT (Burwood) — I am delighted to support the bill. I heard the member for Rodney give it his complete support, and I am very pleased about that. I also heard that the member for Rodney is a low-tax man, and I wonder if this is prescient. Later on we will see that there will not be enough money to fulfil the promises made by the Liberal Party and The Nationals.

This is a bill that deals with financial services. Victoria has had strong leadership when it comes to financial services, particularly over the last 10 years. Trustee companies are very much part of the financial services industry. The member for Scoresby, for example, would be well aware that under the previous Liberal-led coalition government there was a great failure when it came to financial services. It was prepared to cede leadership of financial services to Sydney. However, in the last 10 years Victoria has assumed leadership in financial services. The Victorian Labor government is supporting the financial services industry. We are delighted to be the proponents of this bill as part of the general move towards national regulation of financial services.

Victoria now has a healthy financial services industry, as opposed to what it had during the seven dark years of former Premier Kennett's era. Victoria has been the proud home to many trustee companies.

Mr Wells interjected.

Mr STENSHOLT — The member for Scoresby is not too sure. I remind him that this is the Trustee Companies Legislation Amendment Bill and that he should be proud of the Victorian financial services industry, of which trustee companies are part.

The bill repeals provisions of the Trustee Companies Act 1984 in regard to the regulatory regime for trustee companies, while retaining provisions that facilitate those companies' activities relating to estates and asset management. It amends provisions of the Administration and Probate Act and the Guardianship and Administration Act to enable trustee companies regulated by the commonwealth to continue to undertake estate and asset management activities that they previously undertook under the state regulatory regime. This is part of the changeover from a state regime to a federal one. The bill also amends the State Trustees (State Owned Company) Act 1994 to provide that the repealed provisions of the Trustee Companies Act continue to apply to State Trustees Ltd.

As has been mentioned by previous speakers, this bill relates to the follow-on to inquiries such as the Campbell and Wallace inquiries into the financial system and the willingness of the commonwealth and the state to get complementarity in the financial services area in terms of national regulation of the provision of such financial services. That is being done in stages.

As we saw, the Council of Australian Governments just decided to implement a new wave of national regulation reform. This occurred when a commitment was made by the government at the July 2008 meeting of COAG to implement national regulation of trustee companies. I am very proud of Victoria's record and leadership under COAG. Under the Bracks and Brumby governments Victoria has shown real leadership in terms of national reform in this area, and some of the ideas that Victoria has put forward have come through — many of them, in fact, because the Victorian ideas are very much to the fore when it comes to national reform. This is another example of that sort of change.

Part of this reform includes national responsibility for the regulation of credit and other financial services provisions. We have already had several bills which have become acts in the last couple of years as part of the general package of these reforms. Of course the regulation of the trustees, as has been mentioned by others, will occur under the Corporations Act, and the principal regulator of the trustee companies under that act will be the Australian Securities and Investments Commission.

State Trustees Ltd will continue to be regulated by the state, and that is because it has a special place in the financial services system here in Victoria. Although it is a corporation and hence generally subject to commonwealth corporations regulation, Victoria and the commonwealth have agreed that at least for the time being State Trustees Ltd will continue to be regulated by the state because it performs the function of public trustee here in Victoria. It is a very important function.

I am sure other members of Parliament would know of examples of constituents coming to their door to talk about the issues relating to the trustees and have asked members of Parliament to help by making representations to State Trustees Ltd on their behalf to try to clarify situations in individual cases. I do not propose to go into any of those today, but I am well aware of a number of cases that have occurred over the years. I should say for the record that I believe State Trustees Ltd has improved its performance over the last 10 years and is far more outgoing, far more explanatory

and far clearer in its dealings with the people it is looking after. These dealings relate to activities of a non-commercial nature, which is a community service obligation that State Trustees Ltd performs — that is, looking after people who find it hard to look after themselves or their families. As I said, the work State Trustees Ltd is doing has improved quite significantly over the last few years.

This bill is part of the package for the move towards national regulation of financial services. As I have said, we do financial services regulation far better in Victoria now than was done more than 10 years ago. This is part of the national reform, and I commend the bill to the house.

Ms HENNESSY (Altona) — I rise to speak in support of the Trustee Companies Legislation Amendment Bill 2010. Trustee companies manage assets on behalf of a large number of Australians. As they are looking after the interests of beneficiaries they are expected to exercise a high degree of diligence and care. This bill marks another important step in providing greater focus to a more effective and efficient regulation of financial services providers.

It has been a long time since the Campbell and Wallace inquiries, and since that time we have seen a broad consensus emerge amongst all sides of the political spectrum and amongst all stakeholders in support of national regulation of financial service providers. The process of implementation has been a staged one over the past two decades, with the focus having been on the larger financial services sector. It is a good thing, given that it was the focus of this regulation that largely protected Australian consumers, Australian shareholders, Australian employees and Australian companies from the chill winds of the global financial crisis.

When we are transferring responsibilities for the regulation to the commonwealth it is important that we consider the putative regulatory regime involved. It is important that we be satisfied of its effectiveness and that we have evidence of its performance in the larger financial services sector. It has done a good job of striking a balance between efficiency, fairness and consumer protection.

The Council of Australian Governments has now embarked on the process of a new wave of regulation reform. An important part of this wave of reform pertains to nationalising the regulation of credit and other financial services provision. This has provided us with a great opportunity to address unfinished business and enable trustee company regulation to be dealt with

in this reform process. Fortunately there are no constitutional law issues here, which is often an oddity when it comes to national reform, because the subjects of this transfer are corporations. The commonwealth will be relying on its corporations power to regulate, and it will appropriately regulate under the Corporations Act.

State Trustees Ltd is exempt. This is because its work involves both commercial and non-commercial activities, and so it would be misconceived to regulate State Trustees Ltd via a mechanism that was focused exclusively on commercial regulation. These activities will continue to be regulated by the state government, with the commercial activities still being regulated in accordance with the principles of competitive neutrality.

This bill is an important step in enabling the provision of a single standard national regulatory regime. This will end multiple state-based regulations. It will also ensure that consumers continue to be appropriately protected. As the Australian Securities and Investments Commission will be the sole national regulator for the trustee company sector, any concern from the sector could be appropriately dealt with through the commonwealth consultation as it goes through the processes of the development, adoption and promulgation of its regulations under the Corporations Act.

But this bill will help lead us towards a truly national market for trustee services. It will make it easier for trustee companies to operate across Australia. This will benefit consumers and will also give us uniformity around consumer protection. It will remove artificial barriers to entry and provide greater competition. On that basis I happily support the bill.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

LIVESTOCK MANAGEMENT BILL

*Council's amendment***Message from Council relating to following amendment considered:**

Clause 63, page 39, after line 22 insert —

“() The regulations are subject to disallowance by a House of the Parliament.”.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I move:

That the amendment be agreed to.

Mr WELLER (Rodney) — It gives me great pleasure to support this amendment from the upper house. The amendment reads:

Clause 63, page 39, after line 22 insert —

“() The regulations are subject to disallowance by a House of the Parliament.”.

I believe this makes a lot of sense. The industry, the Victorian Farmers Federation and its dairy group, United Dairyfarmers of Victoria, and other organisations were supportive of adding this amendment to the original version of the Livestock Management Bill of 2009. The reason we asked for this power of disallowance was that even though there has been consultation there has sometimes been extreme pressure put on the farmer members of some of these consultation groups. It puts unfair pressure on members of these committees for them to not have the option of going through the political process for disallowance.

Prior to coming to Parliament I was a member of a consultative group on animal welfare for Animal Health Australia. We used to sit with government and industry bureaucrats, and extreme pressure was put on the farmers on those committees to accept regulations that they perhaps did not want to accept. If you had taken away the right of disallowance of some of these regulations, the pressure on the farmers in those negotiations would have been far too great. The disallowance of these processes was widely supported.

Animal health is a very important area and the animal industries are very important to this state. We have to make sure that biosecurity measures are practical and can be adopted by the industry without putting undue pressures on the industry. When I was on the Animal Health Australia committee there was a proposal to double fence all the farmland in Australia. That would have been a massive impost on the farming community and one that farmers could not afford. However,

because we were able to negotiate and we had the option where we could have either house of Parliament disagree with it and stop it, we had the ability to bring those regulations back to common sense.

That is why we, the coalition, put forward this amendment in the lower house. Unfortunately it was not agreed to in the lower house, but the upper house has seen the light of day and has agreed to it, and I am pleased to hear that now it has come back to the lower house the government will be agreeing to it. With those few words, I wish the amendment a speedy passage.

Mr HELPER (Minister for Agriculture) — As has been indicated, the government intends to accept the amendment passed by the upper house. In indicating that I just want to make some comments. The first set of comments concentrate on the absolute hypocrisy we have seen from both The Nationals and the Liberal Party on this particular set of amendments.

Mr Walsh — You're the one that has backflipped.

Mr HELPER — If I can come first to the disorderly interjection about the backflip, let me just make the comment that the industry we represent, an industry that only a Labor government appears to be representing well in this state, is keen for this legislation to become part of the law so that we can move on.

Overlooking the hypocrisy associated with The Nationals, the Liberal Party and the Greens hopping into bed together is a small price to pay for getting the greater gain for the industry. Let me just highlight this hypocrisy. Since 2008 there have been 28 new principal acts enacted with regulation-making powers. There have been 28 opportunities for members of the opposition, including the member for South-West Coast, the member for Swan Hill or any member of the Greens in the upper house, to support this high principle and argue that the ability for either house to disallow regulations should be held sacrosanct.

I have seen some Liberal quotes and media reports which came out after debate in this house. In every instance in those 28 principal acts the regulations are not disallowable by either house of Parliament. In other words, they adopted the system of disallowance that was originally intended by the government — that is, the Scrutiny of Acts and Regulations Committee would recommend the disallowance of a regulation. In that time no principal act has been passed that has included a provision for disallowance other than by the SARC process. In fact there was no debate, there were no amendments, there was no voting and there were no

requests from the opposition for this type of disallowance to be built into any of that legislation.

When we go to some of the legislation that we are talking about, the opposition would certainly not want to claim that any of these pieces of legislation is less worthy of the principle of disallowability by either house. We have legislation such as the Police Integrity Act 2008, the Coroners Act 2008, the Major Sporting Events Act 2009, the Criminal Procedure Act 2009, the Sheriff Act 2009 and the Transport Integration Act 2010. All of those acts provided a power to make regulations, all are disallowable by SARC and none of them is disallowable by either house of the Parliament on their own; that is the system that we actually put forward. So I put to the chamber that this is a display of gross hypocrisy — —

Dr Napthine interjected.

Mr HELPER — I suggest that the member for South-West Coast may want to listen; I will come to him in just a moment.

Let us work out why opposition members may have been motivated to pick the 29th occasion on which they could have been upset by the procedure for the disallowance of regulations in this Parliament in recent history to be upset about it. I suspect it is not exactly news to most people who are observers of politics that the only way we will have Greens representation in this chamber will be at the behest of the Liberal Party. Simple logic suggests that is the case. Who is in coalition with the Liberal Party? It is The Nationals, so you could argue, by extension, that it is members of the Liberal Party and The Nationals who are the greatest threat of Greens members being introduced into this house of Parliament.

Honourable members interjecting.

Mr HELPER — The member for South-West Coast knows as well as anybody else that it will be the preferences of the Liberal Party which will provide the only chance of a member of the Greens being elected to this chamber.

Let us go through some of the fine gems that can be attributed to the member for South-West Coast immediately after this legislation was last before this chamber. In the *Weekly Times* of 17 March 2010 he is reported as saying that the bill handed power directly to unelected persons and ‘went against all the tenets of Westminster systems’. On the 29th occasion it seems to matter that organisations outside this Parliament could be involved in the development of regulations, but it did not seem to matter or bother the member for

South-West Coast at all the previous 28 times. The *Weekly Times* article goes on:

Dr Napthine said there was no guarantee farming bodies would be involved in the new legislation, and groups such as the RSPCA and People for Ethical Treatment of Animals could be directly involved in forming legislation.

That did not seem to bother the member for South-West Coast on the previous 28 occasions it occurred. When speaking in Parliament on 9 March, the member for Benalla said ‘there is always the risk that these standards can be hijacked by zealots’. It does not seem to have bothered him on the 28 prior occasions that zealots could hijack the regulation-making power of Parliament.

Let us go through some of the things that will scare the living daylight out of the industry in the view of the Greens, with whom The Nationals have hopped into bed. Circulated in one of their newsletters was a quote from a publication titled *Eating Up the World*. There is a terrific quote in it, and I am sure the industry will appreciate The Nationals inviting the support of the Greens for its amendment. I quote from this august publication:

Eating fish and other sea life is killing our oceans, agricultural industries are polluting our waterways, and vast areas of land are wasted with the grazing of animals. These practices are unsustainable and the global impacts are being felt more than ever before.

These are the sorts of views that The Nationals are representing in relation to this legislation. These are the sorts of views that The Nationals are expecting industry to cop. The government is ultimately prepared to accept the amendment but not because it came out of any particular set of principles; as I said, a 1-in-29 principle is hardly a principle held dearly by those opposite. On that basis we support the amendment because we want the substantive legislation to be of benefit to industry. Members of The Nationals really have some explaining to do about who they choose to be their bedfellows as they move amendments to legislation through this Parliament.

Mr WALSH (Swan Hill) — I rise to make a contribution to the debate on the Livestock Management Bill. I must admit that I am aghast at the comments made by the minister and at his lack of understanding of his own legislation. He talked about the number of bills that have passed this house that have not been the subject of disallowance motions. With the majority of the bills the minister talked about there is a process in Victoria whereby those regulations are developed and implemented as part of legislation. The Livestock Management Bill is considerably

different in that the regulations in the bill are developed at a national level by national industry bodies. We went through this whole debate when this legislation was considered, and we moved what I consider was a very good amendment. We considered the fact that national standards are developed nationally and are then inserted into Victorian legislation without the normal regulatory impact process having to be gone through in Victoria to have them developed.

Mr Helper interjected.

Mr WALSH — I know it is unruly to respond to interjections, but I cannot help but comment about the minister constantly saying that we are sucking up to the Greens with this amendment.

The coalition has put forward what I consider to be a very good amendment to improve this particular piece of legislation within the Victorian parliamentary process. The national standards are being developed nationally but there are no checks and balances from the Victorian Parliament on those particular processes. They will now come back and under this legislation will be disallowable by either Victorian house of Parliament, which is an important part of the parliamentary process and what we are elected to do.

Although the minister supports the amendment, he says he does not like it. He is effectively saying that the Victorian Parliament should have no say in any regulations that are brought in under the Livestock Management Bill. From memory, when we had this debate last time it was said that over time 22 different lots of codes will be brought in as regulations in Victoria, and the Victorian Parliament would effectively not have had any say on that. The minister is reluctantly accepting this amendment. I congratulate him on that because I think what is happening is a good thing.

The minister talked about the Victorian livestock industries. Last week the policy council of the VFF (Victorian Farmers Federation) met and talked about this issue and the amendment the coalition put forward. The policy-setting body of the whole VFF supports the bill and the amendment the coalition has put forward. There is no dissent within the Victorian livestock industries about the amendment. The minister talked about people in the Victorian industries not being happy with this amendment, but the VFF policy council actually supports the bill and the amendment — —

Mr Helper — They support the bill.

Mr WALSH — The council supports the bill and the amendment that we put forward because it believes

that it actually adds value to the bill. The minister is ill-informed about that particular issue.

Mr Helper — Sucking up to the Greens.

Mr WALSH — It is interesting that we are coming up to an election this year and the government will bend over backwards to get Greens preferences when push comes to shove. It will huff and puff in this house, it will slag off at and bag the Greens, but at the end of the day it will be out there — —

The ACTING SPEAKER (Mr Seitz) — Order!
On the motion.

Mr WALSH — The government will be out there touting for Greens preferences when they count in November. Government members are very brave in here at the moment in the Greens. I think the Greens in the upper house actually saw the logic in the amendment that we put forward and supported it on its merits.

The minister is very brave in bagging the Greens, but Greens preferences could end up saving him in his electorate; I think he is under significant threat there. I would be very careful if I were the minister about how much I actually — —

Mr Helper — You know what? I won't turn into a suck!

Dr Napthine — What about Tasmania?

The ACTING SPEAKER (Mr Seitz) — Order! I ask the Deputy Leader of The Nationals to speak on the motion.

Mr WALSH — Acting Speaker, I am speaking on the motion. A significant part of the minister's contribution was around the whole issue of the Greens supporting this amendment, so any comments about the Greens are in the context of the minister's contribution. I do not know who wrote the minister's contribution. I hope it was not one of his advisers, who might be sitting in the box at the moment. I thought it was an appalling — —

Dr Napthine — No. They are shaking their heads. They are dissociating themselves!

Mr WALSH — It was not a contribution that was worthy of a minister in this place and it was not a contribution that was worthy of the current minister. I know he can do better. He probably needs to change his speechwriter so that in future he actually sticks to the

issues in the bill rather than just trying to slag off about the Greens in particular.

Mr Ingram — Are you defending the Greens?

Mr Helper — I think so.

Mr WALSH — Absolutely. The coalition welcomes the fact that the minister accepts this amendment, albeit reluctantly. I am glad it has come back to this place to be dealt with so we can get this bill through and that it is not something else that has been taken off into the charade of the Dispute Resolution Committee, as some other bills have been in the past.

Unlike what happened with the fishing industry regulations that we dealt with last year, the minister has brought back the good amendment that we put forward to make sure it is actually put into legislation here in Victoria, and that is good to see. It is good that the industry will have the opportunity to talk to members of Parliament in the future about whether the regulations coming out of the national body are to become part of this legislation and that they will have the opportunity then to decide whether those regulations need to be disallowed or whatever. As was discussed when this bill was originally debated, livestock management issues in the Northern Territory on the range country can be very different from livestock management issues here in Victoria, and vice versa.

We are elected as Victorian parliamentarians to represent our particular constituencies in Victoria. The Victorian Parliament deserves an opportunity to look at these particular national standards as they become regulations in Victoria and not just have them rubber-stamped by a process that has no opportunity for scrutiny by this Parliament.

Mr DONNELLAN (Narre Warren North) — It is an honour to speak on this motion. I certainly enjoyed the contribution from the member for Swan Hill. I will call him the new green warrior of the house, defending the Greens — —

Mr Walsh — And proud of it.

Mr DONNELLAN — Oh? I think we will run that one out in the *Weekly Times*.

Mr Walsh — So don't you care about the environment?

Mr DONNELLAN — Yes, of course I care about the environment, and I care about livestock.

Since 2008, 28 new principal acts with regulation-making powers have been enacted, but this is the first one on which The Nationals have obviously decided to get into some type of arrangement with the Greens. That is fair enough, but I think members of The Nationals need to be honest and say that this amendment providing for a disallowance motion is largely being done for their friends in the upper house. That is fine, but I do not know whether that is particularly what people in the industry would want.

It sets an unusual precedent whereby we have what I would call an unholy coalition. On one side are people who to a large extent do not support the livestock industry, the production of beef and things like that; on the other side are The Nationals, whose members do support livestock, the dairy industry and the like. These two sides are somehow getting into bed on this issue and the consequences could be quite substantial. At the end of the day no-one from the industry will thank The Nationals if this turns a little bit pear-shaped for them. It is fine to make deals in the upper house and bring matters back to the lower house for consideration and acceptance by the government — and we have accepted the amendment — but at the end of the day it is with no great delight that you see this unholy alliance in the upper house starting to move its way back to the lower house.

Mr Walsh — So you don't want Greens preferences?

Mr DONNELLAN — I do not rely on Greens preferences at all. This is not an issue about Greens preferences. It is about whether this is important for the livestock industry. These national regulations will be put in place eventually, and the idea of the disallowance motion, when 28 other principal acts without such a provision for a disallowance motion have been enacted, actually smells. It looks like a bit of an unholy alliance up there and it is an inappropriate way to treat a serious industry.

I cannot wait until we actually get the regulations sent down. I look forward to seeing what happens to some of the regulations with the prospect of a disallowance motion. I would have thought that there were differences between the Northern Territory and Victoria and so forth in the way livestock is managed, but if you are going to go down that path, you will potentially have a lot of things disallowed and it will create havoc in the industry. I do not know whether this will do The Nationals much justice. When you look at the consultation that has taken place for this bill, you see that it was substantial. There were 116 different submissions on the first draft standards released for

public consultation, so I think the legislation was widely discussed.

As the member for Swan Hill said, the Victorian Farmers Federation is supportive of this, but I am not convinced that when the discussions took place the issue of putting back a disallowance motion was actually raised with federation members. I think that might cause them a fair bit of concern. I do not know whether this disallowance motion is something they would support. I suspect they probably would not. I suspect they would probably have some fears that it could be used in an inappropriate way, and I suspect that at the end of the day, had the matter been discussed, they would have encouraged their country representatives not to support such an idea. When members go back to their seats they will probably want to raise these issues and find out whether this disallowance motion will cause problems for them in the long run.

At the end of the day, as the government has indicated, we will support this amendment because it is important to get the bill through the Parliament, but it is with a lot of reluctance and a great deal of concern that we have this unholy alliance in the upper house I was talking about before, which I think in the long run will probably damage more than assist The Nationals. With that small contribution I commend the bill to the house.

Dr NAPHTHINE (South-West Coast) — I rise to speak on the motion before the house and the amendment made by the Legislative Council, and I make it very clear that I support the amendment made by the Legislative Council, which was originally moved in this house. It did not go through this house but it has been supported by the Legislative Council and brought back to this house for consideration. I welcome the fact that the government has accepted this amendment as an amendment that improves the legislation. That is why it is supporting it.

There are three fundamental reasons why this amendment is a positive one that will improve the Livestock Management Bill 2009. Firstly, it is logical and sensible that any regulations that are made under this legislation are subject to disallowance by either house of Parliament. That is a logical and sensible move because it provides the houses of Parliament with the ultimate say about the regulations and laws that apply to this great state. I think everybody would agree with that. Secondly, the industry bodies, the VFF (Victorian Farmers Federation), the livestock division of the VFF, and the United Dairyfarmers of Victoria agree with this amendment, so it has the support of the relevant industry bodies. That is the second reason it

should be supported. The third reason it should be supported is that it fundamentally shifts some of the power back to the elected Parliament on these key issues.

The member for Narre Warren North questioned how the provision might be used, and I will tell him how I expect it might be used. It would be used by either house of Parliament to protect the interests of Victoria, to protect the interests of Victorian farmers, to protect the rural communities and their interests and to protect the Victorian economy, so that if there are proposals through this process for regulations or laws or standards that do not further or improve the interests of Victorian farmers, Victorian communities or the Victorian economy, they can be disallowed by either house of Parliament.

To understand how it works you need to understand the way this legislation works, which is quite different to most other legislation — in fact to nearly all other legislation I have seen in more than 20 years in this house. That is why it is absolutely essential for this amendment to be moved. This legislation is unique. It is quite an interesting piece of legislation because what it fundamentally says is that standards developed through a national process by unelected people who are not accountable to the wider Victorian community, not accountable to this Parliament and not subject to parliamentary scrutiny will become black-letter law in this state. That is fundamentally wrong. There needs to be a check and balance and there needs to be scrutiny by this Parliament, and this amendment goes at least some way to doing that.

The legislation says there will be 22 codes under the Australian standards and guidelines, but only one of those has even been written, and it is in draft form. Two others are in the process of being developed. There are another 19 that are in the conceptual stage; they have not even been drafted, yet this legislation, as it stood, would allow those codes to be developed by unelected people — people who are unaccountable in a democratic way to this Parliament and to the Victorian community. Those people would be writing standards that would become law in this state. That is fundamentally wrong. It is law on important issues, law on controversial issues, law on issues that ought to be the proper purview of this Parliament, which is democratically elected by the people of Victoria — issues such as animal welfare, which can be controversial; biosecurity standards, which can certainly be very controversial; and livestock management standards.

There are 22 standards that will be developed by a national process, about which there is not even any agreed structure in the legislation. Yes, there is a national process in train but there is no provision to say that it will apply to the development of the whole 22 standards. That could change, and that is why I say — and I have said it in the *Weekly Times* — that in future it may be that people from extremist groups such as People for the Ethical Treatment of Animals and other animal liberation groups are on those bodies developing national standards.

If that is possible, then certainly this Parliament should retain the right to disallow those standards. That is what this is about. It is about what is fundamentally important to the democracy of this state, the supremacy of the Parliament of the state and the best interests of Victoria, the Victorian economy, Victorian farmers and the Victorian community. What this legislation does without the amendment is fundamentally abdicate responsibility to unelected, unaccountable people who will draft standards that have no checks and balances by this Parliament.

This amendment at least inserts some provisions to allow those regulations to be subject to disallowance by either house of Parliament, irrespective of the political hyperbole mouthed by the minister, which was absolute bunkum and rubbish and one of the most ridiculous speeches I have ever heard in this place from a minister of the Crown. He should have more respect for the legislation, the Parliament and the people of Victoria. What we should be debating and what I am debating are the merits of this amendment, and they are overwhelmingly powerful. That is why I support this amendment.

I am standing up for democracy, I am standing up for the parliamentary process, I am standing up for the Victorian economy, I am standing up for Victorian farmers and I am standing up for Victorian rural communities. We need the protection of this amendment in relation to any regulations or standards drafted by people out in the ether about whom we do not know anything. We need to be able to say that those standards should not apply as law in Victoria unless they meet the approval of this Parliament. We need this disallowance motion as a basic protection for Victoria. The legislation itself is fundamentally flawed, and it will be proved to be so. This amendment gives at least some protection to democracy, some protection to our Parliament and some protection to Victoria, and that is why I support it.

Mr INGRAM (Gippsland East) — I rise to make a brief contribution to the debate on the motion to accept

the amendment passed through the other place. When the legislation went through this Parliament I supported the amendment to the legislation put forward by the member for Swan Hill. I agreed with the premise that there needs to be some level of check and balance, but, with some of the debate in this place on this amendment, it is fairly easy to see that there is an election in the air.

On a number of occasions in this Parliament I have attempted to defend the rights of this place to ensure a whole raft of changes, including the transfer of powers from this Parliament to the commonwealth or to national regulatory bodies. We have had legislation which reduces the power of this Parliament to scrutinise major changes on a whole range of fronts. One of the obvious areas where we have enacted a number of pieces of legislation are the changes to electricity regulation. As democratically elected members of Parliament we have the very important obligation to ensure that the laws we pass retain for us the power to do our jobs to protect our constituents. There has been a lot of debate on this particular matter. It is important that as long as the Victorian state Parliament exists we are able to scrutinise regulatory processes or the direct legislative obligation.

This legislation is critically important to the economic welfare of a whole range of industries in regional Victoria. The rules and regulations developed under this piece of legislation can potentially have serious impacts on the future of those industries. It is important that we get it right. If the right process is put in place to develop those new rules, we will get the right outcome. The amendment proposed here is that if those changes do not meet the desires of the members of either this place or the other place, then we can block them. That is a sensible measure. It puts that extra check and balance between executive governments or a bureaucracy in Canberra to ensure that the new rules or regulations put in place meet the needs of industry, protect the way things are done in Victoria, improve animal welfare and provide other opportunities in the essential industries of the agricultural sector in Victoria.

It is a good thing that the amendment was put forward, and it is a good thing that the government is supporting it so that this piece of legislation can move forward, and those new standards that are being developed — the first one in relation to livestock transport — can be implemented. Everyone in this place would agree that it is important to have national standards and to continue to improve the way things are done, not only to protect the industry from extremists in our community but importantly also to weed out those people in sectors of the industry who do not do the right thing. The industry

needs to be seen to be standing up to ensure that it is performing in line with commonly accepted best practice models in the state. I support the legislation and the amendment, as I did in the previous debate, and I look forward to this bill being implemented.

Dr SYKES (Benalla) — I wish to make a brief contribution to this debate on the amendment to the bill. I support it for the reasons espoused by previous speakers, in particular the arguments enunciated by the member for South-West Coast. My position is based on considerable feedback from livestock producers in my community. Providing for regulations to be disallowed clearly reinforces the proper role of the Parliament of Victoria.

Given that the government had the numbers in both houses, over the years it used its numbers to push through legislation so that it could achieve its objectives, often running them through the media and just using the Parliament to rubber-stamp legislation. Now we hear the government crying foul as the upper house exercises its proper role as a house of review and sends various pieces of legislation back to be considered again because with the benefit of consideration there is clearly a need to review some of it. Certainly the people I represent and I are reluctant to accept the notion that we should give the Brumby government the power to do as it wishes and to trust it, because we have been burnt on things like the north-south pipeline.

In a previous role I had a lot to do with animal welfare interests. I managed national research into animal welfare for a number of years, and I interacted with a lot of groups that had extreme views. It is not on animal welfare that the views are extreme; it is the philosophical animal liberation view and the animal rights view we have to deal with. Those people have a great ability to present their arguments in a plausible way. If you read the book *Animal Liberation*, you will see that if you accept the first premise in the book then the rest of the argument follows logically. Regrettably people can be overwhelmed by the cleverness of the arguing and debating skills of extreme groups.

Therefore it is possible to have inappropriate regulations coming into the system, and as has been said by previous speakers, that is why we have the Parliament of Victoria with democratically elected and accountable members who need to stand up and ensure the right legislation is passed and that peoples' interests, and animals' interest in this case, are adequately protected. I support the amendment and look forward to further common sense prevailing in this Parliament.

Motion agreed to.

ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL

Second reading

Debate resumed from 25 March; motion of Mr BATCHELOR (Minister for Energy and Resources).

Ms WOOLDRIDGE (Doncaster) — I am pleased to lead the debate for the coalition on the Environment Protection Amendment (Landfill Levies) Bill 2010. At the outset I thank the minister, his staff and the department for the very comprehensive briefing we had; it was greatly appreciated. I would like to make it clear from the outset that the coalition is entirely supportive of measures which promote recycling and resource recovery and which reduce waste landfill. We also support measures that positively engage with families, communities, businesses and governments to improve the management of recyclable materials and to reduce the amount of reusable resources that are being delivered into landfill.

The coalition has a proud history of supporting and strengthening the management of waste in Victoria. The Kennett government created EcoRecycle Victoria, which has now become Sustainability Victoria. We introduced the prescribed waste levy, signed the national packaging covenant and expanded the geographic application of landfill levies across Victoria. Let us not forget the Environment Protection Authority was an initiative of a former Liberal government.

However, there are some aspects of the bill that we do not support in terms of this government's approach, and they include the lack of consultation and the lack of transparency and clarity when it comes to handling important legislation such as this and handling public policy matters. Victoria has one of the cheapest landfill disposal costs in the country. In simple terms Victoria is a cheap place to dump waste. Environment Victoria chief executive officer Kelly O'Shannassy welcomed the increased levy and stated:

... for too long the cost of dumping waste in Victoria has not reflected the costs for the environment and the community;

Reducing the amount of waste going into landfill will create better environmental, economic and health outcomes for many Victorian families and communities and for the Victorian environment as a whole.

In 2007–08 Victoria generated just over 10 million tonnes of waste. Of that, 4 million tonnes went to landfill and 6 million tonnes was recycled. The highest percentage of waste has as its source construction and demolition, predominantly concrete, and then commercial and industrial waste, particularly steel and paper. The third highest source of waste is municipal waste, but interestingly nearly half municipal waste is organic waste.

However, the highest proportion of waste going into landfill is municipal waste, and as I said, a significant portion of that is organic. It is a big generator of methane gas emissions. It is important that we reduce these emissions to ensure we can meet broader greenhouse gas targets as well. The government has promised that an increase in the landfill levy will increase efficiency and recycling by up to 33 per cent and will also create up to 700 additional jobs.

A reduction in waste going to landfill is expected to occur for two reasons. First, if households, industry and local councils are paying higher costs to dispose of waste to landfill they will be encouraged to reduce or better manage their waste through other means such as recycling, reuse or other cost-saving measures. The second important point is that local councils and the recycling sector are now to be better funded to manage waste. Education and awareness programs should be funded in tandem with improved waste management infrastructure, research and development.

The government will collect approximately \$200 million over the next five years from the landfill levy. The money will be directed towards initiatives which promote the environmentally sustainable use of resources and waste management, particularly via the Sustainability Fund. A proportion of funding has already been committed and will assist councils, the community and industry to reduce waste to landfill and increase recycling activities.

The government's \$54 million announcement will provide \$14 million for businesses to reduce waste generation, \$14 million for councils and recyclers for increases in recycling rates, \$8.5 million for councils for improved waste collection, \$6 million to combat illegal dumping and \$5.7 million for environmental agencies and waste management groups. This pool of funds is intended to encourage lower landfill disposal and assist communities, businesses and governments to work towards positive waste management solutions. I will talk a little more about that later.

The objectives of the bill are to increase recycling and reduce the amount of waste delivered to landfill. To fulfil

this objective the Environment Protection Act 1970 will be amended to increase municipal and industrial landfill levies. To summarise, municipal landfill levies in metropolitan Melbourne will increase from \$9 per tonne to \$40 per tonne by 2011–12. In rural areas municipal levies will rise from a current rate of \$7 per tonne to \$20 per tonne by 2011–12. Industrial landfill levies in metropolitan areas will increase from a current rate of \$15 per tonne to \$40 per tonne by 2011–12, and rural areas will also see a rise in their industrial landfill from \$13 per tonne to \$35 per tonne in 2011–12. Levies in metropolitan Melbourne will experience an initial increase of 233 per cent for municipal waste and 100 per cent for industrial waste in the first year. For rural areas the increases will range from 114 per cent for municipal waste and 92 per cent for industrial waste.

The bill is very short; there are only four clauses. I do not know whether that sets a record in terms of the shortness of a bill. Importantly there is a lot of detail to be found in a government press release which was issued on the same day the bill was introduced. I will take a moment to talk about the levy increases. While the legislation projects levy increases for the next two years, the press release sets out landfill levy charges for the next five years. According to the minister's press release Victorians should expect an annual increase in their landfill levy each year for the next five years.

The increases for the next two years are in the bill. According to the press release, the increases represent a 10 per cent rise each year from 2011–12 to 2014–15. The government has promised an interim review into the impact of the levies. Many of the people I talked to in the process of consultation about the bill believed there would be two years of increases and then the review would determine subsequent price rises. However, the fact is that the subsequent three increases are set at 10 per cent. The government is not required to return to the Parliament to do this, as it is permitted under the regulations to impose increases of up to 10 per cent.

Those increases will happen as a matter of course and not as a result of the review in two years time, so it is absolutely critical that this review is genuine and transparent. Future increases must take into account the outcomes of this review and the way waste is being managed in Victoria. I certainly encourage and look for the commitment of the minister to that review being genuine, open and transparent so that it may assist in ensuring that those future rate increases — which have already been announced and are able to be enacted — have the desired outcome.

To reiterate my earlier point, we are entirely supportive of measures which reduce waste to landfill. Having said that, we do have some reservations and concerns about the government's handling of this legislation. I will use this opportunity to present the views of many individuals, businesses and local government bodies which I have approached and which have approached me. I thank them all for their very thoughtful contributions to this legislation and policy.

The first area is local government. The government's decision to increase the landfill levy has unfortunately angered local councils right across Victoria. Councils and councillors see this levy as yet another attempt by the state government to interfere in local government matters and impose more costs on currently cash-strapped councils. The president of the Municipal Association of Victoria, Bill McArthur, believes that, and I quote:

... the majority of landfill levies collected by councils through garbage charges for kerbside collection services and gate fees to dispose of waste have not been reinvested by the state into local waste management and resource recovery initiatives.

While councils will be responsible for the collection of the levy, the reality is that the funding from the increased levies will end up back in state government coffers, with the intention of being reinvested into state government programs and initiatives. Elected councillors fear that any resulting community disapproval will end up having heavy political repercussions in their municipalities. The mayor of the City of Banyule, Wayne Phillips, stated:

When we collect that charge it will read as a municipal charge so people will think that we are getting the money ...

The state government should be collecting its own taxes and not us.

Similarly, the president of the Municipal Association of Victoria stated that councils:

... faced the brunt of community backlash for the hidden costs of complying with state policy, regulation and levies.

Another major concern for councils is the timing of this legislation, which has left them with very little time to plan their upcoming 2010–11 budgets. Most local councils maintain that they first heard of the proposed increase in the landfill levy when the minister introduced the bill into the Parliament in the last sitting week. Given that councils are currently in the process of finalising their budgets for the 2010–11 period and they are about to go out for public consultation, as they are required to, many will be forced to make hurried changes which will result in last-minute rate rises for

Victorian families and increased gate fees at transfer stations.

I have in front of me a copy of a letter addressed to the Premier and signed by the mayor of the City of Knox on behalf of the eastern region mayors. The letter states:

... in some municipalities there will be a need to increase rates by more than 1 per cent in 2010–2011 to offset the increase, together with the significant increases in gate charges at transfer stations.

While the government estimates that household charges will increase from \$4 to \$13 a year in the first year, many councils believe families will be paying close to \$20 a year, a 400 per cent increase. And of course these charges will become higher in later years as further increases flow through. The mayor of the City of Whittlesea is also concerned. He stated:

Whittlesea's current socioeconomic disadvantage will be augmented further by the state government's major increase to the landfill levy ...

The minister should seriously consider whether financial compensation should be provided to councils for the upcoming budget year given the inappropriate time frames for the 2010–11 budgets in terms of understanding the costs the municipalities will have to bear.

My colleagues and I have received many emails, letters and press statements from upset councillors who are frustrated with the government. The sad reality is that this backlash from local government could have been avoided if the state government had bothered to consult. In the bill briefing we asked what had happened with the consultation. What is very clear is it has been a passive process. Any council or organisation that contacted the minister's office or the department was happily dealt with and included, but there was no proactive consultation asking for people's views, particularly those of people who will be affected by this legislation. I have to say that, in reading the history of these debates on the environment and particularly landfill levies, failure to consult has been a very common theme over the course of this government.

Too often we see Labor ministers trying to impose laws with little or no consultation, or with the pretence of it. We have seen some spectacular examples of that in the other chamber. The government seems to be surprised when the parties do not then necessarily fall into line. We must stop this dictatorial approach. This legislation makes the councils a key agent in implementing the government's waste policy, and the government should have consulted them appropriately.

I want to talk briefly about the impact on the recycling sector. In my process of consultation on this legislation I realised that the government's reluctance to consult on the levy increases was not confined just to local councils but also included business and industry groups. Victoria has a number of companies which recycle and treat material that would otherwise go to landfill, yet major companies were never formally approached by the government despite the obvious impact of the legislation on them. For example, the Australian Industry Group (AIG), the peak body for many businesses in Victoria, approached the government. As a result it played an important part in the negotiations and in achieving this result, but it was not formally consulted and it required its then approaching the government for it to be included.

In relation to the proposed increases, Tim Piper from the AIG stated that they were not unacceptable but said:

What we got was only satisfactory to an extent. The \$30 we can live with ... but we will be concerned when it increases well beyond \$30. In this climate, with the dollar as it is, these types of increases will hit some companies very hard.

The AIG and the opposition will be watching the government to ensure that Victorian businesses do not become uncompetitive as a result of the levy increases that we will be seeing under this legislation. The impact of levies is also covered in a report to the Environment Protection Authority (EPA) by Warken Ise and Marsden Jacob in 2007. The report examines the impact of landfill levies on the steel recycling sector in Victoria. The metal recycling companies across the state are taking positive steps to significantly reduce the amount of waste that ends up in landfill, but excessive increases in the landfill levy without sufficient investment in research and development and improved waste management infrastructure could be damaging for the industry. The report to the EPA found that the doubling of the levy on industrial waste from \$15 to \$30 per tonne could impact adversely on aspects of the steel recycling sector and lead to an increase in some materials that would otherwise be recycled going to landfill in regional areas. Increases beyond that would have an increasingly severe impact on steel recyclers' operations.

The steel recyclers are also concerned that the increase in the landfill levy will result in an increase in illegal dumping as people try to avoid the higher costs of disposing of waste material and that it will no longer be viable, particularly for waste from more remote parts of the state which requires significant transportation, to be recycled as part of their processes. Another concern is about the shipping of materials such as car bodies to

cheap and poorly managed landfills offshore, and there are no levies on these exported unprocessed materials.

It is important for the government to ensure that the increase in the industrial levy does not adversely impact on the material recovery rates or result in waste being diverted from recycling companies to cheaper offshore landfills. Fraser Brindley from Environment Victoria also raised the need to consider providing recycling industries with a rebate in the event of substantial levy increases. He claims that if you have a high landfill levy and a recycling business that has a high amount of residual material, it can provide a disincentive for industries to recycle and cut across the economics for running a recycling business.

Similarly the campaign director of the National Recycling Initiative, David West, last year wrote to the Premier warning that an excessive increase in the landfill levy could act as a deterrent to recycling if the cost of sending residual material to landfill outweighed the income from those recycled materials. He points to New South Wales, where the cost of disposing of recycling residuals has become so high that waste levies are starting to render some recycling initiatives unviable. The government must ensure that a significant amount of the funding collected from the levy is reinvested into the recycling industry to better support it in developing sustainable waste management infrastructure and processes.

That gets me to the use of the funds raised. As I have said, the state government will receive approximately \$200 million over the next five years from landfill levies. The reality is that the levies will be collected from many landfill sites and transfer stations right across Victoria, and it will be difficult to accurately track both the amount of money collected and the subsequent use of those funds. This Labor government has a track record on failing to reveal where taxpayers money is being spent, and we do not have to look too far for examples. The government did an embarrassing backflip on the Hattah-Nowingi toxic waste facility, and this resulted in Labor increasing the levies on the prescribed industrial waste. This created a pool of funds equalling tens of millions of dollars. The vast majority of that money is sitting with the EPA, and there has been little or no transparency when it comes to revealing where the money has actually been spent.

I am seeking assurances from the minister that the millions that will be collected from household and industry waste will be invested in a way that is both appropriate and transparent. So far we have had announcements in relation to \$54 million of funding, which leaves approximately another \$150 million on

the table. The government has said it will be used to tackle climate change and to protect the environment, but we want to make sure it is not just a licence for the government to fund its pet projects; it needs to be reinvested to ensure we achieve our recycling objectives and reduce our waste to landfill.

The other thing to be concerned about in relation to this funding is that the government will use it to fund core government processes. For example, part of the commitment of government has been \$6 million from the levy for a strike force to address illegal dumping. We certainly need to attack illegal dumping, and there are concerns that the increase in the levy will increase the amount of illegal dumping. Surely the policing of the laws of this land is core government business and should be funded through core government revenue, not from this increase in the landfill levies. We need to make sure that innovation, retooling, new investment, new collection and sorting, kerbside collection and consumer education are supported to achieve our next level of recycling and waste reuse and that the money is spent well to achieve that.

One of the key objectives of increasing the landfill levy is to reduce the amount of waste going to landfill. The government expects to see a 33 per cent reduction in the amount of waste that goes into landfill. Much of this is based on modelling from the EPA. This is a commendable target, but there is little to suggest that the levy increase on its own will lead to a change in attitudes and a change in management, particularly among households, which is going to be needed.

The Towards Zero Waste strategy of the government produces a progress report. The report for 2007–08 shows that not only has Victoria stagnated in recent times in terms of getting any real reduction in the amount of waste going to landfill but also that current trends indicate we are not on target to meet the government's 1.5 million tonne reduction in solid waste generation. It also shows that in the last year our resource recovery rate dropped and there has been an increase in the solid waste disposal to landfill. If we have any hope of achieving the 33 per cent reduction in waste to landfill, we need everyone to be focused on waste minimisation and on ensuring that householders particularly are educated and assisted in managing their waste.

A second objective of the legislation is the creation of 700 additional jobs over the next five years. This figure is based on research conducted by Access Economics which indicates that for every 10 000 tonnes of material that is recycled more than nine jobs are created. Victoria has a dynamic recycling and resource recovery

industry, and we need to draw on this growing industry to leverage job growth, new skills and innovation. The government can make all the commitments it wants about green job creation, but without any detail or genuine frameworks it is hard to imagine how those 700 jobs will materialise. Labor's much-touted Jobs for the Future strategy is now more than a year overdue, and without a clear vision for green jobs Victoria is at risk of being left behind and of not taking advantage of potential green jobs for the future.

I want to take a moment to have a look at the impact of this legislation on regional landfills. My colleagues — and I am sure we will hear from them in more detail later — from electorates that border New South Wales have raised an important issue regarding the implications for northern Victoria of the increase in the landfill levy. Even after the levy increases Victoria will still have lower landfill charges than does New South Wales. Just last week the New South Wales government increased its waste levy even further.

However, this levy only applies to landfills related to the Sydney region and surrounds. Landfills in southern New South Wales do not charge levies at all. A concern for many regional Victorian recycling businesses is that the increasing cost of waste landfill in Victoria will make it more tempting for people to cross the border to New South Wales and dispose of their waste in New South Wales landfills where they will not have to pay the levy.

As attractive as it might be to send our waste over the border, what we know is that New South Wales landfills, particularly in country areas, have lower level EPA requirements and regulations, and as a result we will achieve poorer environmental outcomes. The Victorian government needs to work with the New South Wales government to address these differentials in cost and make sure that our waste is being dealt with appropriately.

Over successive years progressive state governments have done much to manage waste in a better and more sustainable way, but one idea that has been rejected by this government is container deposit legislation. Container deposit schemes are proven to boost recycling rates and reduce litter, and one has been operating effectively in South Australia for 30 years.

Last year the coalition supported legislation introduced in the other house allowing the use, sale and recovery of beverage containers to be regulated and funded through a levy. This bill was passed by the Legislative Council, but Labor vigorously opposed it and

arrogantly refused to debate the legislation in this chamber.

This government has spent a decade neglecting Victoria's waste deposit industry, and it has repeatedly opposed any attempts to implement container deposit legislation. The national litter index shows that Victorian local councils spend more than \$70 million cleaning up litter, and drink containers comprise about 30 per cent of the total volume of litter. A national container deposit scheme would be not only greatly beneficial to the environment but also incredibly positive for the communities and community groups across the country that would generate funds as a result of it.

To sum up, I reiterate the coalition's support for positive measures to promote recycling and resource recovery and to reduce the amount of waste going to landfill. Victorians should be proud of their efforts as recyclers. As a community we have made considerable progress towards increasing our recycling and resource recovery efforts to better protect the environment and ensure it is sustainable. We support further measures, particularly the investment by the state government, alongside councils, businesses and community organisations, to make sure this can be achieved.

However, we have a number of concerns about the way the government has introduced the bill and about its potential impact. We will not oppose the bill, but we think it is important that the government considers carefully the concerns I have raised and those that will be raised throughout the course of the debate. We hope that in this chamber members opposite will respond positively and thoughtfully to the concerns raised and that the minister in the other place can provide some of the assurances that we have sought through this process. I commend the bill to the house.

Mr CRUTCHFIELD (South Barwon) — It gives me great pleasure to rise to speak on the Environment Protection Amendment (Landfill Levies) Bill 2010. I thank the member for Doncaster, the part-time shadow Minister for Environment and Climate Change, for her support. There are about 201 bones in the human body. After that dissertation, in which the member for Doncaster actually supported something green, I think there must be one green bone in her body. I suspect it is the scaphoid bone, which is a delicate bone that breaks under some pressure, such as the pressure that has been put on the member for Doncaster in respect of some environmental issues such as national parks, dams everywhere and a return to alpine grazing, on which she has been resoundingly silent.

I welcome the member for Doncaster's turn to supporting something environmentally sound. I agreed with most of her dissertation. I do not know whether the opposition leader in New South Wales would support what the member for Doncaster is clearly advocating — that is, an increase in landfill charges in rural and regional New South Wales. Whilst I agree with that, I am certain that Barry O'Farrell would be perturbed by her interest in New South Wales landfill charges.

Whilst I support the sentiment, the debate is about what we are doing in Victoria. I note that the opposition is supporting this important legislation. The member for Doncaster touched very briefly on why it is before us — that is, because the prescribed increase is above 10 per cent. It cannot be dealt with through regulation and therefore has to come before the house, and that is where we are at today.

I note the member for Doncaster's confusion on the history of landfill charges and rates that councils impose. You do not have to have a very long memory to remember the Kennett government, which foisted significantly larger charges on metropolitan and rural councils and did not in any way, shape or form return the levies to the communities as we do currently. This government has made a record reinvestment of landfill charges and levies in both metropolitan and rural municipal areas. The bill is about achieving efficiency of resource use and reducing waste. Yes, some small charges will be imposed on residential waste for those people who go to landfill sites, which not everyone does.

What is significant for councils — and I was a councillor in the City of Greater Geelong, which always had this debate — is that this increase in charges will act as an incentive for waste reduction, which will mean that in the long term the infrastructure that councils have to build will be reduced. There will be not only environmental advantages for communities across Victoria but a clear economic advantage for councils. Councils like to focus on the charges they have to impose, but they receive significant benefits. I think the majority of councils support this charge. They understand its benefits to their communities, from both an environmental and an economic perspective.

I do not share the member for Doncaster's rather obscure view about consultation. I do not know what sort of consultation she undertook. As Parliamentary Secretary for Environment, Water and Climate Change, I do not remember receiving a single email from a councillor concerned about these levies. In fact I have had very positive conversations with the Surf Coast

Shire Council and the City of Greater Geelong about their very good records in terms of diversion rates from kerbside services. If I can digress very quickly, I congratulate those two councils.

On the league table of kerbside services for councils across Victoria, the top three are: firstly, Nillumbik, with a diversion rate of some 64 per cent from kerbside services; secondly, Moyne shire, down Warrnambool way, with a diversion rate of 60 per cent; and, thirdly, the City of Greater Geelong. Surf Coast shire, as a regional municipality, if you like — being certainly not a rural council — is eighth in the top eight.

The councils in my area are well aware of the benefits of educational programs in relation to their kerbside recycling programs. I congratulate Surf Coast Shire Council in particular because its program is a relatively new initiative. I say to that council that its residents have spoken very strongly about that in terms of where it sits on what is really a league table, albeit one that is some 12 months old.

Where we are at with respect to this bill is an increase in the levy, but importantly it is also about investing revenue raised from that levy in new facilities and indeed attracting new technologies. In the short time that I have left to speak on this bill, I want to touch on a press release from Environment Victoria dated 24 March. It says under the heading 'New landfill levies will boost recycling and ease landfill burden':

Environment Victoria has today welcomed moves by the Brumby government to increase landfill levies and called on all parties in the Parliament to support the new levy schedule.

I will not speak much further on this, but I want to bring to the attention of the house an important background document. For the benefit of those who have not seen it, it is from the Boomerang Alliance, which includes the Australian Conservation Foundation, most of the conservation councils in each of the states, Clean Up Australia, Friends of the Earth, Greenpeace et cetera. In this document the alliance congratulates the Brumby government on its endeavours. Importantly the alliance has included a comparison chart in the backgrounder.

Unfortunately the chart includes only metropolitan areas, but it gives a sort of taster for what is happening in each of the states. It shows Sydney has a levy of some \$47 per tonne, Perth is next at \$27 per tonne, and Melbourne is down there at \$15. Brisbane in fact is hardly on the Richter scale in terms of charges — it is a long way behind that. I will quote very briefly from this backgrounder. The Boomerang Alliance states:

Victoria is a leader in waste diversion and has invested heavily in recycling; lifting its recycling rates to 63 per cent, well above the national average. Yet environment groups, local government and industry recognise that more needs to be done.

It then refers to the comparison table and why it supports this particular increase. It states:

It is welcome news that today the government has announced that from 1 July 2010 the levy will be increased to \$30 a tonne in metropolitan Melbourne.

The alliance goes on to talk about what it argues will be some half a billion dollars in new public investment that this will attract. It is an attractor, a price signal, to those businesses from the private sector that have the technology and willingness to invest in new recycling facilities and those new technologies. The alliance argues it will contribute close to 1300 new direct and indirect green jobs. It is not a figure the government has plucked out; here is an independent view from a very reputable organisation that talks about the deliverability of jobs for Victoria. That is quite significant in both an economic and an environmental sense.

I know we have committed to a review in the next year or so, but the alliance supports a review that looks at further increases in the levy as long as the majority of the significant dollars that this brings are reinvested in local government.

Mrs POWELL (Shepparton) — I am pleased to speak on the Environment Protection Amendment (Landfill Levies) Bill 2010. As other speakers have said, the purpose of the bill is to amend the Environment Protection Act 1970 to increase municipal and industrial waste landfill levies, and those increases will commence from 1 July this year.

The government has said the intent of the levy increase is to reduce the amount of waste delivered to landfill. That is one of the reasons the coalition will not be opposing this legislation. We all understand the importance of reducing waste to landfill and increasing communities' opportunities to recycle and to divert waste from landfills. As a former local government councillor, I understand the continuing worry about landfills rapidly being filled up and the need to make sure we can divert some of that waste into other areas such as reuse and recycling. It has been an ongoing issue for councils, so we are pleased to see there is in some measure an effort to try to reduce waste going to landfills.

The levy is expected to raise about \$200 million over five years. We are being told that is to be directed towards initiatives which promote environmental

initiatives and environmental management. We understand \$54 million of that funding has been committed. We believe there needs to be transparency about where the other funding is going. There have been some concerns from councils and the MAV (Municipal Association of Victoria) regarding transparency about where the current levy goes — whether it goes into the bureaucracy or indeed into initiatives to enforce environmental management and to support councils in their efforts to try to reduce landfill.

As the shadow Minister for Local Government, I have a number of concerns about how this legislation will affect municipal councils. They are the responsible authority for managing landfills and kerbside recycling, and also the education programs to inform the community about what services exist to increase the effort to reduce the amount of waste that goes into landfills. We do need to reduce that waste, but there will be a huge impact on local government at the moment.

I am being told by local councils — and I did write to all the Victorian councils and the two peak bodies, being the MAV and the VLGA (Victorian Local Governance Association) — that some of the concerns are about the immediacy of this increase. This will have a huge impact on councils' budgets. Councils have been preparing their budgets since December last year, and in fact many of them are now going to their communities with those budgets and asking them what they think about the budgets. This increase that they did not know about will mean an increase of up to 1 per cent in their rates.

Councils know the tonnage of waste that goes to landfill and they have been using the current levy. Now they will have to find the money to pay the new levy which will apply from 1 July this year. That will mean a huge black hole for some councils. I have been told that for some of the larger councils it could mean a black hole of up to \$1 million. There is a need to make sure those councils do not have to bear that cost.

The landfill levy increases are fairly substantial. The municipal levy in metropolitan areas will increase from \$9 a tonne in 2009–10 to \$40 a tonne by 2011–12. In rural areas that increase will be from \$7 a tonne in 2009–10 to \$20 in 2011–12. For industrial waste in metropolitan areas it will mean an increase from \$15 a tonne in 2009–10 to \$40 a tonne by 2011–12. In rural areas the increase will be from \$13 a tonne in 2009–10 to \$35 a tonne in 2011–12. And the levy will increase significantly until 2014–15.

I will refer to some of the comments from a couple of the councils. Time does not permit me to read from all of the some 16 letters I received from councils about their concerns, and they have many. One of the letters is from Lyall Bond, the environmental service coordinator for Corangamite Shire Council. In part his letter says:

This levy increase has the potential to cost our community jobs. The landfill currently employs four full-time and two part-time employees who will not have jobs if the landfill does not receive enough waste to remain viable.

The letter goes on with other issues, but I will not continue with those.

I will read from the letter from the Shire of Strathbogie about one of its issues with the levy. The letter is from David Westphalen, the director of asset services, who says:

Council already has an ongoing problem with solid waste being dumped on the roadside and expects that with such large levy increases, the incidence of this illegal dumping will increase.

The letter goes on to say:

Council believes that the net effects of such large and arbitrary levy increases are to add to the financial stresses already punishing our community while increasing the extent of illegal dumping and compromising the objective of reducing solid waste impacts on the environment.

Those are just some of the issues. A number of councils have raised with me the issue of illegal dumping. They are saying that it will increase, and while the government has put \$6 million into a strike force to address this illegal dumping, there will be options where illegal dumping will not be able to be substantiated. People are dumping rubbish in park sides and into rivers, which may not be seen.

The cumulative effects will be significant. Building costs will increase because builders will pass on the cost increases of putting their waste into landfills. Businesses will also pass on their increased costs.

There is also an issue with unlicensed landfills, which do not collect levies. The volume of waste going to unlicensed landfills will increase. We need to make sure that the EPA, while it understands where they are, looks after and monitors those unlicensed landfills to make sure there are no environmental costs.

As I said before, there is also a question of how much of the levy will be returned to councils. They do not know how much is currently going to waste reduction programs. I was told by the MAV president, Mr Bill McArthur, that the MAV board recently resolved to send letters to all Victorian councils advising them to

show the increased landfill levy as a separate line item and to identify it as a state government levy. There will be a huge backlash from the community, and the councils and the MAV know that. They are saying the community cannot blame them for the increase in levies. The councils have been asked to delete garbage collection as part of their rates and put it as a separate line item to say that it is a state government levy. This is another cost shift from the state government onto local government, and frankly local governments are getting sick of it.

There has been very little consultation with councils and local government organisations. They knew it was coming, but they did not see the final draft, they did not see the final amounts and they were not told it was coming in so soon. It has a huge effect, as I said earlier, on their budgets. It also makes a mockery of the Victorian state-local government agreement which was signed on 14 May 2008. I will quote it in part. It says:

The Minister for Local Government on behalf of the Victorian government and the president of the Municipal Association of Victoria on behalf of Victorian councils ... enter into this agreement ... to strengthen state-local government relations by building a collaborative working relationship between state and local government and improving communication and consultation.

The councils are now realising this is just a piece of paper that means nothing. The government said it would evaluate the performance of that agreement on an annual basis. It is almost two years now and there has still not been any review of whether it is working.

The government has committed to doing a review of the waste levies. This should be a genuine review. We will be asking the government to look at the impact on councils, communities and businesses and whether in fact the environmental outcomes have been achieved. As I said, while the coalition welcomes any environmental effects efforts to reduce waste, it has concerns about the lack of consultation and transparency with local government and communities.

I urge the government to talk to local government, the communities and environment groups and make sure that the levies it is putting in place actually do what it says they will do. This is an issue where the government needs to come on board with everybody and not consult after it has happened. There could be some unintended consequences. Illegal dumping could be one of those unintended consequences. Councils have put a lot of effort into making sure that people do not illegally dump by issuing penalty notices, putting out educational material and talking to people about what can be recycled and reused. Let us not waste that

initiative. Let us make sure these levies do the things they should do. We do not oppose this bill.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Environment Protection Amendment (Landfill Levies) Bill. What this bill does is demonstrate this government's commitment to reducing our impact on the environment. The government has a great record of reducing waste and encouraging recycling. It is incredible to consider the way in which the Victorian community has embraced kerbside recycling. The Victorian public knows we have to reduce the amount of waste going to landfill. It knows we need to do more to recycle the things we use. As a society we have more and more waste, and we have to reduce that waste.

The rate at which we have been able to divert waste material from landfill has increased from 43 per cent about a decade ago to 61 per cent in 2007–08. There has been a great increase in reducing waste and diverting it from landfill. However, in the last three years the amount of waste diverted from landfill has plateaued. We must do more to divert that waste, because we know there will be an external cost to the environment if we do not. To not cost this properly by not taking the environmental cost into account is the wrong approach.

That is why we have introduced this bill: because the current levy is far too low to substantially reduce the volume of waste sent to landfill in the future. At the moment we have levies of around \$9 per tonne in metropolitan Melbourne and \$7 per tonne for municipal waste in rural Victoria. For industrial waste it is \$15 per tonne in metropolitan Melbourne and \$13 per tonne in rural Victoria. Those rates, even by the opposition's own admission, are far below those of all the other mainland states of Australia that have these levies — New South Wales, South Australia, Western Australia and the Australian Capital Territory. By the coalition's own admission, these levies are low. The levies are too low to create a significant pool of funds to invest in resource recovery. They are too low to generate new jobs in recycling and too low to provide an active disincentive to people just dumping this material into landfill.

What we need to do is change these practices because at the moment it is easier to chuck it than change our practices. That is why from 1 July 2010 the levy for every tonne of municipal waste is going to increase to \$30 in metropolitan Melbourne and \$15 in rural Victoria, and \$30 a tonne for industrial waste in metropolitan Melbourne and \$25 a tonne in rural Victoria. The levies will be increased progressively

over the following three years to 2014–15, subject of course to review. The levy will achieve the two main objectives which we have to achieve. It will encourage all of us to minimise our waste; it will encourage greater reuse and recycling of resources and it will promote new investment in alternatives to dumping waste in landfills. These are important objectives.

Many councils over the years have sought to examine ways in which they can create jobs out of resource recovery and recycling, and to a certain extent they have. Over 20 years ago when I was working on a neighbourhood employment development program with the Frankston City Council we sought to look at how jobs might be created out of waste recycling and reuse. The fact is that it was not viable to do that unless you put a cost on the dumping of that material in landfill. Higher landfill levies will fulfil this objective because it is estimated that in the first year of the levy the amount of waste going to landfill will reduce by 850 000 tonnes and will then increase to 1 million tonnes in subsequent years. That is a reduction in annual volumes of waste sent to landfill of 33 per cent. That is a very significant reduction and one that all parties in this Parliament should be supporting.

Today we know that there is money to be made out of recycling waste. Companies like Visy and Amcor have built business empires out of recycling cardboard and paper. We know there is money to be made out of rubbish. That is backed up by Access Economics, which tells us that for every 10 000 tonnes sent for recycling every year over nine jobs are going to be supported in that industry.

The member for Shepparton said she was concerned about the number of jobs at the municipal tip being reduced. To the extent that jobs may or may not be reduced at the local municipal tip we know that if 10 000 tonnes are taken out of the local municipal tips there might be three fewer jobs supported but nine jobs will be supported by recycling that waste. Three times the number of jobs the member for Shepparton is worried about are going to be supported in the waste recycling industry. The government estimates, based on the work of Access Economics, that we are going to be able to support at least 700 new green jobs in the waste industry by 2014–15. That is a significant addition to the 2000 people already employed in the recycling industry. I say to the member for Shepparton: let us look at jobs for the future; let us look at jobs that are going to reduce our waste and our impact on the environment, instead of supporting jobs which support an old model of dumping this waste into a landfill without regard for the environmental consequences of that action.

The funds generated through the levy are of course going to be invested in order to assist business and councils to reduce waste and support them and recyclers with new resource recovery investments and initiatives. A total of \$28 million is going to go into that area. In addition, \$8.5 million will be invested in assisting metropolitan Melbourne and regional Victorian councils to implement best practice in waste collection and management systems. There will be a further \$6 million invested in establishing a strike force to address illegal dumping and \$5.5 million to clean up existing contaminated sites. I say to the member for Shepparton that yes, of course there is the threat of illegal dumping, but there is the capacity to catch those illegal dumpers, to impose substantial fines on them and provide an active deterrent through the funding generated by this levy to ensure that dumping does not occur.

The member for Doncaster suggested that there was a lack of consultation with industry and local government. That is not borne out in the responses by key stakeholders to this levy — for example, the CEO of the Australian Industry Group, Tim Piper, in response to the announcement of the levy, said:

Business never wants to see unnecessary cost increases, but the government has listened to the need to keep costs lower and provide assistance to help business reduce waste.

Overall the Australian Industry Group welcomed the initiative.

The Victorian Local Governance Association, a peak body for local government, also supported the increase in the levy. The member for Shepparton suggested that somehow this is some catastrophic impost on local government, that somehow this will be an unnecessary burden on local councils. The government estimates that this will increase the rate bill of every ratepayer by an average of 20 cents a week, which amounts to \$9 a year. I do not think that is going to be an overly burdensome impost on local ratepayers.

I do not believe Victorians think reducing and removing over 1 million tonnes of our waste from landfill is not worth 20 cents a week. I believe that Victorians will support that minimal increase because they know we need to reduce that waste going to landfill. We need to have more sustainable practices, we need to ensure that we are protecting the environment and we need to be doing more to support recycling. I commend the bill to the house.

Mr MORRIS (Mornington) — The bill before us is about as simple a piece of legislation as you can get. It amends one schedule — schedule D — of the

Environment Protection Act and ups the rate of the landfill levy. In the case of the densely settled areas of the state, the increase for municipal waste is a modest 330 per cent — and I say that with some irony! — with a mere doubling of the rate for the disposal of industrial waste. In the rural areas of the state those rates basically double. Of course then there will be another whack in July 2011. If we look at the history of the rate from the time the schedule was inserted into the act in 2002, we see that the rate has gone from \$4 on 1 July 2002 up to \$40 by the end of 2011, a 1000 per cent increase. If you go back to the original levy, the levy that was imposed by the 1992 legislation, that is a 2000 per cent increase.

Despite the relative simplicity of the legislation, that obviously raises a considerable number of issues. The first is the level of the increase itself and whether that can be justified in any way at all — I am not talking simply in terms of the consumer price index and whether it can be justified in terms of its effectiveness — and what it achieves in terms of market signals. Is it going to provide a useful market signal? Is it going to promote recycling? Is it going to reduce waste going to landfill? There is the issue of the effectiveness — whether a similar or better outcome could be achieved by other means. There is the issue of the administrative costs — the impost on local councils will likely be considerable — and whether this places an unfair burden on local government or particular groups within the community. I think there is a very real chance it will do that. Another issue is whether there are more effective alternatives: whether this whole process could be improved and dealt with in another way. Finally, and particularly, there is a lack of transparency.

I had occasion to go back and look at the second-reading debate on the introduction of the original amendments to the Environment Protection Act in 1991. It was interesting to see that some things never seem to change. At the time the opposition was rightly concerned about the lack of consultation. There was a very short time frame — probably luxurious by our standards — of three weeks to deal with the original bill. Fortunately the numbers were slightly different. The opposition was able to slow down the process and conduct some meaningful consultation. In fact it pushed the government into some meaningful consultation and improved the bill considerably. I remember it very well.

At the time I was a councillor at the then Shire of Mornington, and we had just been through the process, or were in the process, of dealing with the imminent closure of the Mount Eliza tip. We thought we had five years to go but conditions changed and all of a sudden

we had to find an alternative. Disposal of waste was very much at the top of my mind in 1991. We got around that problem by joining the South Eastern Regional Refuse Disposal Group, as it was then, but it certainly added to our cost.

I well remember while on a plane on the way to an Australian Local Government Association conference in Hobart reading through the bill and the details of the legislation and trying to figure out what the impact was going to be for the Mornington community and also for the wider community because of my role with the Metropolitan Municipal Association. Ultimately the bill had bipartisan support, albeit with some 174 opposition amendments, which the government accepted wholesale. That bipartisan support remains today. This is an issue we need to grapple with.

At the time the Shire of Mornington achieved substantial improvements, not only in terms of that landfill levy but also through the introduction of a kerbside recycling service and a vegetation disposal service. From memory we cut the volume of waste going to landfill by somewhere between 30 per cent and 40 per cent, which just goes to show what can be done in very short order. I was pleased to hear the parliamentary secretary refer to the Mornington Peninsula Shire Council's performance in recent days.

Is it important to reduce landfill? Of course it is. There are potential hazards, whether you are talking about issues like Brookland Greens — and I certainly do not wish to dwell on that — gas hazards or groundwater hazards and the contamination of streams. The second reason it is important is because a lot of the resources that would otherwise go to landfill can be recovered and used again, whether they be plastic, paper, glass or whatever. It is an incentive to remove the more toxic elements such as the nasties that you get in batteries and electronic equipment and all those sorts of things. During the decomposition process putrescible waste breaks down and generates various gases and so on. Of course it is a good thing to reduce landfill. As I said, it has had bipartisan support since the original amendments to the Environment Protection Act in 1991 and 1992.

In the time remaining I want to refer to some local government issues. The member for Shepparton referred to comments made by the Municipal Association of Victoria, and I simply underscore those. In this process local government once again becomes a collection agency for the state and there is a very clear attempt to mask this very substantial tax increase as a rate increase being imposed by local government. I

have a number of comments from various councils around the state, and I will refer to them briefly.

A submission was received from the Macedon Ranges Shire Council indicating there will be an additional \$10 charge per household for the annual cost of the garbage collection service and that about \$81 000 will be added to the cost of operating transfer stations.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr MORRIS — Before the break I was talking about the responses from some councils to an inquiry from the opposition. The City of Whittlesea has responded, indicating that it is concerned that its current socioeconomic disadvantage will be further aggravated by this increase in the landfill levy, and I expect that is accurate. The City of Whittlesea also has concerns about the lack of consultation, with the state government once again using local government as a collection agency. It is concerned also that the increase will place a further burden on the municipality's already high dumped rubbish and litter collection costs, which are more than \$1 million a year. Moreland City Council is concerned that it will add about 1 per cent to its rates. Similarly the City of Frankston has identified it will cost an extra \$600 000-plus in the first year and more than \$800 000 in 2011–12, an effective 1 per cent rate increase.

We must continue to reduce the volume of waste going to landfill — there can be no alternative — but this 330 per cent increase in the landfill levy is an extremely blunt instrument. The efficacy of the instrument is at best doubtful. It may well be that this sort of increase does in fact reflect the cost and provide the necessary price signal to ensure that the maximum amount of waste is diverted. I certainly hope so, and I hope the predictions of Kelly O'Shanassy and Environment Victoria are proved correct.

But once again the government has failed to consult, it has failed to justify the amount it is charging and it has failed totally to explain its plan. There is an alternative. I urge the government to consider the views expressed by the opposition and local government and to use the potential delay while the bill is between the houses to engage in meaningful consultation with local government and have some serious discussion with the community, because this is just not on the community radar at all. If the government is prepared to take that opportunity and pick it up, we will get the best possible outcomes. That is what can be achieved, and I hope the government will accept the opportunity that is offered.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to make a few brief comments in support of the Environment Protection Amendment (Landfill Levies) Bill.

As we all know, this is a good bill, reflecting as it does the government's commitment to working to implement a sustainable future and stimulating new and innovative sectors of economic activity and jobs for Victorians. Perhaps most of us here know that this is a good bill, because although we hear from those opposite that the bill is supported, you would not know it from some of the contributions we have heard from them so far. Indeed, as we have heard from the contribution on this issue by the part-time shadow environment minister, she could not have got it more wrong if she had tried. You would hate to hear her if she was actually opposing the bill! But supporting the bill those opposite are — being dragged kicking and screaming to this outcome here tonight. As usual they seek to be everything to everyone but ultimately of course are nothing to anyone.

We have heard from a number of those opposite that they have a great history on matters of recycling and environmental responsibility, but what do we see now? We see a shrunken and hollow shell of a badly led and lazy leadership team promising everything to groups, and when it runs into difficulties, as it does, ducking and weaving.

Let us consider just a couple of the contributions to this debate that we have heard so far. The member for Doncaster in her response criticised the bill for funding through its proposed levy increases the strike force on illegal dumping. These comments continue to reflect her lazy, part-time commitment to her shadow responsibility portfolios. What she fails to appreciate, as reflected by those comments, is that it is indeed a well-accepted principle that funds raised by dealing with environmental problems are then reinvested to deal with those same environmental issues. This is a principle that those on all sides of this house when they have been in government have reflected in their activities.

Then there was the contribution of the member for Shepparton who, even though she also apparently supports the bill, criticised it because she saw that there might well be jobs lost in council depots and dump areas as the waste levies are increased over time. I am reminded of a letter I once saw from a cemetery trust which criticised the Minister for Health and VicHealth for their antismoking policies, because what they were doing was reducing the number of people who died, and therefore reducing the cemetery's activities! We

have this same misconstrued logic being adopted by those opposite: that whilst you are creating a whole new innovative sector in how to deal with recycled and recaptured goods through the price signals floating from this bill, somehow or another this is a bad thing.

Other speakers have more eloquently described the numbers and the groups in industry that are appointed to the job and the issues that this will generate in whole new areas. We urge the opposition in its future contributions, rather than carping and moaning about particular difficulties this might cause, to perhaps lift its vision and move on to support this bill, not just in a voting sense but in a real sense.

Enough of those hopeless jokes from members opposite. Let us consider this bill and the promise that it brings to communities, jobs and the goal of better environmental outcomes. This bill continues the implementation of our government's commitment to reduce the amount of waste generated and sent to landfills. The need to implement changes through responsible, economic and appropriately adjusted price signals underpins this bill. It is another step of the goal reflected in our Towards Zero Waste strategy, which has been the subject of much commentary in this debate. The bill seeks to contribute to achieving that goal by increasing levies on some of our most serious waste, particularly some non-prescribed solid waste. Industry needs to look toward ways and means of increasing recycling rates and resource recoveries. This has been addressed in a bit more detail by a number of other members.

The bill seeks to deliver on commitments made by the Brumby government in building partnerships with Victorian communities and industries in the waste recovery and recycling sectors by implementing the next stages of those commitments in the Towards Zero Waste strategy. It does this by resetting landfill levies, which in this particular instance has to be done through legislation, and by bringing about further changes for better waste management. Currently these land levies do not provide the right framework to take the reduction in the volume of waste to the next necessary level.

The amount of waste generated in this state across all sectors continues to increase. Recycling and resource recovery is also increasing, and those who spoke before me pointed out the particularly laudable achievements of local government efforts in kerbside recycling. Sadly this has not sufficiently offset the overall increase in waste generation, particularly waste heading towards landfills.

The landfill levies serve two purposes: firstly, to act as an incentive to minimise waste and encourage greater use and recycling of resources, whilst promoting investment in the alternatives to that landfill, and secondly, to fund important programs to meet the sector's growing demands and needs in infrastructure, in sector programs for industry and education, and in planning and management of this growing area.

perhaps most importantly of all, this bill creates new jobs for the future. Access Economics found, in a relatively conservative analysis compared to some that have been made, that 700 new jobs will be created in Victorian communities by 2015.

The bill will also see \$53.7 million worth of new investment in this particular area over the next few years. Some \$14 million will go towards assisting businesses to reduce the waste they send to landfills through a range of measures to reduce the waste they generate from their daily operations; \$14 million will support councils and recyclers with new resource recovery initiatives; \$5.5 million will assist councils in metropolitan Melbourne to implement best practice waste collection and management systems; and \$3 million will assist councils in regional Victoria to similarly develop collection and waste management initiatives. As we have heard, \$6 million is allocated to establish a strike force to counter illegal dumping, with a further \$5.5 million to clean up contaminated legacy sites, some of which exist in my own electorate. Some \$5.69 million is allocated to environmental agencies, which will no doubt assist in supporting households, councils and industries to look toward how they change both their practices and manage the issues around tackling waste and sustainability issues, with a further \$1.14 million for the Melbourne metropolitan waste group and regional waste management groups.

Across the board this bill is worthy of support. Amongst the range of stakeholders I single out the Boomerang Alliance. In a media release of 24 March 2010 headed 'Landfill levy = green jobs', national campaign director Mr Dave West said:

The combined impact of increasing landfill levies and a \$28 billion investment into new recycling infrastructure will create a massive boost for both the state's economy and environment.

Mr West should know because he happens to be a constituent of mine, and by the way is also currently engaged in a very worthy project assisting Fr Bob Maguire in developing the South Melbourne Commons project to put in place some of these strategies in the real world. When you have commitments to come on board from the Boomerang Alliance, which represents

a range of stakeholders, you know this is a measure that receives widespread support not just from those who push the point of view of non-government organisations, but also from those practically involved in the areas of recycling and resource recovery.

In summary, despite the carry-on and the contrived opposition of members opposite, this is a worthy bill, one that is not before time and one that will contribute to jobs and sustainability. I wish it a speedy passage.

Ms ASHER (Brighton) — It is fortunate the member for Albert Park is a very new member of Parliament given that he read his entire speech — and we on this side of the house extended a courtesy to him by not raising a point of order about that.

The opposition does not oppose the Environment Protection Amendment (Landfill Levies) Bill 2010.

An honourable member — Rubbish!

Ms ASHER — There is certainly rubbish. However, we have a number of concerns, and there are a number of concerns I wish to express, including local government concerns expressed by Bayside City Council, which is in my electorate of Brighton.

The bill has a series of laudable aims focused around the need to reduce the amount of refuse sent to landfill, to encourage more recycling and to obtain the environmental benefits that would flow from that. As always with the Labor Party, when there is a laudable aim there is invariably some sort of tax involved as the mechanism for achieving it. In this bill, and of course this is not unique to this government, we are seeing a levy increase — a tax increase — as a way of achieving that highly laudable objective.

In the metropolitan area the government is proposing that the levy be increased from \$9 per tonne in 2009–10 to \$40 per tonne in 2011–12 with an interim increase in the next financial year to \$30 per tonne. The aim of the bill is to have these levies increase on 1 July, which is incredibly soon. The basis of my council's objection to this is the fact that its budget processes are basically complete and there is an immediate impact on the council notwithstanding the laudable and desirable aim of the bill to reduce the amount of waste going to landfill.

I also want to make a point about this levy and where the money raised from it will be directed. In the second-reading speech the government tells the public of Victoria where the funding is going to be directed. The government claims it will direct this funding to support businesses to reduce their waste levels, and to

support what the government calls 'fast movers' in the recycling industry and to local governments that show a desire to invest in technology. The government claims the money will be used to tackle illegal dumping, to clean up contaminated sites, to support local government and waste management groups, and to invest in other environmental projects. We have heard all of this before. Various taxes and levies are raised by the government, and it then becomes impossible to track how the expenditure is actually directed.

Just by way of example, we in the Parliament were told that when the water authorities had a series of environmental levies placed upon them — and these levies still apply — there would be absolute accountability via the annual reporting process in the Department of Sustainability and Environment. If you look at the reporting process you see these are one-line items, and in many instances you could claim that these were projects that should be funded anyway in the ordinary course of government. My overriding point is that an incredibly vague one-line item to explain how something is spent is not accountability and not transparency. I am not convinced by the second-reading speech that the government intends to be transparent. I call on the minister in summing up on the bill to give an assurance to the Parliament that there will be significant transparency in the reporting of the way these levies are expended.

Waste is a significant environmental problem. In 2007–08 Victoria produced 10.29 million tonnes of waste, and in approximate terms 4 million tonnes went to landfill and 6 million tonnes were recycled. It is interesting to note that the government's tactic — —

Ms Beattie — You are not reading that, are you?

Ms ASHER — Take me on; I like it. The government's tactic is to place the levy on local government. If the government wanted to have a market mechanism for individual consumers to reduce their waste or to reduce the amount of waste going to landfill, I think it would be a better mechanism for it to flow through to the individual who is making the decisions as to how to process their rubbish. I accept that under the structure of local government that may be difficult, but I would have thought that if you wanted to modify behaviour it would be better to have the market-based mechanism based on the individual.

I want now to refer to concerns raised by my local council, Bayside City Council. The council has a number of areas of concern, and wrote to me in a letter dated 29 March which is signed by mayor, Cr Clifford Hayes. To paraphrase the council's concerns, it is

dissatisfied that this fee increase is so sudden, that there was no consultation on the fee and that the point at which this occurred in the council's budget cycle makes it incredibly difficult for the council.

I refer to a copy of a letter written to the Premier on 26 March outlining the fact that this will cause a \$460 000 increase in the council's 2010–11 expenses, which the council estimates will add \$11 per household to waste charges. The council went out of its way to emphasise that Bayside City Council:

... supports efforts to reduce the amount of waste going to landfill.

The council then outlined to the Premier the fact that it has a good record in both recycling and green waste. I think the collections in the area are good by Melbourne standards — of course they can always be better, but they are pretty good. The council has made a real effort in trying to deal with the reduction of waste going to landfill. However, as I said, it is concerned about these charges being foisted on it after it has gone through its budgetary processes. The letter states:

I request that the imposition of these additional charges be reviewed with a view to the state government and local governments working together in a collaborative way to achieve important sustainability outcomes for our communities.

Given the government wishes to embark on the course of action — presumably now — of having a levy to try to induce councils to change their behaviour to encourage their residents to reduce the amount of waste going to landfill, I ask it to provide some form of compensation to councils for the fact that these significant increases in revenue to councils now have to be accommodated at a stage in the budget cycle which is very late. I would have thought anyone involved in the public sector — government, opposition, federal parliament, state parliament, local government — would understand that significant additional charges occurring late in the budget sector cycle are very difficult to deal with. Again, in addition to my earlier request to the minister to give some assurances regarding transparency of reporting on the way this money will be expended, I also call on him to give a response as to whether he would be prepared to compensate local government areas, as in the case of my local council, with an increase of \$460 000 on its estimate of what its 2010–11 expenses will be.

As the member for Doncaster, who is the shadow Minister for Environment and Climate Change, said at the outset of the debate, we do not oppose the bill. We support recycling, and we support the amount of rubbish going to landfill being reduced. I think the

speeches so far — my own and others — have clearly indicated that.

But one of my purposes tonight is to seek some assurances from the minister about the way this money will be expended and the degree of detail involved, which we have not yet seen from this government. I also ask the minister whether councils that have been inconvenienced by the lack of consultation could be compensated for it.

Mr LIM (Clayton) — I rise to speak in support of the Environment Protection Amendment (Landfill Levies) Bill 2010. I should say from the beginning that this bill is particularly close to my heart in the sense that it affects my electorate probably more than that of any other member in this house. You only have to look at a Google map of the south-west end of my electorate to see that it is just like a moonscape out there, to put it politely. This is simply because that part of the Clayton electorate has been used for decades now as a dumping ground and tip for the whole of Melbourne, if I could say it politely.

It is a horrendous situation. We are talking about operators in the so-called recycling industry as if they are really contributing, as if they in fact care that much. Time and again operators have been just horrendous. Unfortunately, going back through successive governments our Environment Protection Authority has been a toothless tiger. No matter how hard the residents complain, we do not seem to be getting anywhere.

I now have a concrete crusher operating in my electorate. We call this a 'recycling industry' and it sounds very nice, but the fact of the matter is they are now using chemicals to break the concrete, and these chemicals are seeping into the water system. The residents are up in arms because they are fearful and worried about the consequences of this and how it is affecting their houses. We have schools nearby, and the dust coming from this operation is going to kill people's livelihoods. The stories just go on and on.

This is not even to mention the horrendous trucks that bring in the garbage, sometimes to sites that are not supposed to be receiving such rubbish. However, they still bring it in, and the mud from the tyres of the trucks is making life a misery for residents in the surrounding areas.

I could go on and on, but let me come back to the bill. I hope with this amendment bill we will see a better environment. I hope we will come to a time when these operators act in accordance with their consciences. I understand that they are big worldwide companies, the

owners of which probably do not reside here, but simply employ Australians and earn millions of dollars for themselves and their countries.

We trust that the fees being charged for the disposal of waste to landfill will pay for the provision of the service. But an equally important role is to promote recycling and encourage a reduction in waste disposal. There are both economic and environmental imperatives in this approach, and this is very much common knowledge. The government set out a 10-year strategy in its *Towards Zero Waste* strategy released in 2005. These imperatives are articulated on page 5 of that document, and I quote:

The amount of waste generated will be substantially reduced. There will be less squandering of recoverable materials and our valuable natural resources will be protected. There will be less greenhouse gas emissions, pollution and litter and our environment will be cleaner and healthier for all Victorians. This will be achieved with a net economic benefit to the state.

The 2005 strategy points out that over the previous 10-year period Victorians recycled something like 35 million tonnes of waste, which was four times that of 1993. In 2002–03 Victorians recycled a record 51 per cent of the total solid waste stream. That is quite an achievement and amounted to 222 kilograms per household, or something like 393 000 tonnes of recyclable containers, paper and cardboard, and 167 000 tonnes of green organics. Page 18 of the strategy quantifies the benefit as:

saving 7320 megalitres of water — enough to fill about 3000 Olympic-sized swimming pools

preventing 237 000 tonnes of greenhouse gases — equivalent to taking 40 000 cars off the road

saving another 237 000 tonnes of solid waste — enough to fill 259 quarter-acre blocks with garbage.

I can envisage all these figures because people living in my electorate are living with it every day.

Recycling has been working. However, more remains to be done. The 2005 strategy set targets to 2014, and these were reviewed in the government's report *Toward Zero Waste Strategy Progress Report 2007–08*, which found the following:

61 per cent of all Victoria's solid waste was recycled in 2007–08 (compared to 62 per cent for 2006–07).

Victoria's commercial and industrial (C&I) and construction and demolition (C&D) sectors exceeded their 2007–08 resource recovery targets by 5 per cent and 3 per cent respectively.

I have mentioned the collateral damage to the community when they are not really operating by the

book and in line with the expectations of the community.

Victoria's municipal sector fell 2 per cent short of the 2007–08 resource recovery target of 42 per cent. Meeting the target of a 1.5 million tonne reduction in total waste compared to business as usual remains a significant challenge, especially in light of Victoria's projected population growth.

When one looks at the municipal figures, one realises more needs to be done. The bill amends schedule D to the Environment Protection Act 1970 to increase the metropolitan/provincial municipal levy to \$30 per tonne on 1 July and then to \$40 per tonne on 1 July 2011; to increase the metropolitan/provincial industrial levy to \$30 per tonne on 1 July and then to \$40 per tonne on 1 July 2011; to increase the rural municipal levy to \$15 per tonne on 1 July and then to \$20 per tonne on 1 July 2011; and to increase the rural industrial levy to \$25 per tonne on 1 July and then to \$35 per tonne on 1 July 2011.

I mention this increase in the levy because I was perturbed by the front page of my local paper reporting on the chief executive officers and mayors of five municipalities complaining about the rate. If you look at the rate, you realise it is pretty insignificant. The action taken under this bill will be not only economically responsible but also hopefully the right thing environmentally. I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to rise to speak on the Environment Protection Amendment (Landfill Levies) Bill 2010. The bill amends the Environment Protection Act 1970 to increase the municipal and industrial waste landfill levies from 1 July. As other members have also mentioned, the intent of this levy increase is to reduce the amount of waste delivered to landfill.

The main provisions of the bill refer to both municipal waste and industrial waste. Levies for municipal waste in metropolitan areas will increase from \$9 per tonne in 2009–10 to \$40 per tonne by 2011–12. For rural areas those levies will increase from \$7 per tonne in 2009–10 to \$20 per tonne by 2011–12. The levies for industrial waste in metropolitan areas will increase from \$15 a tonne in 2009–10 to \$40 a tonne by 2011–12. In regional areas the industrial waste levy will increase from \$13 per tonne in 2009–10 to \$35 per tonne by 2011–12. Then these levies will increase by 10 per cent per year through to 2014–15.

As the member for Doncaster mentioned in her contribution, an important element of this measure is

that a review must be completed to understand the impact of the particular proposed increases. I can speak from some experience on the challenges of the ever-increasing fees and our responsibilities around recycling and reuse because in a previous life I was a regional manager of Collex, now known as Veolia Environmental Services, based in Morwell. Our core business was the collection and disposal of waste and associated recycling services. This was predominantly focused on commercial and industrial-type waste. If I might digress slightly — I am still good friends with a number of people at that particular business — one of my colleagues, Keith Bailey, passed away during the week. I pass on my respects to his wife and family and those other people who were moved by that particularly untimely death.

Coming back to the bill, over time we have seen the evolution in the consciousness of businesses and individuals, with focus on the reuse and recycling of various waste streams. It is a given that this forms the basis of this legislation. Measures have been taken not only by local councils but also by regional waste management groups, businesses and households, with the mantra to improve waste management practices. If you assess the figures associated with waste disposal, you get some sense of the enormity of the waste created in this state. In 2007–08, 10.29 million tonnes of waste were produced in Victoria, and approximately 6 million tonnes of this waste was recycled, with the remaining amount going to landfill.

I refer to my own electorate. Latrobe City Council has had its challenges on recycling. Not so long ago we had the single-bin system for households. Over time that has developed into a new three-bin system, with a 120-litre general waste wheelie bin collected weekly and a 240-litre recycle bin and a 240-litre green waste bin, both of which are collected fortnightly. That is probably relevant to a lot of other municipalities. What I have seen with the introduction of this three-bin system is a dramatic increase in recycling and a huge reduction in our general waste going to landfill. But a lot of work still needs to be done.

If you believe the figures in the second-reading speech, you would think that each year to 2014–15 a further 1.2 million tonnes of waste can be diverted away from landfill. This appears to be somewhat ambitious, particularly if there is not greater investment in some regional programs and projects. I understand the intent of increasing landfill levies for the purpose of diverting waste from landfill, but this measure should not be seen as a silver bullet. It is imperative that we have greater support for and investment in projects and programs, particularly in our regional areas. From my experience

in the industry some years ago, I know that there is certainly not the provision of services for recycling in many regional areas. There are no commercial sorting facilities available in many regional areas, and therefore it is difficult for businesses and waste management operators to undertake recycling. There is a significant cost impost on top of that. That is an impediment for many businesses.

In the Latrobe City Council area one of the challenges we have is the lack of landfill space. In fact in recent years two landfills at Moe and Morwell have closed. We have a new landfill introduced at Traralgon South, which, despite some consternation among the community, is now up and operational. Over time the term has changed. In the past we referred to such facilities as ‘tips’. They are no longer ‘tips’; they are landfills with plenty of opportunities for recycling and reuse options available to them.

On a cost comparison, one thing I want to raise from my experience in the past is that it is interesting to note the cost to dispose of commercial landfill waste. Currently in the Latrobe city we are paying approximately \$80 a tonne plus GST. This is an impost on businesses. The challenge is there because we do not have a range of other recycling facilities or commercial sorting facilities available in the region. When you compare that to other commercial landfill costs in other parts of the state, you realise it is extremely high — and it impacts greatly on many of our businesses.

One of the challenges other members referred to is what happens when you increase costs — that is, unfortunately some people out there dispose of waste against the law. In our particular region, where we have a large number of pine plantations, the illegal dumping of rubbish is substantial and unsightly. My firm belief is that the significant cost burden on many people encourages this. It is a catch-22 situation. I understand the reasons why we need to increase prices, but at the same time I note that the second-reading speech referred to tackling some of the challenges around illegal dumping. I would like to see some of that money being spent in the Latrobe Valley, particularly around the pine plantations, so that we can ensure that the prospect of illegal dumping is reduced substantially.

The member for Shepparton mentioned some of the challenges from councillors and the Municipal Association of Victoria (MAV) in respect of their concerns about the legislation and regarding councils being revenue collectors for the state government.

It was interesting to see in the *Age* of 25 March some comments from industry groups, which also expressed

concern. I say at the same time that we understand the intent of the legislation. The Victorian Employers Chamber of Commerce and Industry has said that the increased levies should be offset by ‘significant business tax relief’ in the May budget — that is a comment attributed to VECCI in the *Age* article. The article also quotes Brian Welch from the Master Builders Association of Victoria as saying:

It is confusing that the government is working to stimulate the building industry with one policy, then adds significantly to costs by doubling this levy.

The article describes the MAV as saying the money for recycling programs was welcome but has been a long time coming, and describes its president, Bill McArthur, as commenting that councils were frustrated by their increased role as state collection agencies.

Despite the intent of the bill there are some issues and challenges around it. In the Gippsland area, in particular in the Latrobe Valley, many businesses are concerned about the costs imposed upon them for waste collection. As I said, there is a lack of recycling and sorting facilities in the region. I would hope some of the moneys raised by these levies will be directed back into these types of projects and programs, which would not only make a significant difference to businesses in my region but would also encourage greater participation in the recycling and reuse of materials that are produced.

Other than that, as many members have said, the coalition does not oppose the legislation before us.

Mr PERERA (Cranbourne) — I rise to speak in support of the Environment Protection Amendment (Landfill Levies) Bill 2010. It is very pleasing to see that the opposition is supporting the bill. There has been a little bit of grumbling here and there, but at the end of the day the opposition is fully supporting the guts of the bill. That is very pleasing to see.

This is another great example of the Brumby government’s commitment to moving away from a landfill waste management system to a recycling waste management system. Sending waste to landfill carries significant local environment and community impacts. These include odour and dust, vermin, reduced amenity and property values and the risk of groundwater contamination.

There is also the risk of the build-up and migration of landfill gases many years after landfill closure if landfill sites are not properly built and managed. Cranbourne’s Stevensons Road landfill — built, managed and operated by the City of Cranbourne and, after the council amalgamation, by the City of Casey — is a

living, breathing example of the legacy of landfill. This was a nightmare for the local residents of the Brookland Greens estate. Millions of dollars were spent to bring the situation under control. The Stern report noted a figure of \$81 per tonne as a potential external cost estimate for waste disposed to a landfill without landfill gas capture technology, as was the case with the Stevensons Road landfill.

In 2005 the Victorian Labor government launched the futuristic Towards Zero Waste strategy. This was a call to action to all Victorians to minimise the amount of waste that we generate and maximise the opportunities for recovering material. I am sure this bill will lead to the behavioural change we have to have in Victoria.

Research undertaken by Access Economics found that for every 10 000 tonnes of material sent for recycling each year over nine jobs are supported; the same amount going to landfill supports fewer than three jobs. I am pleased that this information will console the member for Shepparton, who is worried about a couple of jobs in a landfill site.

There are some great stories to be told in the electorate of Cranbourne. I will take this opportunity to speak about an organisation based in Carrum Downs that is delivering a more resource-efficient state — that is, Replas recycled plastic products. Since 1992 the company Repeat Plastics Australia, branded Replas, has been effectively making high-quality affordable recycled plastic products using recycled plastics from domestic and commercial waste. It uses recycling technology entirely developed by its own in-house engineers. It has even established plastic waste collection stations overseas to support its input demand for the process.

In Victoria the positive side of the story is that the fraction of waste recycled and recovered in 2007–08 was above the interim target for Towards Zero Waste. However, recent annual performance indicators strongly suggest that without further action to increase levies, Victoria is at risk of not meeting performance goals in waste avoidance and resource recovery by 2014. Local councils, environment groups and industry have been calling for an increase in levies for a long period of time. In 2009 the Boomerang Alliance, an environmental group, called for an immediate increase of \$30 per tonne and thereafter an annual increase of \$10.

I commend the Minister for Environment and Climate Change for holding long-running discussions with local government about the future of waste management and the shared commitment of state and local governments

to increasing recycling. These discussions have played an important role in informing the government's approach to the levy and the \$54 million investment package to assist councils and businesses to tackle waste. This includes \$14 million to support councils and recyclers with new resource recovery investments and initiatives to complement the levy and accelerate recycling, \$5.5 million to assist councils in metropolitan Melbourne to implement best practice waste collection and management systems in line with the metropolitan waste plan, \$3 million to assist councils in regional Victoria to implement a range of collection and waste management initiatives, and \$6 million to establish a strike force to address illegal dumping. This will provide direct support to councils, which have to deal with this difficult issue.

This funding is on top of the Victorian government's commitment of \$6 million to work with local governments to curb litter. This \$6 million investment includes the rollout of recycling bins at sporting grounds, local shopping strips and on the transport network. Local government litter prevention officers will be employed to educate and, where necessary, issue litter penalty notices. This will result in a very small increase in council rates in the order of 20 cents per week in the first year. This would make up a very small proportion of total council waste charges, which are around \$124 per year per household, and an even smaller part of the total rates bill per household.

The proposal will not bring any administrative cost or responsibilities to the councils since there are no procedural changes to the existing system in place. It would be very disappointing if councils used an increase of around 20 cents per week, or about \$9 per year, to impose significant rate increases on Victorian families.

The proposed levy in metropolitan Melbourne will be the highest in Victoria; it will be \$30 in 2010–11 and will increase to \$53.20 per tonne by 2014–15. This is in comparison with metropolitan Sydney, where the current levy is \$58.80, which will increase by \$10 plus consumer price index increases annually until 2016.

The Brumby government has been very mindful of the need to strike a balance between cost to households, the needs of industries and environmental outcomes. This is a great bill. It sets the scene for future recycling. It is a great step in the right direction. I commend the bill to the house.

Dr NAPHTHINE (South-West Coast) — I rise to speak on the Environment Protection Amendment (Landfill Levies) Bill. The purpose of the bill is quite

simple: to increase municipal and industrial landfill levies — in other words to increase taxes and charges on Victorians and Victorian businesses.

I had a sense of *deja vu* when I read the second-reading speech on this bill. I will refer back to some previous second-reading speeches. On 2 May 2002 in her second-reading speech on the Environment Protection (Resource Efficiency) Bill, the then Minister for Environment and Conservation, Ms Garbutt, said:

Third, it provides additional funding and increased incentives for ... environmental priorities through changes to landfill levies.

Back in 2002 a minister of this government said also:

As I have made clear, this bill implements the government's vision for reducing waste and making Victoria a centre for the sustainable industries of the future. Innovation needs direct support. This government will make sure that funds are available to those with key roles in the search for better ways of reducing our waste and delivering sustainable outcomes. Local government and industry will be the major beneficiaries.

This bill will achieve this by progressively increasing Victoria's landfill levies over a five-year period.

That was in 2002. On 20 July 2006 the then minister introduced the Environment Protection Amendment Bill. In the second-reading speech on that bill, apart from an aside where the minister said the government would phase out plastic shopping bags by the end of 2008 — another broken promise — the then minister said:

From 1 July 2007, different levies will apply to wastes of different hazard levels being deposited to landfill.

Further the minister said:

Importantly, revenue from these levy increases will be reinvested by the Environment Protection Authority in partnership with industry to assist the elimination of the production of prescribed industrial wastes.

So far we have a speech in 2002 that talks about an increase in levies, and in 2006 also an increase in levies. We are not finished yet. On 12 March 2008, the Minister for Energy and Resources said in a second-reading speech on another bill:

This government has a three-pronged strategy ...

And the second prong was:

... substantially increasing the cost of sending waste to landfill through landfill levy increases ...

He further said:

To accelerate the drive for zero hazard waste by 2020, this bill will fulfil the government's commitment to increase landfill levies from 1 July 2008.

He then outlined substantial increases. Then in March 2010 we get similar words again in the second-reading speech for this bill:

This bill resets Victoria's landfill levies to help bring about measured change for better waste management.

...

Increasing the levies will increase recycling and help Victoria avoid sending unnecessary waste to landfill.

From what we have seen in the second-reading speeches on four separate bills, one can conclude that the government is very good at recycling its platitudes and its words, it is very good at increasing costs and charges for families, households and businesses, but it does not seem very good or very consistent over those four bills in actually delivering on more effective reduction in landfill and increasing recycling in Victoria.

One of the concerns we have with this bill relates to the increase in costs to families, councils and businesses in this state. I will quote from an article in the *Moonee Valley Leader* of 5 April 2010, which says under the headline 'What a waste: council':

Rates are set to rise by up to 5.5 per cent, thanks to a hike in the state government's rubbish levy in a bid to cut landfill across Victoria.

Further it says:

Moonee Valley mayor Shirley Cornish said the council was frustrated with the levy increase, describing it as an 'impost on the council and ratepayers'.

An article in the *Weekly Times* of 31 March says:

Country councils have lashed out at the Victorian government's decision to crank up landfill levies ...

Further it says:

MAV president Bill McArthur said councils were growing increasingly frustrated at the number of state government policy costs and levies being imposed on them.

In particular the council is concerned that these levies are coming in at a stage when the councils have already set their budgets in place, and these costs will be a significant impost on councils, which have already put their budgets in train. What we are getting is the Labor government, in typical fashion, increasing costs and

charges on families, businesses and councils in this state.

There is also concern by a number of people that the increase in costs for landfill levies will result in an increase in the dumping of rubbish by people who are trying to avoid those increased costs. I refer to an article in the *Hamilton Spectator* of Saturday, 27 March 2010 which says:

The scenic Wannon Falls ... has become a dumping ground for vandals.

A number of household items have been thrown over the platform lookout, smashing at the bottom and littering one of Southern Grampians Shire's tourism hot spots.

The concern is that when you increase these landfill levies, there is an increased temptation or incentive for people to dump their rubbish on the side of the road, at scenic sites and in national parks rather than taking them to landfill and having them disposed of safely and properly.

I am also concerned that, despite the increases in landfill levies by four different pieces of legislation in the 10 years of this government, we are still lacking basic recycling services in rural Victoria. On 11 August I raised in this Parliament the fact that there is no collection centre for recycling mercury-containing compact fluorescent bulbs in western Victoria. The nearest available recycling centres funded by the state government are in Geelong and Ballarat. That is absolutely disgraceful. The South West Regional Waste Management Group says it will not operate these compact fluorescent recycling facilities in western Victoria because the government will not give it any funds to do so. Yet the government is saying these bulbs should not be placed in landfill. They contain mercury, which is a heavy metal, and should not be disposed of inappropriately by being placed in landfill, yet there are no facilities in western Victoria where they can be disposed of safely. Therefore I have done the responsible thing and set up a collection centre in my office. People bring their compact fluorescents and fluorescent tubes to my office, and I regularly take them to Geelong or Ballarat when I visit those regional centres.

I also express concern about the lack of alternative strategies being considered by the government. One of the alternative strategies I have raised time and again in this house, which I will raise again now, is the need to introduce container deposit legislation in Victoria. For 30 years it has worked significantly to the benefit of the South Australian community, and it should be operating in this state. The 2006 draft report of the Productivity

Commission inquiry into waste management made it absolutely clear that studies across the world show that container deposit legislation significantly improves the recycling rates of aluminium cans, glass bottles and plastic bottles, which form a major part of our waste stream and too many of which are dumped in landfill in Victoria. Yet this government continues to have a negative, head-in-the-sand approach to one of the greatest opportunities to improve recycling in this state — that is, container deposit legislation.

Container deposit legislation would deliver improved recycling rates of that material. It would significantly reduce littering on our roadsides and the amount of plastic bottles, glass and aluminium going to landfill — an amount which is absolutely disgraceful. Yet this government continues to say no to container deposit legislation when people in the community around Victoria are saying loud and clear they support container deposit legislation. They know that it works in South Australia, they know it will improve recycling and they know it will clean up our environment — that it will clean up our roadsides, our waterways, our oceans and our beaches. This government stands condemned for not introducing container deposit legislation.

Finally, in the last 30 seconds, I wish to raise a concern about a constituent of mine who is helping family friends clean up a house which was part of a deceased estate. He found a small quantity of gunpowder and a bottle of strychnine. The police came and removed the gunpowder when requested. When informed about the strychnine, the Environment Protection Authority said he had to contact the Country Fire Authority. The CFA sealed it, but the EPA will not collect it, nobody will collect it, unless he pays a substantial amount of money. This government is not serious about getting rid of that toxic waste.

Mr TREZISE (Geelong) — I am also pleased to be speaking in support of the Environment Protection Amendment (Landfill Levies) Bill 2010, which is an important bill. The bill is another important step forward in the Brumby government's commitment to continuing to work in partnership with other stakeholders, including industry, local government and communities, in reducing our waste landfill and in doing so increasing recycling in Victoria.

Over the last decade the state government has treated having an effective and efficient waste management system in this state as a priority. It has done so by working through key departments such as the Department of Sustainability and Environment; through local councils, including of course the City of Greater

Geelong; through designated waste management groups, such as the Barwon Regional Waste Management Group; and with industry. Importantly it has also done so by working with local communities, families and individuals, all of whom recognise and demand that government at all levels — including federal, state and local — minimise our waste and maximise our recycling opportunities.

To achieve the expectations of the community and other stakeholders there is a need to re-examine the existing levies. I think as a Parliament we all appreciate this; not only the government but also the opposition understands it. As they exist at the present time the levies are no real incentive for people to minimise landfill waste, hence there is a need to increase the current levies. In doing so it is important to note that the landfill levies actually fulfil two primary purposes. Firstly, the levies obviously play an important role as an incentive for people to minimise waste and in doing so they encourage and promote recycling. Secondly, the levies will provide important funding for providing recycling programs and education and for financing organisations responsible for waste management.

Therefore, as has been mentioned by a number of members, from 1 July 2010 this bill introduces a staged levy fund increase through till 2014–15. The staged funding increase will minimise the financial impact on businesses and households. In talking about the need to increase levies as an incentive, it is also important to talk about how the levies will be used. As the minister noted in his second-reading speech, and has also been addressed by speakers prior to me, the levies will be used to support businesses to reduce waste, to support those organisations that are willing to invest early in technologies, to tackle illegal dumping and to invest in environment projects through the government's Sustainability Fund. This is good legislation and important environmental legislation, and I therefore wish the bill a speedy passage through the house.

Mrs FYFFE (Evelyn) — Disposing of waste in landfill sites is unsustainable in the long term. As each landfill site is augmented and increases in size with more and more of our rubbish being deposited each week, new storage sites need to be found. This leaves residents who live in proposed landfill areas panic stricken. None of us wants the odour of rotting waste wafting through our homes during long hot summers, yet this is what many people already have to endure. The only way to prevent more communities having to endure this horrible fate is for all of us to make every effort to dispose of our waste more thoughtfully and to recycle what we can.

The state government says the purpose of this bill is to increase landfill levies for municipal and industrial waste and therefore encourage a reduction in waste generation and in the amount of waste being sent to landfill while also encouraging the market toward resource recovery technologies and services across Victoria. This bill permits the government to increase landfill levies for municipal and industrial waste in two increments, from 1 July 2010 and then from 1 July 2011.

I would like to share some basic facts about recycling and landfill. By recycling 1 tonne of paper we save 13 trees, 2.5 barrels of oil, 4100 kilowatt hours of electricity, 4 cubic metres of landfill and 31 780 litres of water. Australians use 3.92 billion plastic bags a year and dump 429 000 of them into landfills every minute. Australians throw away 3.3 million tonnes of food waste a year. Home composting can divert an average of 300 kilograms of household material per year from the waste stream. Annually the world generates about 400 million tonnes of personal computers, fax machines, game consoles, mobile phones and other e-waste items. In 2006 Australians disposed of 1.6 million computers straight into landfill.

I have participated in and encouraged others to participate in an array of initiatives to reduce contributions to landfill by running a mobile phone recycling box from my office, joining in the Cartridges 4 Planet Ark campaign and reminding people to recycle their plastic bottles and drink containers rather than throwing them in the ordinary trash, as well as doing what I can in the office to conserve energy. In the Yarra Valley most of us are well and truly acquainted with recycling. We recycle everything from rainwater and greywater to food scraps for our animals, in my case for my chooks. We also recycle clothes. In rural communities recycling is not done because it is the latest political fad but because we have always had to do it out of bare necessity.

Turning to the bill in detail, I point out that in 2006, as part of Labor's environment and sustainability platform, a commitment was made to recycle more of the waste that is currently going to landfill, including building materials and scrap timber, yet all this bill does is increase the levy to be paid on each tonne of waste to avoid its going to landfill. I do not see how this specifically addresses the problem of items such as building materials and scrap timber going into landfill. Given that the levy applies universally to waste according to its weight and not necessarily the kind of material that is actually going into landfill, I would say that this legislation is very poorly targeted. A company depositing 1 tonne of waste made up entirely of

legitimate garbage that cannot be recycled — for example, waste from a home that has been destroyed by a bushfire — will have to pay the levy even though there is no recycling benefit to be gained. Therefore this penalty will be applied to a company that does not deserve it. How does that situation help with landfill avoidance?

In a press release issued on 24 March 2010 by the Minister for Environment and Climate Change entitled 'New era of recycling and new jobs for Victoria' we were told that around \$53.7 million would be spent over the next five years to assist councils, the community and industry to adapt to increased recycling opportunities. This initiative is to be funded by increased landfill levies. This comes from a government that promised no new taxes. I guess the government believes that extending a tax does not count. The government attempts to justify this levy increase on the grounds that it may create up to 700 new jobs in Victoria. That is robbing Peter to pay Paul. If these new jobs come to fruition, it will be on the back of other businesses that are being penalised for disposing of their rubbish. Under Labor it is always a zero sum game. One wins; the other loses. Someone always has to suffer.

In the same media release from the Minister for Environment and Climate Change we are told the government estimates that as a result of the imposition of this levy, recycling will increase by 33 per cent. We are told nothing about where this figure comes from, so how can Victorians judge whether the information is accurate? Given that the statistic is fundamental to substantiating this piece of proposed legislation, a reference should have been cited. Projections of this kind must be properly scrutinised before the government increases a tax and turns it into law. Considering Victoria's diversion of waste material from landfill decreased for the 2007–08 financial year under this government's watch, it is vital we understand the scale of the penalties that may be applied to local governments and businesses.

While this bill is focused on the recycling of hard waste, not enough is being done by Labor to recycle our most precious resource: water. As of 9 April 2010, Melbourne's water storages were at 33.8 per cent, which can hardly be considered overflowing. The state government's north–south pipeline and desalination plant are two initiatives that will take water away from one place and pump it to another place. Yet the most obvious source of water that does not rely on rain dancing, prayer, theft from regions in desperate need or the destruction of delicate marine environments is running down our drains and out to sea. As might

happen in an episode of *Fawlty Towers*, the same water that is being allowed to run out to sea is then magically considered good enough by this government to be recaptured at great expense for processing and purification at the Wonthaggi desalination plant.

The ACTING SPEAKER (Mr Ingram) — Order! I call the member for Evelyn back to the subject being debated.

Mrs FYFFE — The levies — absolutely. I would just like to finish on this little bit and say that it is almost a miracle. Water recycling and stormwater harvesting should be treated in the same way as all waste products. We should be recycling as much as possible.

Shifting gears I would now like to refer back to my opening statement about landfill and its impact in communities. In Coldstream there are two facilities that are causing residents grief. One is a composting facility where recycled green waste is processed and the other is a proposed waste transfer station. It is important that my fellow parliamentarians are aware of the impact facilities such as waste transfer stations and composting facilities have on the lives and lifestyles of those residents who have to live around these depots. I will be raising the issue of the compost facility again in the adjournment tonight. It is causing great problems for local residents who have been virtually forced to live inside their houses and not go outside.

In the case of the waste transfer station, it is being sited in an area where there is a school and surrounding residential streets with 40-kilometre-per-hour speed limits. Much as we all support recycling, the siting of these facilities has to be taken into consideration. Moneys raised by landfill levies must be used in a very practical way by making sure we site the facilities in places that are not going to cause problems for existing residents or change the image of Melbourne as green and clean. I believe there are better options than diverting recyclable waste from landfill into residential areas. We have other areas where waste transfer stations can go, and they must be sought out. The ones that are affecting the local communities where they operate must be moved to more suitable areas.

Ms BEATTIE (Yuroke) — It gives me great pleasure to rise to speak on the Environment Protection Amendment (Landfill Levies) Bill. It further delivers on the Brumby government's commitment to work in partnership with Victorian industry, communities, individuals and local government to achieve greater efficiency in our resource use and to reduce waste.

Having said that, and before I get into discussing the body of the bill, I am a little confused. I think the members for South-West Coast and Brighton need to go and have a cup of tea together. The member for South-West Coast read through some speeches, starting from 2002, which talked about the government's intentions to increase landfill levies. That was certainly put forward in the Towards Zero Waste strategy in 2005 and was flagged again in the statement of government intentions in 2010. As I said, the member for South-West Coast referred to statements by different ministers, but the member for Brighton then complained that there had not been enough consultation and asked that the council in her electorate, Bayside City Council, be given compensation. I am a little confused about that, but not as confused as those two members are.

There is no confusion on this side of the house about the fact that we need to manage our waste better. I think the community expects us to do that. The days of quarrying rocks, digging holes in the ground and then filling them up with goodness knows what, to be quite frank, are gone. As one of the previous speakers said, we used to call them tips, and as children we would happily go down there to play, but goodness knows what was put in there. Those days are gone. We know some of the materials that were put in landfills back then were dangerous. We need not to dig holes and fill them up but to reduce our waste and recover our resources. In the current setting we do not have the right framework to do that so we need to significantly reduce the volume of waste sent to landfill.

Generating waste and disposing of it in landfills is a very minor component of business and household costs, and it is cheap compared to other management solutions. On my side of town the Visy recycling trucks going up and down Pascoe Vale Road are a great example of recycling in action — a lot of the waste that is taken into Visy is recycled. But as I said, we can do better.

The landfill levies serve two purposes. The levies act as a device and an incentive to minimise waste and encourage greater reuse and recycling of resources while promoting investment in alternatives to waste disposal. Secondly, the levies play an important part in funding waste management infrastructure, support programs for industry, education programs and resourcing of the bodies responsible for waste planning and managing waste in Victoria.

I want to talk about some of the investment that will be going in, amounting to \$53.7 million. That includes \$14 million to assist businesses to reduce the waste they

send to landfill through innovations and to reduce the amount of waste they generate; \$14 million to support councils and recyclers with new resource recovery investments and initiatives to complement the levies and accelerate recycling; \$5.5 million to assist councils in metropolitan Melbourne to implement best practice waste collection, and \$3 million to assist councils in regional Victoria to implement a range of collection and waste management initiatives.

The member for Morwell raised the issue of illegal dumping in his electorate, particularly in a pine forest in his area. I would just like to assure the member that his electorate is not the only one where illegal dumping occurs; I think it occurs in just about every electorate in Victoria. The government is allocating \$6 million to establish a strike force to address illegal dumping and a further \$5.5 million to clean up contaminated legacy sites. I understand the \$6 million will be administered by the Environment Protection Authority but there will be an opportunity later on for local councils to be involved in that. I assure the member for Morwell that with that strike force something will be done about illegal dumping. There is also \$5.69 million for environment agencies to further support households, councils and industry to tackle waste and sustainability issues. Members can see that this is not just a bill about levies; it is endeavouring to change the whole culture of the way we dispose of and reduce waste.

In my electorate there is a great amount of builders' rubbish. We need to encourage builders to reduce the amount of waste they take to landfill. In the end that will not add to the cost of building; it will reduce it. It is not just me saying that. Tim Piper of the Australian Industry Group said:

Business never wants to see unnecessary cost increases, but the government has listened to the need to keep costs lower and provide assistance to help business reduce waste.

Alex Fraser Group, one of Victoria's leading construction and demolition waste recyclers, said:

... the increase in landfill levy for industrial waste announced by the minister is an important step in diverting useful resources like concrete and brick away from landfill and into recycling facilities.

What we see here is not just an increase in tax but a massive shift and cultural change. This is going to be good for the future of this state, good for business and good for jobs. Access Economics has found that for every 10 000 tonnes of material sent for recycling each year, over nine jobs are supported. On this basis, 700 new jobs in the waste industry will be created by 2014–15. The bill will also provide greater security to

the 2000-plus workers who are currently employed in this area.

Victoria has done well in reducing the amount of waste taken to landfill, but we can always do better. We have to think not only about Victoria in the next four years or so but also about how Victoria is going to look in 50 years. I am confident that not many people want to see a Victoria full of holes with rubbish going into them. What they want is a clean, green environment. The reduction of waste and looking after our natural resources is the way to do this. I commend the bill to the house.

Mrs VICTORIA (Bayswater) — I too rise to speak on the Environment Protection Amendment (Landfill Levies) Bill 2010. The bill essentially provides for an increase in landfill levies in the next five years. It is intended to provide an incentive to divert waste from landfill to recycling facilities. There are different types of recycling, which I will talk about in a minute. The bill also provides for the money raised from the levies to be invested in a number of different sustainability-based projects.

Let me state from the start that I am very much in favour of increasing recycling and also reducing the amount of rubbish going to landfill. Members who have spoken before me have stressed their support for that, and I totally concur with them. The Liberals have a proud history on recycling and environmental care. It was a Liberal government that set up the Environment Protection Authority. We are very proud of that. The EPA has taken on different guises over the years and perhaps needs a bit of an update now to give it a little bit more guts, with more teeth being given to the tiger, but that is talk for another day.

The current cost of taking waste to landfill in the metropolitan municipal areas is \$9 per tonne. That will increase on 1 July to \$30 per tonne, then eventually by July 2014 to \$53.20 per tonne. The current industry rate is \$15 per tonne but that will be brought totally in line with the municipal waste rate as the years go on. The aim is to increase resource recovery by 33 per cent over the next five years and to raise more than \$53 million for environmental projects. It is proposed that \$6 million of the revenue raised will be used to establish a strike force to address illegal dumping. This is something that is very near and dear to my heart at the moment and, based on what other members have said, it is something that I am not alone in supporting.

Just last week I had a complaint about illegal dumping on the north side of the railway line at Bayswater of what appeared at first glance to be household rubbish.

On further investigation we discovered there were quite a lot of large semi-industrial fans and that type of thing. Even though at first blush it looked like household rubbish, somebody had obviously been stripping the metals for recycling and had decided it was far easier to dump it on what looked like unused land north of the railway line than to take it to a municipal depot. Perhaps they did not want to pay the gate fee at the transfer station; I am not sure.

That brings in another part of the argument about what we are recycling. Metal recycling is huge. The other day I was at one of my local businesses, CMA Recycling, which is in the business of metals recycling and metals and waste transfer. There has been a lot of trouble around the CMA site. but that is a planning issue for another day. One side of the road is zoned industrial 1, where we have good intentions to recycle steel and zinc. CMA Recycling has a Meretec plant, by which it extracts zinc from car parts and that type of thing. The other side of the road, which is only one lane each way, is in a different municipality and is residential. Residents are being woken in the middle of the night by the thumping of steel and the movement of forklifts and bins and that sort of thing. It is an untenable situation. As much as everyone wants the recycling to happen, it is a difficult situation. As I said, that is a planning issue for another day. The Victorian Civil and Administrative Tribunal is trying to sort all that out at the moment.

The bill aims to create some 700 new jobs in the recycling sector. They will be in recycling plants and transfer stations. The one thing that is missing from the conversation — not necessarily the bill but certainly the conversation at the moment — is why we are not talking about container deposit schemes. They would certainly reduce a lot of landfill by encouraging the reuse of glass and also by encouraging manufacturers to reduce their packaging. Anybody who has a small child and has to unwrap Christmas presents knows that it is a quite arduous task. We should be encouraging industry not to create the packaging to begin with so that we do not have to worry about recycling as much.

The costs of this proposal will be passed on directly to ratepayers. The timing of the introduction of this for councils when they are in the throes of finishing their budgets for the year and are about to put them out for consultation means that councils have to talk about this last-minute factor, and they will of course have to increase rates. They do not see any way around it. I will talk more about that in just a moment.

Currently the amount of waste going to landfill in our state is about 4 million tonnes per year. We are hoping

that with this bill that will drop over the next five years to around 2.5 million tonnes. The levy will be charged to all residents, not just those who are obviously not doing the right thing but also those who are already doing the right thing. It is a little like the liquor licensing fees, by which we are saying, 'Not all bars are evil; look at the bad spots', but everybody is being stuck with the new liquor licensing fees. The same sort of thing will happen with this bill — that is, all residents, regardless of their individual waste management practices, will be paying extra for these services.

The councils in my district of Bayswater, the cities of Maroondah and Knox certainly realise that there is a need to improve the recovery of resources but, as I said, they are also very concerned about the timing of the levy, which will increase by 233 per cent the cost of sending waste to landfill in Maroondah. They have made representations to myself and the other MPs in the area.

We need to have a further look at how the revenue raised will be divided up. There are no specifications on how the cost of litter prevention officers will be divided between local councils or how many will be employed. Clarity on the funds disbursement is something we need to look at.

This could be seen as just another high tax, yet the idea is good. Consider what Maroondah City Council said. It said the landfill levy has been in place since 2001–02, that it was then paying \$4 per tonne and, as I said, that it is now going up to \$30 per tonne. What the council is really worried about is that there was no consultation with the local government sector in accordance with the Victorian state-local government agreement of 2008. If we refer to that agreement, we see that part 4, section 12, says:

Where the Victorian government intends for local government to administer or enforce new primary legislation, or new or revised regulation, the relevant lead department shall, subject to exceptional circumstances, consult with local government in accordance with section 4.6 of the *Victorian Guide to Regulation* ('Consultation with local government').

The council does not believe this has happened. It is incredibly worried about the half-million dollar black hole that will be created in its budget if this is not passed on to ratepayers.

I will conclude by quoting from a media release put out by about 10 local councils that are members of the Eastern Region Mayors Group (ERMG). The group has written to the Premier urging the state government to reconsider the magnitude and timing of the recent announcement increasing landfill levies from 2010 and

beyond. The press release paraphrases City of Knox mayor Cr Joe Cossari, and states:

... the mayors of the eastern metropolitan region are deeply concerned about this announcement as it could have significant impact on councils' 2010–11 budgets.

Further:

... the ERMG supported the increased recycling opportunities that would be created by the levy increase.

The press release quotes Cr Cossari as having said:

However, we have advised Mr Brumby that there has been no consultation with councils about this decision, which is most disappointing given that councils are expected to collect the increased levies as well as implement various components of the program ...

The mayor of the City of Maroondah, Cr Alex Makin, is referred to as having said:

... an increase in landfill levies would impact on rates and charges in 2010–11.

Although the concept is sound — and we all want a better long-term environmental outcome for Victoria, looking not just at what is happening in the next 5 years but in the next 50, 100 or even 200 or 300 years — it is a bit rich for the government to be putting such huge new levies onto councils at such short notice. However, I will not be opposing the bill.

Ms GRALEY (Narre Warren South) — It is a pleasure to speak briefly this evening to support the Environment Protection Amendment (Landfill Levies) Bill 2010. This bill provides for an increase in landfill levies that will lead to the diversion of an extra 1.2 million tonnes of waste a year from landfill by 2014–15. It is a staggering amount of waste, and it is a grand goal to have. It represents a 33 per cent reduction in the volume of waste that is currently sent to landfill. The actions set out in the bill are necessary to boost recycling across Victoria. The fact is, and it has been the case for a while now, that it is too cheap to simply dump waste in Victoria. We have to face that fact. We also have to face the fact, as the member for Yuroke said just before, that the time has passed when we could go on and dig bigger holes in the ground to throw stuff in.

It is about time we took a more forward-looking approach to this very big issue concerning our capacity as human beings to produce an enormous amount of waste. We need an approach that is both economically practical and environmentally sustainable. It never ceases to amaze me how much waste we human beings produce. Victorians are producing more and more waste each year. In 2006–07 almost 10.3 million tonnes

of waste was generated in Victoria. It is now more important than ever that we stick with our Towards Zero Waste strategy and boost efforts to build on this government's commitment to and strong record in the area of trying to reduce waste and increase recycling.

As we have seen, the government recently announced a \$6 million commitment to work with local governments to curb litter by rolling out recycling bins at sporting grounds, local shopping strips and on the transport network. I am constantly surprised that people still drop an enormous amount of litter. Cigarette butts, plastic bottles and food wrappings can be seen in lots of places. Hence we have this \$6 million commitment to work with local government on a litter strategy to make sure that people are re-educated about the benefits of disposing of their waste wisely and to encourage people not to create as much waste in the first place.

Recycling is not only important in reducing greenhouse gas emissions, it also creates jobs for Victorians — and this is a big benefit of making sure that the recycling industry is given every encouragement. As we know, this government is totally committed to making sure that Victorians have the best possible opportunities to work so they can support their families and have dreams for their futures. The recycling industry is an industry for the future. It creates clean, green jobs. Every 10 000 tonnes of recycled material supports more than nine jobs, compared with less than three jobs supported by the same amount of material going to landfill. In the next five years this increase in the landfill levies is expected to create around 700 new jobs to add to the more than 2000 people who are already employed in the recycling industry. It is a growing industry, and it is an industry in which young people can find exciting careers.

In per capita terms the increases in the levies will be very low. However, collectively the increases represent around \$54 million that will be directly invested into programs and initiatives that encourage recycling. I would like to mention a couple of them. Some \$14 million will support councils and recyclers with new resource recovery investments and initiatives to complement the levy and accelerate recycling.

When I was a councillor we spent an enormous amount of time discussing waste management, and some of the councillors really got excited about the subject. One of the things we did was establish a resource recovery centre. I was amazed by the amount of good stuff you can find at the recovery centre that would otherwise end up in landfill. More innovative programs such as that are to be encouraged, and I am very glad to see this money being given to support councils. Some members

opposite have been saying that councils have not been given enough warning about this levy. I find that a little hard to digest. Councils will put out their hands to take at least some of this money to make sure it is well spent on encouraging their local residents to recycle their waste — or what they perceive to be waste in some cases. The money will be gladly accepted by councils.

There is \$5.5 million to assist councils in metropolitan Melbourne to implement best practice waste collection and management systems in line with the metropolitan waste plan. When I move around certain areas I am constantly amazed by the fact that some councils have archaic bins. I am surprised that not more of them have a more comprehensive collection system that allows people to separate their waste and recyclables.

Other members have mentioned that an increase in landfill levies will be a deterrent to people taking their waste to landfill and we may see an increase in dumping. I have heard this argument for years now — for over a decade. I suggest that if people want to dump their rubbish they do so not just for financial reasons, although that may be the case sometimes. A lot of people just take the easy option of dumping stuff wherever it suits them or wherever they think they can get away with it. I am very pleased to see that the bill also includes \$6 million to establish a strike force to address illegal dumping. So far as I am concerned that cannot happen soon enough.

I am very pleased that many industry groups, community groups and environment groups support this initiative of the Brumby government. I note the comments by SITA Environmental Solutions, a company that works in my local area. Its spokesperson said:

This announcement is a great step forward for the state of Victoria — it will support the investment of millions of dollars in environmental infrastructure, increase resource recovery and recycling rates, and lead to the creation of a significant number of green jobs.

The Victorian government has stated it wants to be at the forefront of sustainable development in this country. The increase in levies certainly adds to the environmental credentials of the Brumby government. It will act as a platform to drive the development of advanced resource recovery technologies, significantly increasing the diversion of waste from landfill, and reducing greenhouse gases.

There are a lot of wins there, a lot of positive statements and a lot of support for the bill and the increase in landfill levies.

I point also to the comments made by the chief executive officer of Environment Victoria, Kelly O'Shanassy, who also supports the bill. She said that

Environment Victoria supports the increased levies because it will boost recycling rates and keep valuable materials out of landfill. That is what we are all trying to do.

I have already said that I consider the increase in landfill levies to be very modest. I note some people on the other side have been grumbling a bit, but I am advised that the increase constitutes an increase in council rates of around 20 cents a week or \$9 a year on average. I consider that a reasonable amount to pay to achieve the savings and to take the stress off the environment. In many cases it is now up to those in local government to look at their own policies on waste management and sustainability and ensure that adequate incentives are provided to encourage their local communities to increase their recycling around the house. Many in local government will have to sit down and assess what sort of recycling practices they have. In making those assessments about their own practices some of them will face significant challenges. It is now time to lift the bar and make sure improvements are made all round. This is a great bill, and I commend it to the house.

Mr DELAHUNTY (Lowan) — On behalf of the very great and expansive Lowan electorate I rise to speak on the Environment Protection (Landfill Levies) Bill 2010. The purpose of the bill is to amend the Environment Protection Act 1970 to increase municipal and industrial waste landfill levies, but it is more commonly known as another tax.

The main provision of the bill relates to municipal waste. In metropolitan areas the levy will increase from \$9 a tonne in 2009–10 to \$40 a tonne in 2011–12. For rural areas the levy will increase from \$7 a tonne in 2009–10 to \$20 a tonne in 2011–12. Industrial waste levies will also increase rapidly over that period by another 10 per cent through the years to 2014–15. It is a big increase and a big cost.

Interestingly, the money collected by this process over five years is expected to be about \$200 million. It will be directed towards initiatives that will promote the environmentally sustainable use of resources and waste management particularly via the Sustainability Fund. Some \$54 million from the levy rise will go to assist councils. That will be greatly welcomed by councils, because they do not have too much money at this stage. The community and industrial levy will help reduce landfill and increase recycling activities. I note, and I will speak about this a little later, there is \$6 million to combat illegal dumping.

I have seven councils in my area, and I have written to all of them about the legislation. The member for Shepparton, who is the shadow Minister for Local Government, has spoken about this. I have three waste management groups in my area. Councils will be responsible for collecting the levies, so they are very concerned that they will bear the brunt of the community backlash about the new taxes. The levies will have a big impact on their rates, particularly this year when councils might have to increase their rates by 1 per cent to cover the black hole that will be created by the legislation. Their main concern is that there has been no formal consultation.

Councils are also very concerned about dumping. My electorate is very large — 34 500 square kilometres — and there are many opportunities for people to hide or deposit their waste in an inappropriate way. As an example, 10 years ago when I was a member of the Horsham council we had every landfill site, except one about 30 kilometres or 35 kilometres outside Horsham that was not managed, surrounded by fencing. You would not believe it, but people would drive out there to save paying \$5 — which was the cost at that stage — for a trailer load of rubbish at the landfill site. People will do anything to save money, and I hope they will not see this new charge, tax or levy — whatever you want to call it — as a barrier to the proper disposal of waste.

Others have talked about border anomalies, particularly along the New South Wales border. For the sake of time I will not go into the details, but there are many concerns. I do not oppose the principle of the legislation because a 2009 Keep Australia Beautiful media release about Keep Australia Beautiful Week says that Victorian households were being urged to begin waste reduction challenges:

In Victoria, almost 10.3 million tonnes of waste was generated in 2006–07 — just over 2 tonnes per person, and is increasing. Yet up to 80 per cent of this could be reused or recycled to provide sustainable resources to create new products, instead of ending up in landfill.

We have to do better with things like reusing old or broken mobile phones, and therefore I do not disagree with the principle of the bill.

As I said, a few of the councils are very concerned about the bill. One is the Horsham Rural City Council, which has won national awards as a tidy town. It is a very proud achiever, as are many towns in my area in trying to minimise their waste. The Horsham council's concern is that it will see dramatic cost increases of approximately \$200 000 per annum just for its landfill. It is also concerned that neighbouring municipalities

which now bring waste to the Horsham landfill are also expressing concern about council charges. I heard the member for Shepparton speak about the fact that with the new rate notices going out councils will now include a line item which will not be 'garbage collection' but 'the new state government tax'.

Councils are concerned that they have been given no assistance at this stage to establish or maintain landfills that are operated under the heavy requirements set by the Environment Protection Authority. These councils have been getting very little assistance or no assistance at all, and they are looking for some support. The recommendation of the Horsham council was that it advise the Minister for Environment and Climate Change that the proposed landfill levy charges are considered excessive, particularly in the case of regional landfills, and that a review of this proposal by the government would be appropriate.

I have a copy of a media release put out by the Municipal Association of Victoria headed 'Councils being used as a state collection agency'. I will quote a little of this media release in which Bill McArthur, president of the MAV, is reported as having said:

... councils were increasingly being used as a state collection agency and faced the brunt of community backlash for the hidden costs of complying with state policy, regulations and levies.

He also said:

In isolation this may not seem like much, but it is a massive hit on ratepayers when added to the cumulative impacts of overregulation and the onerous state compliance costs imposed on councils.

Many concerns are being raised by councils.

In the last couple of seconds before I finish I want to highlight the fact that in my area there are many proud towns that do a great deal of work under the Tidy Towns program. The mission of the Tidy Towns program is to 'lead, challenge and inspire all Australians to strive for a sustainable and litter-free environment'.

I believe litter is a blight on our environment. It can be compared to graffiti and vandalism. Cigarette butts, plastic food containers and illegal dumping cause most of these litter problems. Towns in my area like Horsham, Dartmoor, Dimboola and Rainbow have done a great amount of work in the Tidy Towns programs. They develop community pride. They encourage recycling. These are the things we should be spending this money on. With those few words, and on

behalf of the Lowan electorate, I will not oppose this legislation tonight.

Mr INGRAM (Gippsland East) — It is a pleasure to speak on the Environment Protection Amendment (Landfill Levies) Bill 2010. The bill before the house effectively increases landfill levies. As many speakers have indicated, the revenue from these levies will be used to fund a range of strategies to reduce the amount of waste going to landfill, to increase recycling and also to deal with illegal dumping. I would like to focus on some of the issues, discrepancies and differences between some of the metropolitan and regional areas in the cost of maintaining landfills and managing waste.

It is an amazingly large issue, particularly in areas like Gippsland where you have such a large amount of public land, most of which has particular environmental values. Groundwater requirements are one of the difficulties in establishing landfill sites in some of those areas. There is no established data on many of the groundwater aquifers, so it is very difficult for local councils to establish landfill dumps in those areas.

What we have seen over recent years is a centralisation of many of the landfill sites, which has increased landfill levies and the cost of providing waste disposal for many of the regional councils. If you look at the schedules in the legislation, you see there is a different cost structure for schedule C premises and non-schedule C premises. Whilst the difference will slightly favour those non-metropolitan and rural landfill sites, it will not be sufficient to cover the increased cost imposed on regional councils and ratepayers for disposal of waste.

We have seen this in many areas with waste disposal and recycling. Many of the rural councils have the highest levels of support for projects and programs like the CDL (container deposit legislation), which has already been mentioned, because of the cost of providing recycling facilities in regional areas. Given the distances involved, the cost of transporting recycled materials from regional centres such as Mildura and others in Gippsland back to areas where they are treated is much higher, and the cost to ratepayers in those regional areas is greater.

Clearly the critical mass in large metropolitan areas like Melbourne means you can operate very large landfills and large facilities to cover the cost of recycling a lot more easily than in regional areas. In my view this is an issue that needs significant attention. There needs to be a much greater level of support in the regions for recycling and bridging that gap. Everyone in our community wants to recycle a greater level of the waste

that our households generate so that we save on energy costs, we save on resources, we save on the waste going to landfill and we save on a whole range of environmental detriments to our community of increased products going to landfill. It is important that we recycle more, and we need to look further at extended producer responsibility schemes like CDL, but there has also been some good work done in recent years on electronic equipment and diverting that type of material from landfill.

Illegal dumping is a major problem. I listened to the member for Morwell earlier, and in areas like Gippsland it is a problem in and around some of our urban communities in places such as Lakes Entrance, Bairnsdale and Orbost. In my view illegal dumping is based solely on the cost. Some people are not prepared to pay the cost of disposing of their rubbish at the tips. In many cases they drive past landfill sites and dispose of their rubbish in the bush.

Anything we can do to increase the penalties or the ability to catch these people must be supported by this Parliament, by government and by local councils, because someone has to clean up this rubbish. It is a blight on some of the most significant natural areas in Gippsland. Increased funding to address that issue has to be supported by the Parliament.

There are a number of issues that come out of this legislation. The local councils have expressed some concern about the cost and timing of the changes. I understand those concerns. It is important that we acknowledge that waste is an expensive business. We need to make sure there is adequate funding available to local councils for their operating facilities and to businesses where they are operating facilities to ensure that we do not take the easy way out.

I know the government has some commitment to the super-centres and to establishing large diversion-type facilities to separate the waste. I am currently on the Environment and Natural Resources Committee, and it has had a look at issues around bioenergy and diverting waste from landfill to generate renewable power. There are a whole range of projects that we could be doing with waste to improve the diversion out of landfill, not only with recyclable materials but also with products that can be used to generate electricity or compost and other products. It is important that we do all we can to ensure — —

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Hawkesdale: Crown land development

Dr NAPTHINE (South-West Coast) — The issue I wish to raise is for the Minister for Environment and Climate Change, and I ask the Minister for Regional and Rural Development to pass it on to him. The action I seek is for the minister to speed up the process to obtain an interim land use agreement (ILUA) to facilitate the construction of a rotunda and the installation of interpretative signs at the common at Hawkesdale in time for the 150th anniversary celebrations of this community on 25 February 2011.

The common is a small parcel of Crown land at the northern entrance to the Hawkesdale township. The local community wishes to place a rotunda at this site and have it opened in February 2011. But on 5 March 2010 Mr Bill Lyons, native title coordinator with the Department of Sustainability and Environment (DSE) in the south-west, sent the following email to the people involved:

The erection of the proposed rotunda is deemed a public work which under the Native Title Act would extinguish native title.

Although the state does not agree or represent that native title in fact exists the erection of the rotunda is not specifically validated under the Native Title Act and as such can only proceed with the registration of an 'ILUA' (indigenous land use agreement).

Native Title Services Victoria has been requested to facilitate the agreement which in usual circumstances can take up to six months.

At this stage the matter is still with Native Title Services for determination.

Depending on the type of agreement reached the National Native Title Tribunal may then take 30 to 90 days from notification to registration of the agreement.

In other words, this means it could take seven to nine months to simply get an interim land use agreement to build this relatively small rotunda on this parcel of land at Hawkesdale.

The action I seek from the minister is to facilitate discussions with local indigenous groups and the local Hawkesdale community to cut through this bureaucratic red tape and gain approval for the construction of this rotunda.

The common was an eyesore and an embarrassment for the local community when it was managed by DSE. More recently the Hawkesdale and District Development Action Committee has taken responsibility for the common. It has worked with the local Landcare group, the Our Playce youth group and the Moyne Shire Youth Council to clean up the weeds and plant thousands of indigenous trees and grasses as well as construct a walking track. Now they want to erect signage on the walking track that will show maps, identify the local fauna and outline history, and they want to build this rotunda. But even putting the signage on this common is deemed to be in breach of a potential native title claim. That is how ridiculous this whole thing has become — that they need the ILUA before they can put up the interpretative signage and build the rotunda, but it could take seven to nine months under normal processes to simply get those approvals. That is nonsense.

What I want the minister to do is cut through this long process, cut through this bureaucratic red tape and gain these simple approvals so the local Hawkesdale community can get on with the job.

Preschools: Bundoora electorate

Mr BROOKS (Bundoora) — I wish to raise a matter for the Minister for Children and Early Childhood Development. The specific action I seek from the minister is to approve a number of applications for funding from preschools in my electorate through the state government's Children's Capital program for renovations and the refurbishment of their facilities. The specific preschools that I refer to are Yallambie Park Preschool, Watsonia Preschool, Watsonia North Preschool and Edward Street Kindergarten in Bundoora.

I wrote to the minister some time ago in relation to Watsonia Preschool, which is one of the many fantastic community-based preschools in my electorate. It runs a fantastic program of community events and fundraising activities, including trivia nights, fashion parades, garage sales and the publishing of a great community calendar every year. The preschool caters for 56 four-year-olds and 20 three-year-olds, which means that 76 local families make use of this fantastic facility at Watsonia and also contribute to it through their volunteering efforts. I have visited the preschool at Watsonia a number of times and have been impressed by the work of the coordinator and the community, including the volunteers, grandparents and parents who are involved in the education of their children.

The preschool runs six different sessions a week for the two groups of four-year-olds and one session each week for the three-year-olds. If it is successful in getting its funding application for around \$40 000 approved, the money will go towards renovating the kitchen area and providing more cupboard space; providing two outside water tanks, an outside decking area and landscaping; and, importantly, the planting of some mature trees and plants, which will be a feature of the play area.

I also want to urge the minister to consider Yallambie Park Preschool's application. It has applied for \$100 000, which is the maximum under the program. It wants to refurbish part of an adjoining facility — which is an old maternal and child health centre building that has not been used by the council for over five years — to run a program there. It wants to make use of that facility for both its three-year-old and four-year-old programs and also to have it available for use by other community groups. It would be a good use of funding if it were able to secure it from the minister.

I also want to put in a request that the minister providing funding for the Watsonia North Preschool. It wants to place a sandpit and shade sail in its playground area. Also Edward Street Kindergarten has made a more modest funding request for under \$10 000 for new shelving and furniture.

These preschools would certainly welcome extra funding. I have seen the benefits at preschools which have been provided with funding previously. McLeod Preschool has done a fantastic job utilising the funding that has been provided by the Brumby government. As the minister is well aware, the importance of investing in the early years of our children's development cannot be overstated.

Water: irrigators

Mr CRISP (Mildura) — I raise an issue for the Minister for Water. The action I seek is the immediate implementation of new carryover rules for irrigators. The new rules, which are set to come into force at the end of June, would ensure irrigators could take the water they are losing under this year's rules into next season.

Many irrigators made a decision last season to buy expensive temporary water so they could carry forward the maximum amount of water due to concerns about the outlook for the 2009–10 season. They have now started to lose water because the allocations have risen by over 50 per cent as the season has improved. The carryover rules are set to change on 30 June, which

would allow irrigators to carry over their unused water into next season, and the Brumby government should ease the burden on irrigators by bringing the new rules in early.

Irrigators have been struggling with the high cost of temporary water and low commodity returns. It is unjust that they have had to manage their affairs wisely but could lose significant amounts of money because they have made prudent planning decisions. Most irrigators made those decisions based on an allocation of less than 50 per cent. The loss of water over the 50 per cent allocation threshold should result in their being able to carry that water forward and not having to enter the market to buy carryover water for early 2011.

Many horticulturalists are paying a high price for taking a position to protect their businesses. They secured carryover to start the irrigation season in July and August while waiting for an opening allocation — which, by the way, was 2 per cent on 1 September. To secure the water they needed and to protect against the worst case scenario of a 19 per cent total seasonal allocation, many growers purchased up to 50 per cent of their water needs. To add insult to injury, growers know the water they purchased is sitting in the storages.

There are many examples of the impact of this loss because of asset protection management. One is that of Southern Cross Business Advisers, which manages 1500 acres of vineyards and orchards and has lost \$500 000 due to the improvement in the season. Its director says in an email:

This is a major problem and again shows the contempt shown to our region and primary producers by this government.

Similarly, Ian Keens of Manna farms writes in a letter to the minister:

The rule to allow a 50 per cent carryover of water from the 08–09 irrigation season to the 09–10 season was okay. But to allow carryover plus the 09–10 allocation to be a maximum of 100 per cent of an irrigator's water ... share is daylight robbery.

Glenroy–Pascoe Vale roads, Glenroy: traffic management

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Roads and Ports. The action I seek is that he allocate funding prior to June 30 to an important initiative around the Glenroy Road–Pascoe Vale Road intersection. This intersection, which is near a railway line, is notorious for traffic delays, partly because of all the extra trains the Labor government has put on the Craigieburn line. The intersection has Glenroy Road, Wheatsheaf Road,

Hartington Street and Pascoe Vale Road all converging around the Glenroy shopping precinct.

To address long delays at this difficult intersection a concerted effort has been made by Cr Kathleen Matthews-Ward, VicRoads and Moreland City Council — particularly the city infrastructure team led by Nerina Di Lorenzo, director, city infrastructure, and Lee Dowler, transport coordinator. Glenroy residents, Glenroy traders and the Glenroy action group have also been involved.

The short-to-medium-term solution to this traffic problem is the installation of a double right-hand turn lane from Glenroy Road into Pascoe Vale Road. As I said, a lot of work has been done by Moreland City Council and VicRoads. They see this as having potential to alleviate traffic delays. I understand Glenroy traders have been communicated with and that Moreland City Council is ready to have the parking signage modified as soon as funding is available. I ask the minister to look at this important intersection and to try to ease the traffic congestion.

I put on record how fantastic it is to be a member of this government, which has made a specific allocation for grade separations for the first time in Victoria's history. We know how important the grade separation has been on the Springvale Road intersection near Nunawading railway station, and we know of the great benefits it has brought to members of the community who travel through that intersection.

The Department of Transport has rated proposed grade separations according to priority, and we know where the Glenroy Road–Craigieburn line intersection is on that list. We are prepared to wait, but we are conscious that some immediate improvements would be appreciated by the local community. I look forward to the day when the big grade separation is announced.

State basketball centre: sewerage connection

Mr WELLS (Scoresby) — I raise a matter of grave concern for the Minister for Sport, Recreation and Youth Affairs. It regards the \$27 million state basketball centre. I was there when, on 27 November last year, the minister announced the \$27 million project, which he said would be a major boost to community sport in Melbourne's south-east and would help develop and nurture Victoria's next crop of basketballers.

After all the design work, all the photos of the minister wearing a hard hat and much media spin regarding this, it has come to my attention that someone forgot to

allow funding for the connection of sewerage to the \$27 million basketball centre. Sources close to the project say that connecting this \$27 million facility to sewerage will cost a further \$5.5 million, because there are sewerage connections on the east side of EastLink but not on the west side. What developers are going to have to do is lay underground pipes under EastLink or go to High Street Road, which will cost this project a significant amount of money.

I have heard of a pub with no beer and a freeway without tolls, but I have never heard of a \$27 million basketball facility which has no sewerage. This simply does not make any sense whatsoever. It is my understanding that the minister was involved in the negotiations for the acquisition of the parklands for this project. Members should not get me wrong; we think this project is a very good one, but you would think — —

The DEPUTY SPEAKER — Order! The member needs to ask for action.

Mr WELLS — The action I seek from the Minister for Sport, Recreation and Youth Affairs is that he investigate this monumental bungle — that is, that somebody has decided to build a \$27 million basketball facility but has forgotten to connect it to the sewerage system.

As to further action that should be taken, someone needs to pay for the \$5.5 million stuff-up, and that should be the state government; it should not be the responsibility of Knox City Council. I ask the minister to take immediate action to fix this and give reassurance to the residents and basketballers of Knox that the project will go ahead and that the cost of this monumental stuff-up will be borne by the state and not by the local council.

Whittlesea Football and Netball Club: facilities

Ms GREEN (Yan Yean) — The matter I wish to raise is for the attention of the Minister for Sport, Recreation and Youth Affairs. I ask him to support the Whittlesea Football and Netball Club in its efforts to support the broader community following last year's tragic bushfires. There are so many individuals and community groups that deserve acknowledgement for their outstanding efforts in supporting the survivors of the Black Saturday bushfires, but today I would like to single out the efforts of the Whittlesea Football and Netball Club.

This club was there as first responder on day one, and it remains an integral part of the community's support network and recovery effort. It has been there for food,

housing and pastoral care from day one, and it has gone above and beyond the call of a football club by organising player clinics and mental health support for both players and bushfire-affected families in conjunction with the Kinglake Junior Football Club.

As the minister has seen firsthand, the club's playing field was a major resource as a staging area for our fire services; it suffered damage as a result. Along with the club, I was enormously grateful that the minister allocated funds to rectify the damage to this magnificent playing surface. The City of Whittlesea and the Whittlesea Football and Netball Club have been very effective in their use of the funds allocated for this task and have actually ended up with a surplus, which they wish to use for the benefit of the local sporting community and the broader fire-affected community.

The club proposes to improve the facilities at the Whittlesea Showgrounds through providing improved lighting for the football arena and also providing toilets and water in the visiting team's rooms, which they do not have at the moment. It is unusual for a home club to say it wants something in its 'away' rooms, but I commend the generosity and fair play of the Whittlesea club in wanting to improve those rooms. The club also wants to improve facilities for the netball players, and it is the men and women who play at this ground who will benefit.

There will be an enormous benefit to the existing users, but the bushfire-affected communities of Whittlesea will have a particular broader benefit. Over the last 12 months many fire-affected communities have made their home at the Whittlesea Showgrounds, using the existing shower facilities and other resources there.

On behalf of the Whittlesea community I would like to thank the minister for his advocacy and support for the Whittlesea club, and I urge him to continue this support. I commend the Whittlesea Football and Netball Club for its work.

Glen Huntly reservoir site: heritage overlay

Mrs SHARDEY (Caulfield) — The matter I raise is for the Minister for Environment and Climate Change. I seek the delivery of a promise made over two years ago by the minister and the member for Bentleigh to hand over to the Glen Eira Council the former Caulfield service reservoir for public open space.

With great fanfare in 2008 the member for Bentleigh arranged a media event to announce that the old disused 1.6 hectare site on the corner of Glen Huntly and Booran roads would be handed over to the Glen Eira

council by the state government for much-needed public open space. Needless to say, two years later the handover has been caught up in red tape, with the member for Bentleigh declaring that he is 'mystified and frustrated' about the fact that his own government has allowed the site to become embroiled in a heritage investigation by Melbourne Water and Heritage Victoria.

It is a laughable situation. Here we have an old reservoir, constructed in 1883, which is fenced off, has not been used for some 35 years and is potentially dangerous because it is a big concrete black hole in the ground with a 30-foot drop, and the Brumby government, led by the Premier's own parliamentary secretary, has managed to let it be considered as a heritage site. It is clear that the Glen Eira City Council will not be interested in spending the ratepayer dollars on a site if all it has to do is pay for its protection. If the matter cannot be resolved quickly, the old reservoir will continue to be viewed as a large unattractive mound of dirt surrounded by protective fencing to stop the public entering, and be of little use to anyone.

Local residents are demanding action, as the old reservoir is in a densely populated area and is described by one constituent as being 'in need of some oxygen for the residents and families in this area in the form of a new park'. The member for Bentleigh should admit his failure to deliver, stop being mystified, do his job and get the investigation expedited as quickly as possible, which is yet another promise he made on 9 February to our local newspaper.

Consumer affairs: Clear Solar

Ms MUNT (Mordialloc) — The matter I raise tonight is for the attention and action of the Minister for Consumer Affairs. The action I seek is for the minister to contact a company called Clear Solar on behalf of two of my local constituents who have contacted me in regard to this company's failure to honour commitments made to those constituents with a view to rectifying the difficulties they are currently having with this company.

The first instance that I wish to raise is on behalf of my constituent who lives in Parkdale. This particular constituent contacted this company, Clear Solar, last year with a view to having a solar power system installed. On 24 September 2009 this constituent paid Clear Solar the sum of \$5249 for this service. Since that payment no action has been taken, despite the fact that the constituent has telephoned the company on at least five occasions.

The constituent was assured that a representative of the company would come out to the property, but this is yet to happen. The constituent did receive a letter from Clear Solar, dated 11 February, indicating that the company was experiencing difficulty in meeting demand, but there has been no follow-up to this letter.

This constituent is 86 years old, lives on a limited income and feels that that money would have been better utilised earning interest since September last year. This constituent is fearful about the length of time it has taken for Clear Solar to honour its arrangement with this constituent, particularly as the company states in its initial undated document that installation usually takes place within six weeks of booking. In this case it has taken from September last year until now, which is seven months.

In addition, another constituent from Cheltenham has contacted me. He has told me that he and his partner contacted Clear Solar to investigate the possibility of changing over to solar power and paid the company a deposit of \$250 for a site visit. Subsequently Clear Solar cancelled the site visit but failed to return the deposit despite requests over the past two months.

Both these actions are unacceptable: it is unacceptable to take a deposit and then have no further contact with the customer; it is also completely unacceptable to take over \$5000 from an 86-year-old local resident and make no further contact in seven months, bar one letter on 11 February saying the company was experiencing delays. That is not good enough, and I urge the Minister for Consumer Affairs to take whatever action is necessary to clarify the matter for these residents.

Planning: environmental waste facilities

Mrs FYFFE (Evelyn) — My request for action is to the Minister for Planning, and it is in reference to the siting of polluting industries such as the composting facility at Coldstream and the proposed waste transfer station at Lilydale. Evidence presented to the Victorian Civil and Administrative Tribunal (VCAT) shows that in regard to the Coldstream composting facility several thousand complaints have been generated over the last five years with the Shire of Yarra Ranges and the EPA (Environment Protection Authority).

The expert evidence put before and accepted by VCAT indicates that transfer stations handling green waste will cause the same level of nuisance as composting facilities. This is because of the significant amount of pollution arising from the initial arrival on the site of green waste and its wheelie bin juice. This highlights the fact that both transfer stations and compost plants

should be required to meet the same standards and buffer distances in relation to residential zones.

The action I request of the minister is that he conduct a full review of the utilisation of green wedge zones in Melbourne and its surrounds to ensure that they are not being used as dumping grounds for the location of polluting industries to the detriment of Melbourne's international image as a green city. I also request that as a part of this review the minister look at why the EPA has failed to utilise its powers of enforcement against polluters, including the compost facility at Coldstream, despite the number of years of continuous pollution to the detriment of local residents.

Composting is sold as a green industry, yet compost starts emitting greenhouse gases and pollution back into the air from the time it starts composting. An ever-increasing number of building permits and works approval requests by polluting industries are hidden behind business-in-confidence and secrecy clauses that prevent legitimate objections being heard. There is an urgent need for a review of the green wedge zones to prevent any cumulative impact of polluting industries being co-located with residential zones, as is currently being proposed with the Coldstream composting facility and a waste transfer station at nearby Lilydale.

The co-location of these polluting industries in residential zones has the following impacts on residents: outdoor private functions like barbecues and parties can no longer be held due to odour, washing cannot be hung out due to odour and dust contamination, and in summer evaporative air conditioning cannot be used and houses must be totally shut up even on hot days to try to exclude odour. Other problems include breathing difficulties due to odour and dust, sore eyes, loss of property values, dry retching, exacerbation of illness in people with stress-related illnesses and traffic problems on link roads to the supplying suburbs.

The proposed waste transfer station in Lilydale is close to Mount Lilydale Mercy College, which has 1500 students, and it is in an area where there are 40-kilometre and 50-kilometre speed zones in very narrow streets that cannot handle the trucks that will be required if this goes ahead.

Preschools: Bentleigh electorate

Mr HUDSON (Bentleigh) — I raise a matter for action by the Minister for Children and Early Childhood Development. The action I seek from the minister is to allocate funding to refurbish and redevelop kindergartens in my electorate so that they

can continue to provide the wonderful preschool services they are providing to children in Bentleigh. Young families are moving back in growing numbers into suburbs like Bentleigh, East Bentleigh, Ormond, McKinnon and Moorabbin. There is an increasing demand for kindergarten places, and it is important that every child has an opportunity to attend kindergarten at least for that one year prior to going to school.

I have argued for years that the Glen Eira City Council has underestimated the growing demand for kindergarten places within the city and needs to expand and upgrade its kindergarten facilities. Unfortunately in recent years the city council has taken the philosophical position that the provision of kindergarten facilities is the sole responsibility of the state government. This is despite the fact that the council owns the land and buildings and historically has been responsible for their maintenance and refurbishment. This approach stands in stark contrast to that of the surrounding councils such as the cities of Port Phillip, Stonnington and Monash, which are investing several million dollars in upgrading, extending and building new kindergartens.

To provide just one example, the City of Port Phillip has spent over \$4 million on new kindergartens and children's hubs in the last three years. During the same period the Glen Eira City Council has not made any application for children's hub funding. As a result of this lack of investment by the Glen Eira City Council the waiting list for kindergarten places in the city blew out in October last year to 146. While that was eventually reduced to less than 30, thanks in part to the state government making Caulfield Primary School available as a kindergarten, this is still totally unacceptable. Every four-year-old is entitled to one year of preschool, and the Glen Eira City Council should ensure that there is a sufficient number of kindergartens in the city for that to occur. The state government provides a recurrent subsidy for every child, and it also provides capital funds to assist in refurbishing and extending facilities, but it expects local councils to provide the facilities. It is currently providing grants for this purpose.

In addition, a number of community-based preschool services have applied for funding to refurbish their buildings and provide more flexible kindergarten services. I have written a number of letters on behalf of such kindergartens, including the Virginia Park Child Care Centre on East Boundary Road. I call on the minister to consider providing funds to this centre and other services in Bentleigh to meet the growing demand for kindergarten places in the area.

Responses

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Yan Yean raised a matter in regard to the Whittlesea Football and Netball Club, in particular a request for a change of scope for funding originally committed to the football ground upgrade. As the member for Yan Yean outlined, those works were completed and there is a surplus under that project funding. The member for Yan Yean raised the football-netball club's intention to upgrade the football club away rooms and to develop netball courts.

I recall visiting the Whittlesea Football and Netball Club shortly after Black Saturday, and it truly is a remarkable club. The tireless work that the club members and supporters did for the local community was simply outstanding. They became the heart of not only Whittlesea but also the broader community. It gave me great pleasure late last year to present the Whittlesea Football and Netball Club co-presidents at the time, Steve Crocker and Harry Neophitou, with the minister's award for outstanding contribution to bushfire recovery at the 2009 Victorian sports awards.

The aim of the Brumby government's bushfire funding was to help sporting clubs rebuild, and the results have been absolutely clear. Every sporting club affected by the fires has received funding and every club is rebuilding. As the member for Yan Yean outlined, the Whittlesea club was also an important staging ground during the fires. Part of that funding was provided to the club to rebuild the surface that was damaged by that tragic event.

In some cases our funding also went to facilities which themselves may not have been directly affected by the fire but had become key places for the local community to recover, to meet and to socialise. Those facilities therefore needed urgent works to enable them to meet demand. Both the Steels Creek Tennis Club and the Flowerdale Tennis Club survived the Black Saturday fires, but immediately became community hubs with the numbers of community members using the respective facilities soaring. The Brumby government was proud to invest in new lights for Steels Creek and new courts at Flowerdale to ensure no-one was turned away from these clubs.

Similarly, I absolutely recognise the circumstances surrounding the Whittlesea Football and Netball Club, and I am very happy to approve the change of project scope. It will ensure more opportunities for many footballers and netballers from the bushfire-affected communities. I look forward to visiting the facility

again soon, and I thank the member for Yan Yean for her excellent advocacy on behalf of her community.

The member for Scoresby raised a matter in relation to the state basketball centre project, which is under way. This will be a wonderful project, as was outlined at both the announcement and the turning of the sod. For the first time in the history of basketball in this state the sport will have a home. That was one of the key messages from Lindsay Gaze when he attended that first event. He said under previous administrations over many decades in Victoria Basketball Victoria had been very close to getting its own home and finally that wish is being realised.

The centre will not only be the home of Basketball Victoria but will also be the state basketball centre, the home of elite player development and a venue for Basketball Victoria to hold representative games at state, national and international levels. It will also be an important additional base for the Knox Basketball Association. As the member for Scoresby would know, there is a huge demand for basketball in the region and facilities in addition to the existing facility at Boronia and the facilities at local schools in the region the association is using are needed. This centre will be the new home for the Knox Basketball Association and also the regional base for soccer. It is a key part of the Football Federation Victoria strategic plan to have key regional centres across metropolitan Melbourne and regional Victoria, so as I said, it will be a key base for soccer as well.

Local, state and federal governments have provided funding for the state basketball centre, and there have also been contributions from Football Federation Victoria, Basketball Victoria and the Knox Basketball Association.

The member for Scoresby raised the issue of sewerage in regard to the state basketball centre project. He provided very scant details in support of his claim in regard to the sewerage, which is par for the course, but I will make inquiries into this matter and advise the member accordingly.

I will ensure the matters raised by members will be directed to the relevant ministers for their action and response.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.35 p.m.

