PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 28 July 2010

(Extract from book 10)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Planning and Minister for the Respect Agenda	The Hon. J. M. Madden, MLC
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Minister for Children and Early Childhood Development and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Public Transport and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
Minister for Roads and Ports, and Minister for Major Projects	The Hon. T. H. Pallas, MP
Minister for Education and Minister for Skills and Workforce Participation	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

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.

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

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

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.

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

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.

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Asher, Ms Louise	Brighton	LP	Lobato, Ms Tamara Louise	Gembrook	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	McIntosh, Mr Andrew John	Kew	LP
Batchelor, Mr Peter John	Thomastown	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bracks, Mr Stephen Phillip [1]	Williamstown	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Brooks, Mr Colin William	Bundoora	ALP	Morris, Mr David Charles	Mornington	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Burgess, Mr Neale Ronald	Hastings	LP	Munt, Ms Janice Ruth	Mordialloc	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Clark, Mr Robert William	Box Hill	LP	Noonan, Wade Mathew [7]	Williamstown	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Northe, Mr Russell John	Morwell	Nats
Crutchfield, Mr Michael Paul	South Barwon	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pandazopoulos, Mr John	Dandenong	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Perera, Mr Jude	Cranbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Eren, Mr John Hamdi	Lara	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Foley, Martin Peter [2]	Albert Park	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Graley, Ms Judith Ann	Narre Warren South	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Green, Ms Danielle Louise	Yan Yean	ALP	Scott, Mr Robin David	Preston	ALP
Haermeyer, Mr André [3]	Kororoit	ALP	Seitz, Mr George	Keilor	ALP
Hardman, Mr Benedict Paul	Seymour	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Helper, Mr Jochen	Ripon	ALP	Smith, Mr Ryan	Warrandyte	LP
Hennessy, Ms Jill [4]	Altona	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [8]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
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
Kairouz, Ms Marlene [5]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
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

CONTENTS

WEDNESDAY, 28 JULY 2010

CONTENTS

Wednesday, 28 July 2010

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that notices of motion 61, 62, 119 to 121, 196 and 212 to 219 will be removed from the notice paper unless members wishing their notices to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Graham Street, Wonthaggi: traffic management

To the Legislative Assembly of Victoria:

Graham Street, Wonthaggi, is a main street and is used by drivers to access roads to Melbourne, Inverloch, Cape Paterson and South Dudley and for people to visit shops. Including regular traffic, many heavy vehicles access Graham Street and this is creating safety issues for pedestrians trying to cross the road and also for vehicles reversing out of car parks. It has been observed that the construction of the desalination plant at Wonthaggi and the increasing number of tourists and shoppers to the Bass Coast region have significantly increased the flow of vehicular traffic along Graham Street.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Roads and Ports to support our petition and act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi, and to consider allocating an alternative route for heavy vehicles.

By Mr K. SMITH (Bass) (89 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 Mrs VICTORIA (Bayswater) (8 signatures).

Great Alpine Road: upgrade

To the Legislative Assembly of Victoria:

The petition of the residents and visitors of the Alpine shire draws to the attention of the house the lack of sealed shoulders along the Great Alpine Road and the safety issues this causes to cyclists and other road users.

The petitioners therefore request that the Legislative Assembly of Victoria ensure there is enough funding to have the Great Alpine Road from Bright to Harrietville upgraded to include a sealed shoulder.

By Dr SYKES (Benalla) (1151 signatures).

Alpine Health: Bright campus

To the Legislative Assembly of Victoria:

The petition of Bright and district residents draws to the attention of the house that we have been waiting since 1998 for the government to redevelop the Bright campus of Alpine Health, a multipurpose service, into an integrated health-care facility including the provision of much-needed high-level residential aged care. Currently many aged residents are forced to leave their community and family and friends to get high-level care. Alpine shire has a population of 12 899 and covers 11 postcodes. Bright and district has a population of 4236 with 205 aged 80 and over and 824 persons of 65 years and over. Our need is urgent and will become more so with each year as the current population ages and Bright continues to be a retirement destination. In addition some of the 500 000 tourists who visit the shire annually need to access health services, increasing our need for an integrated health facility.

The petitioners therefore request that the Legislative Assembly of Victoria require the Brumby government to take immediate action to work with Bright and district residents to redevelop the Bright campus of Alpine Health into an integrated health care facility with flexible residential aged care to meet the current and future needs of the community.

By Dr SYKES (Benalla) (3795 signatures).

Ombudsman: Victorian Electoral Commission

To the Legislative Assembly of Victoria:

The petition of residents of the state of Victoria.

We the undersigned wish to express concern at the lack of accountability and potential for misuse and abuse in administration by the Victorian Electoral Commission and its staff, further we express concern that the Victorian Electoral Commission is not subjected to independent review, investigation or oversight by the office of the Victorian state Ombudsman.

The petitioners therefore request that the Legislative Assembly of Victoria amend the Victorian Ombudsman Act 1973 by deleting part III s13(3)(ca) of the act which excludes the Victorian Electoral Commission from being investigated by the office of the state Ombudsman.

By Mr HERBERT (Eltham) (18 signatures).

Tabled.

Ordered that petition presented by honourable member for Bayswater be considered next day on motion of Mrs VICTORIA (Bayswater).

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

Ordered that petition presented by honourable member for Bass be considered next day on motion of Mr WAKELING (Ferntree Gully).

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report 2009–10

Mr STENSHOLT (Burwood), by leave, presented report.

Tabled.

Ordered to be printed.

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE

Manufacturing in Victoria

Ms CAMPBELL (Pascoe Vale) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Portfolio Departments: Interim Results of the 2009–10 Audits — Ordered to be printed

Taking Action on Problem Gambling — Ordered to be printed

Duties Act 2000 — Reports 2009–10 of exemptions and refunds under ss 250B and 250DD (two documents)

Essential Services Commission — Review of Accident, Towing and Storage Fees (two documents).

BUSINESS OF THE HOUSE

Standing orders

Mr WYNNE (Minister for Housing) — By leave, I move:

That so much of standing orders be suspended as to allow:

(1) a motion 'That the house take note of the 2009 Victorian Bushfires Royal Commission final report, July 2010' to be moved on Tuesday, 10 August 2010, immediately after question time;

(2) debate on the motion to be limited to a lead government and non-government speaker to each speak for no more than 20 minutes, a second government and non-government speaker to each speak for no more than 15 minutes, a further six government and six non-government speakers to each speak for no more than 10 minutes, and seven government and eight non-government speakers to each speak for no more than 5 minutes; and

(3) the Chair to put the question on the motion following the last speaker specified in (2), or sooner if there is no further debate.

Mr McINTOSH (Kew) — Briefly on the motion, this is the result of extensive discussions I have had with the Leader of the House in relation to this very important debate. Originally what was proposed, and what appeared in the public arena, was a proposal that the lead speakers, who would be the Premier and the Leader of the Opposition, would speak for some 20 minutes and thereafter speakers would be provided with 5 minutes to speak and any member who wanted to speak would be given that time. Importantly, I made representations to the government that the Leader of The Nationals was the opposition spokesman on emergency services and should be given additional time. The government acceded to that, and he will be

given 15 minutes and a speaker from the government will be given the same time.

Likewise, I entreated the Leader of the House to recognise that there are a number of members, unlike someone like me, whose electorates were severely devastated by the bushfires. Again, the government recognised that in those circumstances there should be some additional time provided, and to enable the time to be adequately provided the compromise was that there would be provision for other speakers who wanted to make a contribution for more than 5 minutes. I am very grateful the government has accepted my proposals, and I think it will be not only an interesting and worthwhile debate but also a very compassionate debate in the next sitting week.

Motion agreed to.

MEMBERS STATEMENTS

Rail: infrastructure

Mr MULDER (Polwarth) — The chaos that engulfed the Premier's and the Minister for Public Transport's Metro Trains Melbourne and V/line rail systems for much of yesterday was the winter equivalent of the January summer problems we saw in Melbourne when the rail network went into meltdown. The Premier was the Treasurer when the myki contract was signed on 12 July 2005. The original predicted cost was $300 million, including a 10-year operating period. Myki will now cost at least $1.35 billion-plus of Victorian taxpayers money, while vital rail infrastructure remains in an absolute state of chaos.

The government was warned in Metro's 2009 asset management plan, submitted before the train contract was awarded, that there were huge problems with the 1500 volt direct current electrical overhead wiring on Metro's 750 kilometres of rail track. Metro said in this mid-2009 report that the rail network's industrial substations and power distribution assets at Melbourne's Dynon rail yard, Newport and North Melbourne displayed signs of minimal planned maintenance and a lack of renewal and required substantial capital to bring the network up to an industry standard and a fit-for-purpose condition. How on earth could the Premier have signed off on myki when the government would have known this was the state of our rail network and its power supply? Not only did yesterday's rail disruption cause at least $12 million in lost productivity, it came on top of similar rail overhead disarrangements twice earlier this year on the Glen Waverley line — —

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

Werribee and Cottrell streets, Werribee: upgrade

Mr PALLAS (Minister for Roads and Ports) — Wyndham is the fastest growing municipality in Victoria, and the Brumby Labor government is continuing to deliver important infrastructure, with the completion of the upgrades to Werribee and Cottrell streets. Last week I had the pleasure of visiting the finalisation of works at the $3 million upgrade of the Werribee–Cottrell streets intersection in Werribee. The completion of the upgrade works will help Werribee residents spend more time with friends and family, as the works reduce congestion during peak periods on these busy Werribee streets.

The upgrade included relocating the central island, installing additional lanes in each direction, resurfacing the road and improving the traffic lights, signage and railway crossing signals around Werribee and Cottrell streets. The completion of the works will also help to ensure the improvement of driver and pedestrian safety by reducing the amount of cars banking up at the intersection.

Wyndham and the growing population of Melbourne's western suburbs continue to be recognised by the Brumby Labor government's $38 billion Victorian transport plan, which contains major projects for Melbourne's west. The building of the regional rail link and the second river crossing project as part of WestLink will enhance the accessibility of Wyndham residents to the rest of Melbourne. I would like to thank the residents of Wyndham for their patience whilst these vitally important works have been taking place to provide improved infrastructure for their community.

Weeds: control

Mr WALSH (Swan Hill) — I want to raise the threat to Victoria's very important bee industry. Many crops in Victoria would not be viable without the services of the bee industry in terms of the pollination of crops. Without bees, that just would not happen. There is a major threat to the bee industry from two particular weeds.

The first one is carpet weed. As its name suggests, it forms a carpet over an area and invades and eliminates other plants. This weed is taking over large areas north and west of Melbourne and has the potential to spread across the entire state. The pollen from this weed is very attractive to bees, but the honey produced is of an

extremely bitter taste, rendering it useless and worthless.

A similar weed is an issue in north-east Victoria. This one is called great mullein or blanket weed. The pollen from this plant is also attractive to bees, and it also affects the quality of the honey, making it very dark, bitter and unsaleable. I am informed that VicRoads is actually using these weeds to plant on the road verges to stop erosion. Members of the government's noxious weeds review have been meeting since 2004, and it seems these weeds have been included in their discussions, but no decision has been made.

The bee industry is asking how long will it have to wait before the Minister for Agriculture does something about those two weeds, particularly if they are being planted by VicRoads as erosion controls but are effectively destroying the bee industry in affected areas.

Glen Waverley Primary School: 50th anniversary

Ms MORAND (Minister for Children and Early Childhood Development) — On Sunday I attended a special event to celebrate the 50th anniversary of Glen Waverley Primary School. The event marked 50 years ago to the day since the school opened its doors to children of the new suburb of Glen Waverley. Hundreds of people attended the special assembly to mark the occasion, including students from the classes of 1960. Their presence and the presence of other past students and families, past teachers and staff, and current students, family and staff reinforced the importance of the occasion and the special importance of the school as a central part of the local community. This great school has a fantastic reputation and provides high quality education to the children of Glen Waverley. It is a school with a wonderful cultural diversity that enriches the experience of the students and wider school community.

The event included a great performance by the choir and a cultural performance by the Chinese and Indian students, which was greatly enjoyed by all present. The school leaders did a great job in hosting the event, and I would like to acknowledge school captains Ben Lohning and Sabrina Nur and vice-captains Navod Arachchige and Yishan Neo. I would also like to acknowledge and congratulate the council president, Trevor Combridge, on his great contribution, all the council members for their commitment and time in supporting the school, and all former school council members, who have given their time and passion to their children's education, including the long-serving council member and recent school council president, Sharon Foster.

A further demonstration of the special nature of this school was the presence of former principal Paul Volkering. I am sure the new principal, Frank Catalano, will continue that legacy into the future — —

The DEPUTY SPEAKER — Order! The member's time has expired.

Manningham Park Primary School site: future

Mr KOTSIRAS (Bulleen) — Despite its rhetoric and misinformation about not closing schools, this Labor government closed Manningham Park Primary School in my electorate, to the disappointment of many parents. It was a closure, whichever way you look at it.

When it closed the school this arrogant government promised that the school site would be given to Bulleen Heights School as its second campus. Bulleen Heights is a great school, with committed staff but limited space. It is a unique, single-mode specialist school that caters for children and young adults assessed as having autism. Students are aged between 5 and 18 years. The school is highly regarded in the community.

There are now whispers that the department will sell the site or part of the site to either developers or private organisations to build a private social club or some other commercial operation. If this is true, the minister should hang her head in shame. I call upon the minister to make it clear that no part of the Manningham Park Primary School site will be sold by any Labor government either before or, should Labor win, after the November state election.

Gippsland Multicultural Services: government support

Mr KOTSIRAS — On another issue, this Labor government only supports organisations that toe the government's line and refuse to criticise its failed policies. Why else would it stop listening to and supporting organisations like Gippsland Multicultural Services, which has catered for the local community for many years?

I call upon the Victorian Multicultural Commission to stop politicising multicultural affairs and to make the time to meet with Gippsland Multicultural Services and extend to it the support that it needs to survive.

The DEPUTY SPEAKER — Order! The member's time has expired.

Elizabeth Walker Education Centre

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — Last Friday I had the pleasure of opening the Elizabeth Walker Education Centre at Animal Aid in Coldstream. For over 60 years Animal Aid has provided a tremendous service for Victorians beyond being just an animal shelter: it is helping to create a society in which both people and animals are treated with respect and compassion.

The Elizabeth Walker Education Centre will be a valuable space to facilitate a wide range of educational, operational and promotional functions. It will also become a coordination and communications room during crisis situations, such as fires, floods or other natural disasters.

I thank very much Animal Aid chair Lesley Humphreys, as well as Glenda and Wayne Walker. The centre is named in memory and honour of their late daughter.

Steve Moneghetti

Mr MERLINO — I would like to congratulate the retiring chair of the Victorian Institute of Sport, Steve Moneghetti, on the remarkable contribution he has made to sport in our state. Few Australians have done more for the industry on and off the field or been held in higher esteem.

Steve has literally taken the full journey with the VIS, from elite athlete to coach and ultimately the chair. During his nine years as chair, the VIS achieved some excellent results, including 11 Olympic champions, 35 Paralympic champions, 49 Commonwealth Games champions and 101 world champions. These fantastic results, coupled with Steve's persistence and leadership, are nothing short of inspirational, and on behalf of all Victorians I thank him for a job well done.

Kate Palmer

Mr MERLINO — I would like to congratulate Steve Moneghetti's successor, the first ever Victorian Institute of Sport female chair, Kate Palmer. Kate has been a terrific leader in the sports industry for many years and is well qualified to take on this new challenge as Victoria's best athletes prepare for Delhi later this year and London in 2012.

Schools: closures and mergers

Mr DIXON (Nepean) — The government's drive to merge schools around Victoria is starting to come apart at the seams. The Brumby government has closed or merged 186 schools so far, plus there are many more under the microscope for next year. In fact this government is so addicted to forcing mergers on school communities that there was a 50 per cent increase in the number of mergers in one year, between 2009 and 2010.

In the past month two communities have decided that the merger that was forced on them by this government is not what they want, and consequently the government has been forced into an embarrassing backflip. Thomastown Secondary College and Peter Lalor Secondary College were to be merged by the Brumby government. Thomastown Secondary College agreed, but only on the condition that the required funding be included in this year's budget. The government agreed to this in writing. However, when the government went back on its word and came back with only one-fifth of what was needed, Thomastown Secondary College said the deal was off. Despite threats and coercion from the office of the member for Thomastown, the school stood firm and the education minister reversed the decision to merge but spat the dummy and took the $5 million promised in the budget off the school. No doubt Thomastown Secondary College will now be starved into submission by this uncaring government.

A merger between Comet Hill, Eaglehawk and Bendigo North primary schools is now under review, as the Eaglehawk community does not want its school to be merged. With an eye on the polls, the member for Bendigo East has now declared that Eaglehawk Primary School should remain open as a campus of the new merged school.

As a *Bendigo Weekly* editorial says:

> Everything Ms Allan has said … has been to support the school council's decision in merging and closing the school down.

Labor must now realise it cannot force this school to merge.

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

C. J. Dennis Hall, Toolangi: rejuvenation

Ms D'AMBROSIO (Minister for Community Development) — I rise to congratulate the Toolangi and Castella communities for their leadership in securing the rejuvenation of the C. J. Dennis Hall. Last Thursday I was in Toolangi, with the member for Seymour, to officially open the hall's new kitchen

upgrade, and it was wonderful to see the community's enthusiasm for this important community facility.

The C. J. Dennis Hall is the main community meeting, activity and function space for Toolangi and Castella residents, so it is no wonder it was one of the highest priorities identified by the local community through the Kinglake Ranges community building initiative. The hall is used for a variety of activities including local festivals, adult education activities, indoor sports, celebrations and school events. During the horrific 2009 bushfires the C. J. Dennis Hall was used for daily briefings and served as a refuge for those cut off by the fires.

This hall continues to play a vital role in the functioning of community life in the area. However, the inadequate kitchen facilities in the hall allowed for only very basic food preparation, which has severely restricted its use over time. This new upgrade, involving the construction of a commercial kitchen, has undoubtedly given the hall a new lease on life, ensuring it is the centre of community life and strength for many years to come. This project has been the product of a lot of hard work by the Toolangi community. It was plain to see their great affection for this facility last Thursday, and the successful completion of this project is a huge credit to them.

National parks: river red gum forests

Mr JASPER (Murray Valley) — I wish to bring to the attention of the house major concerns being expressed to me by landowners who lease land along the Murray River, with proposals by Parks Victoria to resume this land progressively to 30 September 2014. Members will be aware of the investigation undertaken by the Victorian Environment and Assessment Council which, despite the huge local opposition, resulted in a major recommendation to establish four red gum national parks, with legislation proceeding through the Parliament despite the strong opposition of The Nationals.

Parks Victoria officers currently negotiating to resume leased land in the new national parks have been experiencing great difficulty because of the opposition by landowners who have managed this leased land effectively for decades, even generations. However, the state government, through Parks Victoria, has contacted virtually all landowners along the Murray River and indicated all leased land will be resumed to create the Murray River parklands.

The landowners have contacted me expressing outrage with this further expansion by Parks Victoria in seeking to resume the leased land along the Murray River. These landowners have effectively managed these areas over decades in conjunction with many farming operations, and concern has been expressed that the government cannot manage Crown land areas now without adding additional areas.

Areas of concern put to me to be resolved include the provision of stock water, bridge and public access, private land being landlocked and, critically, future management, including the issue of funding for fencing and its protection or replacement in the event of flooding. These landowners demand a cooperative approach to achieve a practical outcome.

Jika Jika community centre: programs

Ms RICHARDSON (Northcote) — On 22 July it was my pleasure to launch the visioning program at the Walker Street public housing estate in Northcote, supported by a $30 000 Victorian community support grant.

The Walker Street estate is a small but inspirational community that wishes to do all it can to improve its future. I have worked with its residents on many occasions, and time and again they demonstrate their care and generosity. The project seeks to build on these strengths by bringing about change to improve the lives of the residents. Labor supports the project not just because of our commitment to providing strong communities but also because of the calibre of the people connected with it.

The visioning project would not have been possible without the enthusiasm and dedication of the Jika Jika community centre, led by Gina Wittingslow. Gina and her colleagues have an intuitive understanding of the needs of the residents and a commitment to see them thrive. They are always pushing the boundaries in the interests of those who are disadvantaged as well as the wider community.

Another project supported by Jika Jika is the Our Homes, Our Health program, where older residents in Thornbury and Northcote housing estates are encouraged to take active roles in the running of their communities. Annie Hingston from Jika Jika and Anne Learmonth from the Association of Neighbourhood Houses and Learning Centres recently did a presentation at the International Conference on Ageing. There has been much interest since then. The City of Melbourne would like to replicate the model in North Melbourne, and the Department of Planning and Community Development has acknowledged the work

as world best practice and is interested in replicating it throughout Victoria.

The enthusiasm and vision of the residents at the Walker Street estate and the workers at Jika Jika are a clear example of why the Northcote community is so strong and vibrant and why it is such a privilege to represent them.

Bail: government policy

Mr CLARK (Box Hill) — Yesterday the Attorney-General issued a media release about changes to bail laws that has all the hallmarks of a moribund and panicked government. Victorians desperately looking for a government prepared to take tough action against those who repeatedly offend while on bail or openly breach bail conditions would have looked in vain for such reforms in this media release from an Attorney-General who is soft on crime and soft on crooks.

The media release is headed 'Bail changes introduced in major review of crime laws', even though the Attorney-General's changes have not been introduced into the Parliament. As for detail of the intended changes to bail laws, there is only the empty claim that the changes 'clarify aspects of the law, codify some existing practices, and promote efficiencies in the operation of the bail system' and 'clarify the purposes of imposing bail conditions and the kinds of conditions'.

However, the Attorney-General is clearly panicked that people might think he has copied yet another opposition policy, because he then makes the near incoherent claim that:

> Only the decision-maker has all the facts before them — a simplistic approach to conditions as proposed by the opposition ignores the reality of bail decision making, and would be ineffective …

Either the Attorney-General learnt nothing from Don Watson during his time in Canberra or else he has deliberately used this tortured syntax to try to hide the fact that his own announcement shows how empty his criticism of the opposition was. The only thing that the Attorney-General's release makes clear is that only a Baillieu government will tackle violent criminals who offend while on bail with strong and effective bail laws, including ending bail shopping, new penalties for offending while on bail and breaching bail conditions, and introducing electronic monitoring to protect the community.

Electoral reform: electronic voting

Mr SCOTT (Preston) — In the electorate of Preston there are a large number of persons from a non-English-speaking background and a large number of persons with low educational attainment.

In Victoria we have compulsory voting and by law people are expected to participate in the electoral process, yet a large number of people fail to do so, and evidence suggests that informal voting is largely related to persons of a non-English-speaking background and persons having low educational attainment.

Recently the upper house approved the Electoral Amendment (Electoral Participation) Bill, which resolves a large number of issues around electoral enrolment, but there is still much work to be done on electoral reform, particularly relating to the participation of persons who have difficulties dealing with our voting processes, which are much more complex and convoluted than most other electoral systems around the world.

A number of steps can be taken to ensure that persons who are attempting to participate but have low English language skills can do so. I note the trial of electronic voting, and the fact that other states have informal systems that would allow more voters to participate effectively in the electoral process, particularly South Australia with its vote-catching provisions, but any electronic voting system raises issues of transparency. I support the trial that is currently being undertaken for the next state election; however a broader expansion of electronic voting will require systems in place which ensure not just the effectiveness of the process but its transparency.

Planning and Environment Act: review

Mr MORRIS (Mornington) — The government's 2009 statement of intentions championed the need for a review of the Planning and Environment Act. The statement rightly identified that there had been many changes in the past 20 years, including economic, social and environmental factors that have an impact on the way we should plan our towns and cities.

As we have come to expect, there was much talk of cutting red tape, too often a euphemism for greater complexity and lower standards. Eighteen months on the scheme seems to have disappeared without a trace. The act remains unchanged — the details of the government's proposals are still shrouded in mystery. There has been no improvement in certainty for the community. There has been no move towards

efficiency or reasonable expectation, and there has been no genuine discussion with any of the so-called stakeholders. None of the promised reforms has been discussed, let alone legislated for.

Every day we hear of yet another case where the system has failed, where community expectations are thwarted and Victoria's livability is eroded further. This morning's report of a co-located gambling and child-care facility is just the latest excess.

The urban character of our towns and suburbs is being destroyed through overdevelopment and underservicing — underservicing in road construction, underservicing in public transport, and underservicing in essential services like health, education and police.

The system has totally failed, but all the while the planning juggernaut, Minister Madden, stumbles from one disaster to the next neither knowing nor caring about the very real and long-term damage that he leaves in his wake.

Satnam Sweets: opening

Ms KAIROUZ (Kororoit) — The electorate of Kororoit has a large number of people from a non-English-speaking background. We have people coming from over 120 countries. On Saturday, 17 July I had the pleasure of attending the official opening of Satnam Sweets in my electorate of Kororoit. Satnam Sweets is a family-run business that makes and sells Indian sweets for many businesses and people in the community. All of the sweets are made at the impressive premises at Ravenhall just off the Western Highway. I would like to take this opportunity to congratulate Surinder Kumar and his family and wish them all the success with this new and exciting venture.

Pakistan Independence Day: celebration

Ms KAIROUZ — On another matter, I had the wonderful opportunity to be amongst the Pakistani community celebrating Pakistan's Independence Day on Saturday, 24 July, at Coburg Town Hall and had the pleasure of meeting Pakistan's High Commissioner, Ms Fauzia Nasreen.

I was pleased to witness members of the Pakistani community celebrating this important event in their calendar and enjoying their food, traditions and culture. I wish them the best of luck for the future, and I hope they continue to take pleasure in our harmonious and multicultural society.

St Thomas More Primary School: Parliament visit

Ms KAIROUZ — I would also like to congratulate the parents of grades 5 and 6 students at St Thomas More Primary School who have taken the initiative to bring their sons and daughters to Parliament House today.

Planning: Sandringham development

Mr THOMPSON (Sandringham) — The uniqueness of the bayside area is under threat at the present time as a result of the one-size-fits-all planning approach of the Brumby government. There is a proposal afoot for a 499-unit, 11-storey tower complex to be built in Bay Road, Sandringham, placing immense pressures on the local neighbourhood. People living in the suburbs of Highett and Sandringham currently experience difficulties with parking and traffic and an increased demand on local facilities. One resident states:

> A monstrous proposal such as this will destroy our uniqueness.
>
> This proposal places a significant strain on already straining amenities — the hospital, the train, the schools. Parking is at a premium in Sandringham already. The station car park is continually overflowing and cars are parked the length of —

local streets. Another concerned person commented that they did not buy into the area to look at multi-storey buildings. There is a problem when there is a population increase without the resources being provided to build the appropriate infrastructure to offset the traffic demand. In the suburb of Highett the streets of Advantage Road, Highland Avenue, Marshall Avenue, Sydenham, Noyes and Clements streets and Lawson Parade together with Dalmont, Wilson, Nicol, Gilarth and Miller streets are at risk of becoming rat runs in the future.

Katrina Hatfield and Tayla Parmenter

Mr PERERA (Cranbourne) — I draw to the attention of the house two junior heroes from my electorate who were recognised for taking fast action to get specialist help in emergency situations. I congratulate two young locals living in the electorate of Cranbourne for becoming Junior Triple Zero Heroes by calling 000 in an emergency situation.

Katrina Hatfield of Cranbourne, aged 8, reported to triple zero that her father was bleeding from the face and that she was unclear how this had happened. The large amount of blood caused distress to Katrina but she was able to calmly relay information and provide

instructions to her father. Tayla Parmenter of Frankston North, aged 12, reported an erratic driver who was speeding and possibly drunk. The courage and bravery shown by both Katrina and Tayla saved family members and protected homes and our local community. Both Katrina and Tayla were courageous and played an important role in promoting responsible use of the triple zero service.

Seaford United and Langwarrin soccer clubs: women's trophy

Mr PERERA — Last Sunday I had the pleasure of hosting the 2010 Perera senior women's soccer trophy game between Seaford United and Langwarrin soccer clubs. It was a very competitive match which showed the great spirit of both teams. Seaford United won on the day. I congratulate the coaches, players and supporters from both sides on a wonderful day of entertainment.

Bushfires: victim support

Mr BLACKWOOD (Narracan) — I take this opportunity of bringing to the attention of this house and the Premier the ongoing struggle that many bushfire-affected families are still facing even today, 18 months since the fires of Black Saturday. As an example a small part of the story of Michelle Buntine and Brett Savage really highlights that many bushfire-affected families are not able to access assistance from the Victorian Bushfire Reconstruction and Recovery Authority for ongoing and unforeseen but directly related bushfire damage.

On Black Saturday they lost practically everything: a brand-new two-storey home, all fencing and most of their shedding. In November last year, eight months after the fire, their remaining shed that had been converted into a temporary residence was flooded. The shed had been erected for several years and never flooded. After the fires all vegetation around the shed had to be removed. This resulted in major flooding and soil erosion which filled their shed-cum-temporary home with ankle-deep mud and water.

Some of the amazing volunteers in our area assisted with the construction of temporary trenches, and in December 2009 Michelle and Brett hired a professional to put in place proper drainage. A claim for $1782 to cover the cost of this drainage has been knocked back by the Victorian Bushfire Reconstruction and Recovery Authority. This bureaucratic inflexibility has added enormous stress and complication to the recovery process for many who battled the Bunyip Ridge fire.

I urge the Premier to ensure that the tireless effort bushfire survivors and volunteers are committing to the recovery process is matched with every bit of government assistance that can be provided.

Brad Jepsen

Ms DUNCAN (Macedon) — I rise this morning to pay tribute to Brad Jepsen, who, sadly, passed away on 14 July. Brad leaves behind his wife, Shelley, and daughter Amber, family and many friends. Brad was only 51 and had devoted 27 years to the Country Fire Authority, joining the Gisborne brigade in 1983. He served in many senior roles within the CFA, including running the incident control centre in Gisborne on Black Saturday as the Mount Macedon group officer, a position he had held since 2006. Such was the standing Brad had within the group that representatives of the eight brigades in Mount Macedon had re-elected him group officer, unopposed, only weeks ago. Brad was awarded a CFA national medal in recognition of his service in 2005.

I first met Brad and Shelley when they lived in Bullengarook. They later moved to Carlsruhe, and Brad transferred his CFA membership to the Woodend brigade. For a boy born in North Altona, Brad loved the country life. He loved his cattle and he loved Shelley's horses. He was a funny man, devoted to his wife and daughter. As Brad himself said, 'The biggest thing that separates a volunteer firefighter from a paid one is that all our jobs start from home'. He also apparently reminded CFA permanent staff at every opportunity that they were there to assist the volunteers.

Judging by the huge attendance at Brad's funeral he was incredibly popular and well respected. The CFA paid tribute to him with a guard of honour. Brad will be sadly missed. He was too young to die, and our community and the CFA will be all the poorer for his passing.

Hastings: jetty redevelopment

Mr BURGESS (Hastings) — The state government is intent on short-changing the community of Hastings by failing to properly invest in an appropriate refurbishment of its iconic jetty.

The state government has been happy to spend many millions of dollars on refurbishing or rebuilding jetties in other neighbouring communities, including, I am informed, a recent increase in the original $2 million initial cost of the Mornington pier to more than $3.3 million. The increased cost includes the addition of timber fascias in an attempt to preserve the integrity and

historic nature of the Mornington jetty. That is something we all support, but this increase alone is far more than the entire amount the government plans to spend on the Hastings jetty. It has spent $3.5 million on the Frankston pier, $1.45 million on the Rosebud pier and more than $2 million on the Flinders pier, yet the Brumby government intends to again short-change the Western Port community by largely replacing the iconic Hastings jetty with a flat slab of floating concrete.

This is not the design the community wants or deserves, and the government must immediately put this disgraceful plan on hold, undertake proper consultation and put in place a plan that properly reflects the precious nature of this wonderful structure.

Department of Human Services: occupational health and safety

Mr BURGESS — I have also been informed that the Department of Human Services is failing to provide for the basic health and safety of its employees by neglecting to ensure that there is an adequate supply of appropriate quality rubber gloves. The supply of rubber gloves has been allowed to gradually deteriorate, often towards the end of the financial year, generating a situation that creates unnecessary difficulty and stress for employees in being able to provide the quality of care needed to accommodate vulnerable patients. Patients are often forced to supply their own gloves, which are often of inferior quality. These allegations carry with them very serious occupational health and safety risks and must be immediately investigated by the Minister for Health.

Frankston-Flinders Road, Bittern: pedestrian crossing

Mr BURGESS — The community of Bittern urgently needs a pedestrian crossing on Frankston-Flinders Road.

The DEPUTY SPEAKER — Order! The member's time has expired.

Gaming: Pink Hill Hotel

Ms LOBATO (Gembrook) — I was devastated to learn this morning that the Victorian Commission for Gambling Regulation has granted approval for 60 electronic gaming machines for a proposed hotel called Pink Hill at Beaconsfield. The site for this development is adjacent to a community complex which comprises a neighbourhood centre with child-care facilities and a kindergarten. It is also next to a residential area where many families have chosen to establish their homes.

I have been an objector to this development on the grounds that it is totally out of keeping with the wishes of the local community and it is located in an area which renders it unsuitable as such a facility. In my objection to this planning application when it came before council I wrote:

> Beaconsfield as a community prides itself on having a 'small town' atmosphere with close community ties between residents and smaller scale commercial areas in comparison with its neighbours, Berwick and Pakenham.
>
> There is already a hotel in the township which is sufficient for the community's needs. The hotel, along with the Beaconsfield Community Complex, also ensures that there are adequate meeting rooms and facilities within the town for any functions that wish to be held.

To learn this morning that the commission has approved a see-through child-care room in between the gaming and bistro areas, and that every person entering the facility will be forced to walk past the gaming room, is a disgraceful outcome. To encourage gambling by providing free child care is outrageous. The fact that the commission has approved this before the Victorian Civil and Administrative Tribunal has made a decision to allow or prohibit this development is equally devastating.

If this Pink Hill development goes ahead, it will set the most awful precedent. I, together with the community, will continue my opposition to this proposal.

Eastleigh Community Church: Cuppa Club

Mr HUDSON (Bentleigh) — The Eastleigh Community Church has established a Cuppa Club in Centre Road, Bentleigh. That began after volunteers in the opportunity shop saw the need for a meeting place for members of the community to talk, enjoy the company of others and participate in activities in a safe and secure environment.

On behalf of all members of the community I would like to congratulate the Eastleigh Community Church on this initiative.

The DEPUTY SPEAKER — Order! The time for members to make statements has now concluded.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

That grievances be noted.

Rail: infrastructure

Mr MULDER (Polwarth) — As I believe would be expected in this house today, I rise to grieve for the 400 000 commuters who were left stranded on Melbourne's metropolitan and regional rail network yesterday.

Mr Hudson interjected.

Mr MULDER — The member for Bentleigh says, 'Crocodile tears'. They were out there yesterday; where were you? You were driving into Parliament in your car. It was happening out there yesterday. People would have shed tears!

The DEPUTY SPEAKER — Order! We will set the standard before we start. The member for Bentleigh should cease interjecting, and the member for Polwarth should remember that when he says 'you' he is addressing the Chair. His remarks shall be made through the Chair, and the member for Bentleigh shall cease interjecting.

Mr MULDER — As we move forward to the next election there is no doubt that an enormous number of Labor Party seats will tumble because of this situation. Commuters have had an absolute gutful of this government and its poor prioritisation of how to spend public transport money in the state of Victoria — a wavy roof on Southern Cross station, myki smartcards and fast trains. No-one is denying that funding has been put in. Yesterday the Premier's only defence was to say that his government had put in record funding. No-one is denying that money has been spent on the network, but the money has been spent and poorly prioritised. The issues that should have been dealt with have simply been put on the backburner.

This government has been hoping to get through its period in office without the absolutely run-down state of the network being brought to the attention of the public. That fact is that the rail network has been asked to do more than it is capable of — that is, it has been asked to run more trains harder over ageing infrastructure without its infrastructure being upgraded.

I have already mentioned Southern Cross station, the myki smartcard project and the fast trains project. Members should go down to Southern Cross station and have a look at its roof. It is leaking like the Deputy Premier's office, and Southern Cross station needs a massive amount of money to fix the problem. It is an absolute disgrace to stand at that station, look at the roof and then look across at the parked trains which cannot move and the people who are stranded on the platforms. It is due to poor prioritisation of spending.

One might ask how this has happened. Some people, particularly those in government, are trying to push the blame across to Metro Trains Melbourne. Metro has been running the network for only seven months, but this government has been in office for more than 10 years. You cannot point the finger at the operator of the day. This is a state government responsibility. This is about projects that are put forward to the expenditure review committee, which was chaired by the Premier when he was Treasurer. The Premier is the one who signed off on a lot of these earlier projects and said, 'This is where the money should be spent. This is our priority for public transport spending, but we are not going to worry about infrastructure'.

When lodging its tender bid with the Victorian government Metro carried out a due diligence audit of Melbourne's rail system and detailed the findings of that audit in the asset management plan it put forward to the Victorian government. Metro told the Victorian government what was wrong with the network and what needed to be done with it if Metro was going to operate a successful public transport business in Victoria. The due diligence audit uncovered a litany of works that should have been undertaken and moneys that should have been provided to Connex when that company was running the network. The audit showed that Connex was denied funding to put in place projects and programs to make the network safe, sound and reliable.

From day one the problem has been that the government cannot prioritise, and when it attempts to prioritise it is all about a ribbon-cutting event or some iconic project so that government members can go to an election saying, 'Fast trains! Myki smartcards!'. Have a look at the roof on Southern Cross station, but do not look at the assets, because it would worry you to death if you were out there travelling on the rail network.

I turn to some of the issues raised by Metro in its due diligence audit of the rail network and what Metro told the Victorian government about our rail network. The audit found that Melbourne's 173 electric trains were overloaded and posed serious safety concerns for operators due to the traction power system used by the trains. In the meantime where is the money being spent? More than $1.35 billion of Victorian taxpayers money is going into a myki smartcard. That is how

clever this government has been in terms of its prioritisation!

In relation to the government's assets, Metro Trains Melbourne has also said that industrial substations and power distribution assets at Melbourne's Dynon rail yard, Newport and North Melbourne display signs of minimal planned maintenance and lack of renewal. Where did the cable snap yesterday? It was at North Melbourne. An overhead cable snapped — this is what Metro was talking about — and dropped on top of a train, got caught in the pantograph and short-circuited the entire system. This was because of the failure of a single cable.

Surely through Public Transport Safety Victoria and the Department of Transport the government would have been looking at those assets all along and would have known what state they were in. What does it say about the Premier that he made a statement that we would see a difference from day one when this new operator turned up, knowing all along that the system was run into the ground and investment had not been made in the right places? That was about operating on a wing and a prayer and saying, 'I hope you will see a difference from day one. I hope the cables do not snap'.

Regarding this rail system that the government claims it has put record investment into, Metro has also said that on the Belgrave, Frankston, Hurstbridge and Pakenham lines there is a risk of trains derailing or having a catastrophic collision with structures because of the state of the tracks. This company was supposed to make a difference from day one. The government would have known about this; these are its assets. There have been three public transport ministers who would all have known about this.

The government dares to come out and point the finger at a private operator that has been here for seven months, running the government's trains on the government's tracks with the government's infrastructure. The government says, 'We are going to fine the operator for what happened yesterday'. The government should accept responsibility and understand that the situation that exists has not occurred just in the last seven months. You have been there for 10 years — when I say 'you', I refer to the government of the day, Chair — and you have simply turned your backs, hoping to hell that none of this would bubble to the surface.

I will go on a little further in relation to Metro's asset management plan and its assessment of the situation prior to taking over. It must be remembered that the Premier accepted the results of Metro's due diligence process. The Premier accepted what Metro had to say about the rail network because he accepted its tender bid. There is no dispute about this; the government knew when Metro put in its tender bid that what Metro was saying about the rail network was correct. Metro said that immediate priority work was required on 9 of Melbourne's 15 electrified rail lines to counter the present overloading of rail substations that convert AC power to DC power or headway deficiencies that impose a restrictive limit on the number of trains that are able to draw power on particular sections of railway lines. Some of the line sections named are Balaclava to Middle Brighton, Caulfield to Frankston, South Yarra to Armadale, Clayton to Westall, Burnley to Gardiner, Hawthorn to East Camberwell and East Camberwell to Ashburton — and it goes on and on.

We have sections of lines out there that do not have the power coming into them to be able to accommodate additional trains, but at the same time we have this message being sent out by the government of the day that it is going to run additional services. How do you do that without the necessary power? This appalling situation points to nothing other than the government wantonly neglecting a network and then turning around and trying to point the finger at somebody else and expecting them to take responsibility for its failures. The $1.35 billion-plus that went into the myki ticketing system could have addressed the vast majority of these problems.

The community is saying, 'We want to feel safe on the rail network. We want our trains to turn up on time; we do not want our trains cancelled. We expect that a government will provide us with a basic service. We just want a basic service. We want to turn up to work on time and get home on time at night for the kids and the family. Please, as a government, can you just provide a basic service for us?'. That is the message that is coming from the community.

What is the message we hear today? A newspaper headline today is 'Six more months of chaos', which would mean we would have 11 years-plus of a Labor government in Victoria. There have been record sums of money available and GST rolling into the state, but where does it go? It goes into projects that the government thinks may give it a bit of a bounce at the next election, such as wavy roofs at Southern Cross station, the myki smartcard and fast trains. If members want to see the record on fast trains, they should just have a look at what $1.5 billion of infrastructure has produced out in regional Victoria. Geelong has had in excess of 40 months in a row of late-running trains, and the situation for Ballarat and Bendigo has not been much better. It has been an absolute and utter disgrace.

The switching on last weekend of myki, the government's $1.35 billion flagship public transport project, was an absolute fiasco. The validators were not working and the system is too slow. Right alongside the myki system the old Metcard system was flying away: people were jumping on and off the trains with not a problem because of the system's reliability. However, it is being replaced by a $1.35 billion smartcard system that does not work. It is causing so many problems and headaches that the government of the day is restricting access to the myki cards so that not enough people use the system to give it a really thorough pull through. That is the situation.

All of the pensioner myki cards that were supposed to have been sent out have been withheld. Why have they been withheld? We do not want elderly people out there at the validators trying to work out whether these things work or not. Why can you not buy a myki smartcard down at the 7-Eleven store? Because the government does not want you to have them. Go online or go to the call centre and wait for a month or two and your card might turn up. This government is saying, 'Whatever we do, we do not want to put too many people out there using the myki system, because it is only going to point to the fact that we are a totally incompetent government that wasted $1.35 billion of taxpayers money'.

That money should have gone into drainage around the rail network; it should have gone into ballast; it should have gone into concrete sleepers; it should have gone into points; it should have gone into crossings; it should have gone into signalling systems; it should have gone into air conditioning; it should have gone into replacing those overhead wires, one of which snapped yesterday, to make sure that we had a reliable public transport network. The government is claiming it has started to upgrade the overhead power supply. It is doing, I think, about 16 kilometres of that at the moment. There are 750 track kilometres of overhead wiring. Does the government understand the backlog, the amount of work that has to be undertaken to get this system anywhere near reliable?

This government has had the time, it has had the ability to plan, but more than anything else it has had the money to spend on the public transport network to get it reliable. What we have seen is rotten prioritisation of the spending of that money, and the public is paying for it.

Cities of Kingston and Casey: councillor conduct

Mr NARDELLA (Melton) — Today I grieve for both Kingston and Casey councils due to the political corruption and outside interference that is occurring there with the concurrence and active participation at the highest level by Liberal Party members of Parliament. I put before the house the continuing direct interference by senior Liberals in the democratic workings of Kingston council regarding the authoring of motions and the use of an electorate office, parliamentary equipment and resources within the electorate office to communicate corruptly to Liberal councillors at Kingston council, the use of undue pressure and outside influence in the day-to-day running of Kingston council by an electorate office and the corrupting of democratic processes at Kingston council. I directly accuse councillors Paul Peulich and Donna Bauer of political corruption.

The Leader of the Opposition, Mr Ted Baillieu, has set the standard, set the bar, regarding what is undue influence and corruption. In a question without notice of 16 September 2009, after Bill Scales recommended the sacking of Brimbank City Council, the Leader of the Opposition said:

> …'an attempt at undue influence of councillors by an outside organisation', and I ask: will the minister confirm to the house that the outside organisation unduly influencing the Brimbank council was his party, the party of the Brumby government, the Australian Labor Party?

On 7 May 2009 the Leader of the Opposition asked the Premier again, setting the standard:

> …is it not a fact that the Premier refuses to establish an independent, broadbased anticorruption commission because he has known all along that this corruption —

that is, involving Brimbank council —

> exists at the highest level of government and throughout the Labor Party?

As reported in the *Age* of 8 May 2009, the Leader of the Opposition said:

> Is it not a fact that the tentacles of corruption start right here inside this government?

As reported in the *Australian* of 25 May 2009:

> …Mr Baillieu said there was a 'crisis of public integrity and trust' in Victoria's Labor government.

The Leader of the Opposition continued and referred to:

> … an erosion of the civic culture for which Victoria has so long been highly regarded.

And further:

> It is a tale of intimidation, standover tactics, abuse of office, abuse of trust, abuse of public funds, protection and political corruption inside the ALP.

> These people haven't been running a party, they have been running a racket.

On 26 May 2009 the Leader of the Opposition was quoted in the *Age* as saying:

> This is another example of the way the Brumby government has turned its back on people in favour of patronage of their own … This is political corruption. It's abuse of office.

Again setting the standard, in the Legislative Council, on 27 May 2010 Mrs Peulich said:

> We see the rorting and manipulation of local government, which is an issue I have raised on many occasions, where a blind eye is turned to Labor mates, making sure that the fix for Labor is in place to the detriment of ratepayers, taxpayers and members of Parliament and other people who have a legitimate role as representatives and wish to be included in the lives of the constituents whom they have been elected to represent.

Mrs Peulich again reinforced the standard to be judged by when on 24 February 2010 she said:

> Another issue I have spoken about quite often relates to local government and particularly my concerns about the fairly systemic and endemic corruption of process in local government.

Mrs Peulich continued with setting the anticorruption and interference standard when on 3 June 2009 she said:

> Corruption can never stay hidden forever. The difference between the Liberal Party and the Labor Party is that the Liberal Party believes in democratic solutions. We may not always get everything right but we believe in democratic solutions.

On 23 February 2010 Mrs Peulich said:

> It is called working the system to milk it for a political benefit.

The two members of the opposition have, in their own words, set the standard.

Let us recap the standard of probity through the keywords: rorting, corruption, undue influence, manipulation, political benefit, 'known all along', tentacles of corruption, crisis, erosion, intimidation, abuse of trust, protection, patronage, abuse of office, 'a blind eye'. These are the words of the Leader of the Opposition and Mrs Peulich.

Let me now come to the corrupt processes being employed at Kingston council by the Liberal Party. On 31 May 2010 an FOI application was submitted to Kingston council seeking:

> emails, faxes and letters submitted by Paul Peulich regarding debate, noting or discussion at ordinary and special council meetings.

It has come to light that on 19 March 2009 at 4.08 p.m. an email was sent from Cr Paul Peulich to Mr Nevins, Kingston council CEO. It contained a notice of motion relating to Kingston council making a submission to the state parliamentary upper house public transport inquiry. The FOI report has revealed that the motion and email originated from an electorate office. Cr Peulich forwarded this email, which contained the wording of the motion, from his electorate office. Subsequent to this direction from the electorate office the motion was moved by Cr Paul Peulich and seconded by Cr Donna Bauer, who is the Liberal candidate for Carrum, on 23 March 2009.

Honourable members should note that section 1.1(b) of the Kingston council's code of conduct states that a councillor will 'impartially exercise his or her responsibilities in the interests of the local community'. Section 1.2(a) states that a councillor will 'avoid conflicts between his or her public duties as a councillor and his or her personal interests and obligations'. The email I have referred to demonstrates that the code of conduct was not only ignored but corruptly broken by the two colluding councillors.

There are eight instances where undue influence has occurred at Kingston council. The first issue is firefighting and identifying fire trucks, as referred to in the Legislative Council on 26 February 2009, and a motion moved by Cr Peulich on 23 February 2009 on the same issue. Collusion is present here. The second issue is the Dingley bypass letter dated 20 May 2009 by an MP and notice of motion L76 by Cr Peulich on 25 May 2009 on the same issue.

The third issue is an MP's media release on 26 May 2009 regarding planning issues and notice of motion L77 by Cr Peulich on planning issues, specifically social housing. The fourth issue is a speech by an MP in the upper house on the Dingley bypass. Lo and behold, notice of motion L141 by Cr Peulich to Kingston council is also about this.

The fifth issue is about social and public housing units and the fast-tracking of these in the upper house on 12 August 2009, and again notice of motion L142 dated 24 August 2009 by Cr Peulich is on the same issue. The sixth issue is a bus lane for Centre Dandenong Road, Dingley, and a speech in the upper house dated 23 February 2010 calling for Minister Pallas to attend a public meeting. Cr Peulich moved motion M30 on 22 February 2010 on this same issue with virtually the same words.

The seventh issue is a press release by an MP dated 23 March 2010 calling on Minister Pallas to withdraw the Dingley bus lane project. Kingston council motion M43 by Cr Peulich replicates the views by the MP. The eighth issue is an upper house speech dated 8 June 2010 regarding Patterson Lakes water rates. Motion M124 by Cr Peulich on this very issue was moved at Kingston council.

Rank-and-file Liberal Party members are also expressing their views publicly through letters to the editor. Specifically, as reported in the *Mordialloc Chelsea Leader* of 19 July 2010, Liberal Dorothy Booth and the husband of former mayor Topsy Petchey and long-time Liberal Party member, Stuart Petchey, called for the removal of party politics from council meetings.

The Liberal MP has form and was also involved in corrupting Casey council by actively and successfully lobbying Cr Geoff Ablett late last year to support and vote Lorraine Wreford in as mayor under threat that Liberal Party preselection would be denied to Cr Ablett if he did not do what he was told.

Cr Ablett was rewarded for this treachery by being anointed as the preselected Liberal Party candidate for Cranbourne. Cr Geoff Ablett broke his word, being his commitment and promise to vote for and support Greens councillor Lynette Keleher after this undue and inappropriate pressure and intervention by the Liberal MP. If Ablett had not voted for Wreford, he would not have been preselected for Cranbourne. This is a direct corruption, direct influence and direct abuse of democratic council processes for a Liberal political state outcome. How do we know this? Because Cr Geoff Ablett has told people about this corruption. He shot his mouth off; he could not keep it shut. He was used by this Liberal MP to not support another worthy candidate — in this case, Cr Keleher — even after having given his word, due to undue outside interference.

Mayor Wreford virtually lives at this MP's electorate office; she is there quite often taking her instructions on a regular basis. Cr Donna Bauer is also a regular at this MP's electorate office, usually on Fridays getting her corrupt instructions. Cr Paul Peulich is also a bully who abuses and intimidates council officers. This is part of his modus operandi. He is an immature thug.

This MP has form stretching many years. If one looks at the Whelan report into Glen Eira council, which led to the sacking of the council, it alludes to and suggests the inappropriate and corrupt influence of this MP. The Liberal Party and the Leader of the Opposition know all about these events because last Friday afternoon Liberal Party headquarters in Exhibition Street hauled in people for a crisis meeting, which included the Leader of the Opposition, Ted Baillieu; the Leader of the Opposition in the upper house, David Davis; Cr Paul Peulich; Inga Peulich, the MP I have been referring to in this contribution; and her electorate officer.

The DEPUTY SPEAKER — Order! The member knows that he is not able to refer to other members. I caution him.

Mr NARDELLA — I call on the Ombudsman and the office of the local government inspectorate to investigate these corrupt practices and undue influences in both Kingston council, especially Cr Paul Peulich and Cr Donna Bauer, and Casey council, with the corrupt practices of mayor Lorraine Wreford and Cr Geoff Ablett. It is a very serious matter when we have these allegations. These facts that I have put before the house need to be appropriately dealt with by the Leader of the Opposition with regard to the workings of the Liberal Party out there in the south-eastern suburbs and within these councils. It behoves him to go out there and clean up this mess. It is a disgraceful situation where this underbelly of the Liberal Party has been exposed to the community. Leadership is absolutely determined by the actions one takes in cleaning up the mess that has been created by Liberal Party members and for which they are responsible.

All too often we have people come in here, put a position and prosecute it very strongly in regard to what we should be doing and how we should be acting in government. When Bill Scales raised with us inappropriate actions at Brimbank council the Premier took immediate action to sack the council. He took the action to clean out, root and branch, the problems that were being experienced at Brimbank council. I call on the Leader of the Opposition to show some character and leadership and to actually do some of the hard work to clean up this underbelly of the south-eastern and eastern suburbs in the Liberal Party.

These councillors are breaking the code of conduct of Kingston council. They are breaking the code of conduct of Casey council. They are going out and making these dirty deals on a daily basis. They are out there corrupting the system by moving motions and running policies that have been given to them by others. They are not democratically representing their constituencies, their ratepayers and their residents, and the Leader of the Opposition needs to get some spinal fortitude and not go jellyback on the supporters he is out there with. He has to haul them in; he has to make

the hard decisions. He has to go and tell these people to desist. He should tell them they should be undertaking their responsibilities as duly elected councillors without undue influence from others outside of their councils. But I will tell you, Deputy Speaker, that the Leader of the Opposition will not do it because he has been told not to.

The Liberal Party headquarters in Exhibition Street will not discipline these people and neither will the Leader of the Opposition. That is the standard that is already being set in opposition by the Liberal Party. When the hard work needs to be done and when the policies need to be developed and decisions need to be made, the Leader of the Opposition is not there; it is too hard for him. He is too lazy to develop the policies and to discipline his Liberal Party members when these corrupt practices are occurring on a daily basis. They are still occurring, and when you go down there on a Friday you may not see the car out the front of the electorate office, but the people will still be in there undertaking these corrupt practices. I ask the Leader of the Opposition to act quickly.

Bushfires: government performance

Mr RYAN (Leader of The Nationals) — I rise today to grieve for all those affected by the horror of the Gippsland fires and by the tragedy that occurred on Black Saturday. I do so particularly in the context and in memory of the 173 people who died on that dreadful day, for all their loved ones, their friends and their associates. I do so for all those who were injured and who suffered physical and mental injuries; injuries that persist to this day and which will persist for a long time. I do so for those who suffered material losses in various forms, bearing in mind that something in the order of 2200 homes and an enormous number of outbuildings and businesses were lost and sacrificed. There were stock losses, fencing losses and the livelihoods of many thousands of people destroyed or otherwise affected. I grieve for all those people this day.

I do so also in the context of recognising the difficulties which many who are involved in the recovery processes are having to accommodate. Furthermore, I do so in circumstances where the final report of the bushfires royal commission is due this Saturday, 31 July. As I rise to speak today we are only a few days away from that momentous event. I grieve for those folk and for those issues, but I also congratulate the army of people who came together across our state and across our nation — and even further globally — to assist those who suffered so tragically in the fires. They include the volunteers in their many forms, including those from the Country Fire Authority. As all of us in this place have said over the years, where would we be without the great men and women who stand the line wearing the uniform of the CFA? But there are also all the other volunteer organisations. I congratulate again the police and the emergency service providers for the way they contributed so magnificently in responding to the events surrounding these terrible tragedies. I grieve for all the departmental representatives right across all arms of the different departments of government, and I do so for the communities. I congratulate the many communities in the fire-affected areas and beyond who have come together with the universal aim of assisting those who suffered so tragically in these events.

I regret to say that the situation with regard to all of this has to be viewed on the basis that I fear the government of Victoria will be regarded in history as having not done everything it possibly could to properly prepare Victoria for these terrible events. Victorians were left dangerously exposed to what unfolded in the course of the fires in Gippsland and then on Black Saturday. Of course there are different issues too numerous to mention in the limited time I have which I think illustrate that to be the case, but I shall refer briefly to some of them. One is the failure of the government to properly pursue preventive burns. In about 8 of its 10 years of governance this government failed to meet its own modest targets in relation to preventive burning, and without a doubt that has contributed to these terrible events.

There is also the failure of the 000 system that occurred in April 2008, when there was a major wind event in Melbourne. On that day many of the people who were seeking assistance by ringing 000 were unable to get it. The government called for a report, which was subsequently prepared and provided to it by the emergency services commissioner in about September 2008, yet by the time of the tragedies of the Gippsland fires and Black Saturday in the following February nothing had been done to deal with the issues that led to those problems with regard to the 000 service. Indeed, as I recall it was not until March that the government responded formally to that report.

There was also the lack of leadership on that dreadful day, Black Saturday, and the fact the Minister for Police and Emergency Services, who was then the coordinator in chief of the Victorian emergency plan, was not even at his post until the latter part of the day, and the fact that the deputy coordinator in chief, who was then the Chief Commissioner of Police, Ms Nixon, as has been well documented, also did not discharge her duties in a manner which I think it can be reasonably said would have been expected of her. There is a further issue to do with the recovery process that continues to

afflict many of those who are trying to get their lives back in order.

With due respect to everybody involved, it has been torturously slow, and it continues to be so to this day. These people, who are now suffering a second winter since the horror of the events of February last year, have been beleaguered by red tape and by a series of regulations that have been produced since those days, and they continue to struggle with the layers of bureaucracy. We simply have not seen enough houses rebuilt. We have not seen small businesses re-established, and you have to remember that the small business sector is the absolute heartbeat of many of these communities. If small businesses are not operating, these communities will fail, and we simply have not seen enough from government to assist small business to get back onto its feet. There has been some movement in relation to public buildings, but again, not enough. The simple fact is that for the people who want to rebuild their houses and re-establish their small businesses not enough has been done by the government to achieve that end.

To demonstrate that one need only listen to the commentary on Neil Mitchell's program of two or three weeks ago when for a whole morning he received calls from people who are struggling their way through the effects of the fires and trying to re-establish their lives. Only about three weeks ago I was up at a property in Humevale where a gentleman is attempting to rebuild in one of the bushfire attack level fire zones. He now finds that the cost of getting the glass, or the equivalent shield protection, for his house as proposed in the plans to rebuild on his property, which was destroyed on the day, is $72 000 for a 16-square house. It is a staggering amount of money.

In the meantime there is a company called Miglas located in Montrose in the suburbs of Melbourne. I went there and met with Anatol Miglas, the managing director of that company, the following day and talked to him about the company's efforts to design and test a new standard of glass to be fitted into houses that are being built in the highest of the bushfire attack level fire zones — those that provide the maximum protection. His problem is that he has not been able to get support from government to enable him to conclude the testing procedures and to have the product developed.

It would of course not only help the people who are seeking to rebuild but would provide for us, even in a commercial sense, a great opportunity. For Victoria it would provide a niche market to have an industry such as this being supported by a government in producing these products that can be used across Australia, not only in Victoria. I do not understand why the government does not support these businesses in their many forms.

I grieve also today for the group of people who have been completely disenfranchised as a result of the ridiculousness of Australia's charitable laws as they presently stand. This is a group of people who lost properties that were not their principal places of residence. Probably 400 to 500 owners lost such homes, yet they have been shut out of the ability to share in the bushfire relief fund simply because of the nonsensical state of Australia's charitable laws. These laws need to be fixed, and I call upon the federal government to address this issue. I have done so before; I do so again. I call on the Victorian government to support the notion that these laws should be amended to accommodate the needs of these people.

At the moment the position is patently unfair. It applies to those who have lost properties which may have been used not only as alternative residences but as businesses — for example, as bed-and-breakfasts — in places such as Marysville and many other locations. I emphasise here that whilst the focus of a lot of this conversation is on Marysville, the issue applies in many other locations around the state. The estimate is something like 400 to 500 homes were lost where the owners of those properties are not allowed to share in the relief fund simply because of the nonsensical state of Australia's charitable laws.

The position that applies here is all the worse because the laws in Australia are based on what is called the Statute of Elizabeth. This vital piece of legislation was passed in England in the year 1601, four centuries ago. More than 400 years ago the Statute of Elizabeth was passed in England, yet nothing has been done after last year's terrible tragedy to bring Australia into a contemporary age. I was one of those who sat in Rod Laver Arena on the day the then Prime Minister, Mr Rudd, spoke and spoke well to the gathered throng and used a term I heard him use many times. He said the people who had suffered losses would be supported by government and that we would see the rebuilding of these properties brick by brick and street by street.

That is what these people were told, but the harsh reality is the government has failed to assist these people simply because it has not addressed the changes needed in relation to Australia's charitable laws. I say to the house it is a stain on the conscience of the Australian nation that this lamentable state of affairs should continue.

This is all around the definition of what is termed charitable purpose. Under our current law unless the bushfire relief fund conducts itself in a manner which accords with the legal definition of charitable purpose it risks losing its charitable status, and that obviously would be an absolute disaster. That in turn has meant that many of those people who lost that secondary property or who may have had property registered in commercial names, particularly people in the farming and agricultural communities, have been shut out of the relief funding which should reasonably have been theirs or have had only limited access to relief as a result of some minor changes to the legislation.

I believe the people who so generously donated about $400 million to that fund intended that everybody who suffered as a result of the fires should be able to share, no matter where they live, whether it be in north-eastern Victoria, Marysville, Gippsland where I live, or up around Benalla. Wherever they might be, people who suffered in the fires should have been entitled to share in that fund, because that was the purpose for which people donated to it. Those people who donated did not give a continental about the Statute of Elizabeth of 1601, and nor should they have.

The government needs to address this. Mr Rudd said people would be able to equally share in these sorts of things and that people would have the benefit of assistance from government. Well, here it is; the matter is crying out to be addressed. I obtained legal advice about this in April last year. I spoke about that advice in this house on 6 May. I sent that advice to the then Prime Minister, Mr Rudd, on 27 April. Nothing realistic has been done to address this. I also copied that advice to the Premier. Again, nothing has been done to address this.

I emphasise this is not the fault of the bushfire appeal fund. On its website now you will see a statement saying the appeal fund panel made several representations to the commonwealth government seeking changes in a number of areas of charity tax laws, including support for secondary homeowners. It goes on to say nothing has been done. The hands of the Victorian Bushfire Appeal Fund have been tied. The law has to be changed to fix this.

I wrote to the assistant commissioner of the Australian Taxation Office, Michael Hardy, on 12 April this year. He wrote back to me on 29 April. In essence he told me that the law is the law. This has to be addressed so the law is changed.

Out of this, what have we got? We now know that the federal government has established a task force to examine all of this. Bill Shorten, the federal member for Maribyrnong, is chairing it, and I understand it first met on 21 May. Fifteen months after Black Saturday and the Gippsland fires, the task force met! Four hundred and nine years after the Statute of Elizabeth was passed, the task force has met! Prime Minister Gillard, as Ms Gillard now is, needs to make comments on this and to commit to fixing it. At present it is an absolute national disgrace that the people who suffered as a consequence of these fires and who happen to come under these categories are unable to share.

Economy: opposition performance

Mr STENSHOLT (Burwood) — I rise to grieve for the people of Victoria who have been and continue to be so badly served by the failings of the leaders and economic spokespeople of the conservative parties in this Parliament in regard to economic and fiscal policy. This failure starts at the top and has been a long-term feature of these conservative parties in this Parliament.

I recall, and I am sure the member for Mitcham will also recall, the Deputy Leader of the Opposition, the member for Brighton, was the initial Treasury spokesperson at the beginning of the Bracks government. That was of course when the then Premier was Treasurer — and a very good Treasurer he was too.

Mr Wells interjected.

Mr STENSHOLT — I might well have had, yes. But I remember her budget response, which was universally acknowledged as poor. It was long on spin and rhetoric and very short on substance. It was not long before, in spite of being the deputy, she was replaced.

Of course we all remember the Treasury spokesperson at the time of the 2002 election period. That, from my memory, was Dr Dean. He was not even on the electoral roll. That was a massive failure, in the sense that someone who may well have been responsible for the economy actually failed to even put themselves on the electoral roll. Indeed history has shown that he was on and off the electoral roll several times. Clearly he was someone who was not fit to be a Treasury spokesman, let alone Treasurer, in the state of Victoria. So that was a failure.

The next person who was Treasury spokesperson was the member for Box Hill. He and I share electorate borders and also a passion for gardening. He was a parliamentary secretary during the Kennett time — the seven dark years — and he sat there in the Treasury office and oversaw and participated in many of the

policy discussions during that Kennett era. He oversaw the sacking of teachers. He oversaw the loss of nurses. He oversaw the closure of schools and the letting of contracts to commercial firms like Baillieu Knight Frank to sell off the schools. He was there overseeing the closure of hospitals, including one in my electorate. No doubt he contributed to the underfunding of police, which saw not an extra 1000 police but a loss of 800 police. That government was big on promises, slow on delivery.

In spite of the normally forensic attitude of the member for Box Hill to fiscal statements, it was during the election period in 2006 that he failed the basic test of putting together a fiscal plan. He included a massive double-counting. Of course this leads us to the current collection of economic spokespersons in the conservative parties in Victoria, led by the member for Hawthorn, who really has not been required necessarily to work a day in his life and really does not value jobs. We have seen consistent policy statements and attitudes expressed by the opposition in terms of opposing the major events industry and new investment in jobs in renewable energy. It even opposed the channel deepening project, which secured jobs and investment into the future. There was a lack of long-term vision there.

I note the member for Warrandyte is in the chamber. He is meant to be an economic spokesperson as well. He is the one who came out on 24 July, not so long ago, saying the Toyota Camry was a hybrid flop. This is typical of the opposition, talking down some of the best features of manufacturing here in Victoria, seeking to denigrate the workers here in Victoria and seeking to undermine industries here. Toyota spokesman Glenn Campbell said the company acknowledged the Victorian and federal governments' continuing strong support for the car industry. Even on 20 July he is quoted as saying:

> By working together —

this is the very important part, and we should all always work together —

> the industry can evolve to meet the demands of global competition, changing economic conditions and a carbon constrained world.

We need to work together to build up our manufacturing industry in order to ensure that Victoria's economy remains at the forefront.

I note that the member for Scoresby is the current shadow Treasurer.

Mr Wells — And I am listening really carefully to every single word you say.

Mr STENSHOLT — He is obviously listening very carefully. This is very good.

I remember on 24 April 2009 he said a recession in Victoria was inevitable. This man probably would have wished for a recession. I hope not, but in his budget reply on 7 May that year he said:

> Everyone else is in recession but apparently not Victoria. The economic indicators contained in the budget are optimistic in the extreme and are predicated on Victoria not entering recession and benefiting from a fast recovery.

Mr Wells — As a chairman of a committee, you are a grub. You're a grub!

Mr STENSHOLT — I am just giving the facts here for the member for Scoresby. On 9 June he predicted a rapidly shrinking economy, saying:

> … it is highly possible that Victoria could be looking at negative growth of over 1 per cent next financial year, or a turnaround of minus 1.5 per cent.

That is not what has happened. He failed to understand what was actually going on here in Victoria.

Mr Wells — The Prime Minister said that, and you are a grub.

The ACTING SPEAKER (**Ms Beattie**) — Order! I remind the member for Scoresby that interjections are disorderly.

Mr STENSHOLT — He went on in December 2009 to say, looking at these figures:

> … the Victorian economy was in recession on a population-adjusted basis.

What figures is he looking at? Is he just trying to make them up? This is the Treasury spokesperson in the opposition.

The hard data shows that Victoria was not in recession during the global financial crisis. It was the management by the Labor Party that ensured that it was not in recession. Of course we all know what the member for Scoresby did this year. On 11 March — I am sure the member for Scoresby mentioned this — he put out a press release in which he said the midyear surplus was $1.2 billion. When this error was pointed out to him, he said 'Oops!' and put out a second media release that said the midyear surplus was '$46.2 million this time last year'. Of course the correct figure was $85.9 million, as appears on page 28 of the midyear

financial report. The member for Box Hill got it wrong once.

Mr Wells — What about state final demand? The Treasurer did not even know the difference between that and economic growth!

Mr STENSHOLT — The Treasurer knows exactly what the difference is, and he knows exactly what the reports are in terms of state final demand. In fact the figure on Victoria's state final demand was very good. It was 6.4 per cent, whereas Australia's domestic final demand was 4.4 per cent.

If members want to talk about growth in Victoria let me look at the Access Economics report, which is better than the report by CommSec in terms of state final demand. The Access Economics report paraphrased a line from *When Harry Met Sally*. It said the figures are so good that others are saying, 'I'll have what the Vics are having'. It said:

> … we can only imagine that other state Premiers must look at John Brumby, sigh, and say 'I'll have what he's having'. Victoria continues to chalk up enviable outcomes on key indicators. That includes jobs —

the jobs that the opposition denigrates so much —

> where the state has racked up the fastest growth in Australia. And it includes housing construction, where Victoria has made the best effort of any state to keep up with demand, and where the leading indicators in housing finance and building approvals suggest that the state will continue to outstrip Australian gains for at least a little while further.

You can look at the growth in that regard as well in terms of the figures and the economic growth — as I mentioned, state final demand — but the revised figures for this state — —

Mr Wells — You don't even know the difference between the both of them.

Mr STENSHOLT — I know the difference, mate.

Mr Wells — No, you don't.

Mr STENSHOLT — I'm not sure that you do.

The ACTING SPEAKER (**Ms Beattie**) — Order! Through the Chair!

Mr STENSHOLT — My apologies for that one. The member for Scoresby continues to interject and show his ignorance of economics 101 and accounting 101.

When we look at growth here in Victoria we see that it was 2.25 per cent in 2009–10 and 3.25 per cent is projected for 2010–11. That is broadly consistent with Access Economics, which is now talking about 2.3 per cent in 2009–10, the highest growth among the non-resource states. Growth in 2010–11 is expected to be the second highest at 3.4 per cent, behind only Western Australia.

In the brief time left to me I will talk about jobs. We have got the Hanrahans over there in opposition. You know, 'We will all be ruined. We are going to go into recession. The employment figures are going to be dodgy'. Let us look at the labour force data for Victoria for the year. Let us look at the data for the last 12 months. In the last 12 months 115 800 new Victorian jobs have been created. Almost two-thirds of those — 75 200 — have been full-time jobs. We all know what full-time jobs mean for families. We all know what that means for working families. The Leader of the Opposition would not know, but there are people out there who know what full-time jobs mean.

Since June 2009 Victoria has created more full-time jobs than any other state. We have seen this occur on a month-by-month basis. It has not gone up in every month, I admit that, but in July last year 14 300 new jobs were created; in August, 6500; September, 4600; and October, 26 100. The figures continue on in this way — in June 4400 new jobs were created. The total for the last 12 months is 115 800.

This is a great result in Victoria in terms of what it has done for those people in Victoria who have gained employment. As opposed to the failures of the opposition's economic spokesperson and the opposition's economic policies, we in government have a record on jobs growth. We have a record on tax. We have a record on investment in infrastructure. We have a record on long-term policies and national reform. We have a record on fiscal balance. All the opposition can do is talk down these things. Members of the opposition talk about, 'Oh, we're going to be ruined', but we in government have performed on jobs. We have performed on the economy, and we have also performed in terms of fiscal balance and in terms of taxes.

I can talk about our record on taxes. In terms of our record on taxation reform, there has been the abolition or reduction of $5.7 billion worth of taxes. Remember the days when the opposition was in government?

Honourable members interjecting.

Mr STENSHOLT — The member for Warrandyte probably cannot remember this, but one tax was abolished and that was worth $1 million. What have we

done in government? We have abolished eight taxes; I can go through those. Let us look at some of the abolitions and the changes in terms of taxes. Land tax was 5 per cent in 1999; it has been cut to 2.25 per cent. The land tax threshold was $85 000; it has now been raised to $250 000. Payroll tax was 5.75 per cent.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Beattie**) — Order! The members for Warrandyte and Scoresby will have a chance in a moment if they wish to get to their feet. In the meantime the member for Burwood will be heard.

Mr Wells — Stop misleading the house. You have not abolished land tax at all.

Mr STENSHOLT — I am not misleading the house. I resent that imputation, and I expect an apology when the member for Scoresby gets to his feet. Payroll tax has been reduced from 5.75 per cent to 4.9 per cent — it has been reduced.

Mr Wells — You said 'abolished'.

Mr STENSHOLT — I am talking about abolitions and reductions — why don't you listen? I said 'abolitions and reductions'. The member for Scoresby needs to listen more carefully.

Mr Wells — You have not abolished land tax.

The ACTING SPEAKER (**Ms Beattie**) — Order! The member for Scoresby shall stop interjecting across the table.

Mr STENSHOLT — I said 'abolitions and/or reductions'. The member for Scoresby should listen more carefully. The financial institutions duty has been abolished. The duty on quoted marketable securities has been abolished. The duty on non-residential leases has been abolished. The duty on unquoted marketable securities has been abolished. The duty on mortgages has been abolished.

Mr Wells — That is an offset to the GST.

Mr STENSHOLT — The member for Scoresby is wrong on that last point. The duty on mortgages was not part of the GST — —

The ACTING SPEAKER (**Ms Beattie**) — Order! The member for Burwood, through the Chair.

Mr STENSHOLT — My apologies, Acting Speaker. Rental business duty has been abolished. Hire purchase duty has been abolished. These are the abolitions and the reductions — $5.7 billion worth of abolition and reduction of taxes. The member for Scoresby needs to listen more carefully, because what I said was in terms of both. These imputations should be made by substantive motion. You need to apologise, my man. I commend the record of the Brumby government to the house.

Peninsula Link: environmental impact

Mr MORRIS (Mornington) — This morning I grieve for the — —

Mr Stensholt — On a point of order, Acting Speaker, as Hansard has actually recorded, the member for Scoresby has made statements about me. I think the imputations about what I said should have been made by way of a substantive motion. I am offended by the statements he made. Some of them may well have been recorded by Hansard. I ask that the member for Scoresby apologise.

Mr Wells — On the point of order, Acting Speaker, I ask that the clock be stopped because this debate is taking place within the time allocated to the member for Mornington. I ask the Acting Speaker to stop the clock or to restart the clock so that the member for Mornington is granted the full time for his speech.

The ACTING SPEAKER (**Ms Beattie**) — Order! Stop the clock.

Mr Wells — On a further point of order, Acting Speaker, if it has got to the stage where a member through interjection cannot accuse someone of misleading the house, when he has clearly misled the house, then this is going to put the argy-bargy parts of debate into a serious situation. I would ask you to rule the point of the member for Burwood out of order because it is of no substantial interest to the house.

Mr Robinson — On the point of order, Acting Speaker, I have heard what the member for Scoresby has said, but I cannot accept that simply because he says the point of order raised by the member for Burwood is of no interest of the house you should accept what he is saying at face value. Of course this is a matter of importance to the house. If a member has taken offence, that member is perfectly entitled to get to their feet and seek action through the Chair. That needs to be evaluated on its merits rather than someone simply saying the member for Burwood does not have the right or the house should disregard that prerogative of the member.

Mr Burgess — On the point of order, Acting Speaker, surely the member is not suggesting that a member of this house can mislead the house and then

when somebody interjects and suggests they have misled the house that interjection has to be retracted but not the comments of the member on their feet.

Mr Stensholt — On a further point of order, Acting Speaker, I think it is improper for the member for Hastings to say that I misled the house, and he should withdraw that statement as well.

Mr McIntosh — On the point of order, Acting Speaker, as I understand it, the member for Burwood is disgruntled about the fact that the member for Scoresby suggested he may have misled the house. The reality is that there is a lot of difference between misleading the house, inadvertently or otherwise, and actually saying that he deliberately misled the house. That would be an imputation against the member. Misleading the house is not a significant matter; it could have happened by inadvertence or as a result of his being ill-informed or uneducated about the matter he was speaking about. The reality is that it is quite different from saying he deliberately misled the house, which is that he intended to do so and knew that he was making a false statement, which is a very serious matter.

I can understand that the member for Burwood could be upset if it were suggested that he was deliberately misleading the house, but I suggest the member for Scoresby was saying he was misleading the house because he was ill-informed, uneducated or not aware of what he was talking about, and that is something that is quite within the purview of the normal robust discussion in this chamber. Accordingly, I ask you to rule the point of order out of order.

The ACTING SPEAKER (**Ms Beattie**) — Order! The member for Burwood has taken offence at the remarks made by the member for Scoresby. I ask the member for Scoresby to withdraw the remarks.

Mr Wells — I withdraw my comment whereby I accused the member for Burwood of misleading the house.

On a point of order, Acting Speaker, I would ask you to restart the clock so the member for Mornington has a full 15 minutes in order to participate in the grievance debate.

The ACTING SPEAKER (**Ms Beattie**) — Order! The Chair has discretion as to when to stop the clock. The member for Mornington has the call.

Mr MORRIS — As I said a couple of minutes ago, I grieve for the people of Frankston, I grieve for the people of the Mornington Peninsula and I grieve for the fauna and flora unnecessarily destroyed through the government's negligence in its supervision of Peninsula Link.

The coalition is a strong supporter of the construction of Peninsula Link. Some members will recall that in 2006 Peninsula Link, under a different name, was Liberal Party policy. It is yet another Liberal Party policy that has been taken on by the present government. It is a policy that, as the Minister for Roads and Ports knows extremely well because he has quoted me in this place, is strongly supported by me and is strongly supported by more than 80 per cent of my constituents.

I am not opposed to Peninsula Link, but I am certainly opposed to the manner in which its construction has proceeded. Its construction is warranted and is supported not only by residents but also by commuters and visitors to the peninsula. What is not warranted, what is not supported and what is overwhelmingly rejected is the totally reckless manner in which construction has proceeded. It is perhaps a sign of frantic haste from a desperate government. But I do distinguish between the actions of the contractors and the actions of the government. The contractors are simply carrying out the works in accordance with the directions they have received from the government, and it is the directions from the government, the plans of the government and the processes of government that have proved inadequate in this process.

This government is extremely skilled in talking the talk, but it seems to be completely incapable of walking the walk. However, there has been one exception to the ability to talk the talk. There is one member of the Brumby government, who is not in the chamber for this debate, who has been completely missing in all this. There is one member who has been conspicuously absent, both in terms of comment in the press and comment on the ground, activity on the ground, and that member is of course the member for Frankston.

Where was the member for Frankston when bulldozers flattened Pobblebonk reserve? Where was the member for Frankston when Willow Road Reserve was flattened? Where was the member for Frankston when work commenced, apparently without an approved environmental management plan, on Peninsula Link? And where was the member for Frankston when a community picket had to be assembled to protect the Westerfield property before dawn on 5 July?

I do not know where he was, but I do know he was not with me and he was not with my colleague the member for Hastings at the picket. He was not with the mayor of Frankston, Christine Richards. He was not with the Liberal candidate for Frankston, Geoff Shaw. He was

not standing up for Frankston because he simply was not there. If he was not on the picket and if he was not speaking out in the press, perhaps he was speaking out in this Parliament. But if we have a quick look at *Hansard*, we will see that on the very same day that I stood in this place and denounced the unplanned and unnecessary destruction of the Pobblebonk and Willow Road reserves, called on the Minister for Roads and Ports and the Minister for Environment and Climate Change to stop the senseless destruction of native fauna and the bulldozing of rare and precious flora — to immediately stop the work — there was still no response from the member.

Was the member for Frankston echoing my concerns in the Parliament? No. On the very same day he was extolling the virtues of Peninsula Link and, as I said earlier, there are considerable virtues, but he was talking up the benefits; he was talking up the wonderful things that are going to flow, without any attempt to mitigate, through raising the issue in this house, the environmental destruction and the environmental vandalism that was occurring even as we were speaking. He was not even an apologist for the process. He was absolutely silent on the matter.

This is a sorry tale about a road that we need, a road that has to be built, but it is a road about which so frequently I have heard citizens across the peninsula — Frankston, Hastings, Mornington and further south — all say the same thing. They say, 'We might need a freeway, but not with all this destruction'. The fact that this destruction has occurred is the tragedy. This destruction was so totally and absolutely unnecessary. There was a long and involved environment effects statement (EES) process. Alternative routes were considered. At least three significant areas of ground — the Pines Flora and Fauna Reserve, the Westerfield property, which I will come to shortly, and the reserves that I have referred to already — were all identified in the EES, and treatment for those was considered to varying degrees.

The Pines Flora and Fauna Reserve has been the subject of considerable discussion. It is the subject of its own master plan, as it should be. It is a site of state significance with remnant heathland; it is a site of national significance as a habitat for the southern brown bandicoot; and it is a site that is bisected by the freeway. I have some concerns about the management plan, particularly the efficacy of the plan, but given that my strong suit is not in environmental science or the management of endangered species, I am prepared to concede to the experts. That plan might work if the government sticks to it, but the history of this project so far has been a complete and absolute determination to avoid anything other than absolutely minimum standards when it comes to environmental management, and by 'minimal standards' I mean virtually none at all.

Pobblebonk and Willow Road Reserve have been identified as containing — at least they used to before they were bulldozed without any preliminary work being done on them at all — some 57 sugar gliders, what has been described to me as myriad frog species, a dainty wasp orchid, which may well now be extinct after the activities that occurred in that reserve and, worst of all, a corridor 150 metres wide that was bulldozed. When you look at most of the freeways, including the new ones like Peninsula Link, they struggle to get much beyond 60 to 80 metres, so why it was necessary to bulldoze 150 metres in order to construct this is totally beyond me.

There has been mitigating action on that reserve and others simply because of public pressure and because the City of Frankston and the Shire of Mornington Peninsula, have been prepared to stand up and fight for the interests of their communities. This has managed to slow things down and achieve some results, but the destruction that has occurred cannot be undone and any extinction that may have occurred cannot be undone.

I turn, as I said I would, to deal with the Westerfield property, being mindful of the limited time available to me. There are two issues with this property, which is of considerable significance. The property is listed on the heritage register and has also been identified as containing significant remnant woodland. The minister's response to the EES acknowledged that the EES described the proposal as requiring the loss of 2.18 hectares of grassy woodland which is in an endangered bioregion and stated that Biosis Research, which was acting for the then SEITA (Southern and Eastern Integrated Transport Authority), 'rated the remnant bushland on the Westerfield property as having state significance because of its high flora species diversity and education quality'. The EES, and even SEITA, advised that the clearance of 1.2 hectares could be avoided by a modified design that included the construction of a retaining wall on the western side of the bypass. The EES concluded that 'further consideration of alternatives at the Westerfield property to avoid or reduce … vegetation clearing is warranted'.

In fact there appears to have been little or no serious work done on avoiding that vegetation clearance. The other issue with the Westerfield property was the heritage listing. The heritage permit that was issued was appealed. On 4 July the owners of Westerfield were advised by the contractors that their property would be

bulldozed the next morning, regardless of the fact that there was a Heritage Council decision pending. I regard that action as totally and unnecessarily provocative. That was the action that precipitated the picket. Thankfully, after representations from me and others, the minister saw sense and gave an undertaking that bulldozing would not proceed until the Heritage Council had considered the matter. While I have not had a reply to my correspondence I acknowledge that at least that action was taken. The underlying issues, though, with the Westerfield property have not been resolved. The Heritage Council handed down its decision on Monday, and as far as I and the Welsh's, the owners of the Westerfield property, are concerned the decision was very disappointing.

There are matters which have not been addressed, particularly the issue of minimising the footprint of the freeway. There is an option to consider a redesign and the removal of the central median strip that is included in the design. There is an opportunity to relocate the shared pathway and to construct the retaining wall on both sides of the freeway, to do those things which would, in the words of the minister's assessment and the EES, allow the freeway design to be amended to reduce the construction footprint by any feasible measure. If those actions were to be undertaken, the opportunity is there to save at least some of this incredibly important remnant vegetation.

Unfortunately the Heritage Council has now made its decision, which is not favourable to the environment in this area. The Minister for Roads and Ports has now responded to the Welshes, and while it was a courteous letter it did not give any cause for comfort at all. Similarly the Minister for Environment and Climate Change on a swing past from a self-promotional visit to the newly opened Frankston reserve — although you cannot actually go off the track — called by and offered sympathy and made all the right noises.

However, none of this changes anything at all. There has been lots of sympathy but zero change to the design. There has been minor fiddling around the edges with the Heritage Council but zero change to the design. There has been no change to the design of the central median strip; there is no relocation of the shared pathway; there are no additional retaining walls, none at all; and no real effort to minimise the freeway's footprint. There have been soothing words but totally unwarranted environmental destruction is going to ensue.

As I said at the outset, Peninsula Link is strongly supported by the coalition. However, we totally reject the reckless manner in which its construction has been allowed to proceed. The Minister for Roads and Ports, the Minister for Environment and Climate Change and the member for Frankston all stand condemned for their failure to stand up for Frankston and the peninsula.

Automotive industry: opposition policy

Ms HENNESSY (Altona) — Today I grieve for the automotive industry should the Liberals and The Nationals ever attain power again. Over the last year troubling signs have emerged exposing the opposition's lack of regard for and understanding of the automotive industry in Victoria. This is a subject very dear to my heart as a great number of my constituents are employed in the industry, which is an incredibly important industry that supports jobs not only in the western suburbs but all over Victoria and Australia.

The car industry is critical to our economy and to generating technologies and skills that can be transferred across manufacturing industry. Thanks to its diverse base, Victoria is one of the few regions in the world that is able to develop a car from concept to production. The Brumby government has worked incredibly hard, and will continue to do so, to secure jobs and to support the industry to remain competitive. This is incredibly important in the context of ever-increasing competition from South-East Asia and from India. Of course, we do so in the context of worldwide concern over fuel prices.

We are also strengthening Victoria's competitiveness in clean vehicle technologies, and we welcome the federal government's $6.2 billion support to build a greener automotive industry. The Brumby government is working with car companies and suppliers to capitalise on future opportunities. This includes a $6.7 million investment in the Victorian automotive manufacturing action plan and $50 million in the Industry Transition Fund. Tim Piper of the Australian Industry Group recently commented that if it had not been for the ITF, a number of companies would not be in existence any more.

In the May budget a $16.4 million package of initiatives was announced to support the new $11.4 million Competitive Business Fund. These are programs that are paid on milestones. Each grant recipient is paid once they pass these milestones. All grants are published in department annual reports and are designed to support companies with a long-term future in Victoria. It is thanks to this type of support from the Brumby government that Victoria has seen some real wins over the last few years.

I would like to talk about a couple of those wins, because they are critical to the future of our industry and they have been delivering and securing jobs for Victorians. For example, we have seen Ford's investment of $17.9 billion to upgrade its casting plant at Geelong, resulting in the retention of 100 jobs and creating 50 new jobs. We have seen the MH Group's investment of $13.75 million to purchase the assets of CSR Viridian's automotive glass manufacturing facilities in Geelong and in Laverton, which is in my electorate, thus securing vital capabilities for Victoria and most importantly leading to the retention of 60 jobs. We saw Ford's $1.8 billion investment in the development of the Orion platform and $230 million invested in the sustainability initiative. Siemens VDO, now known as Continental, made an investment of $91 million in a new production facility at Bundoora. We saw GM Holden's investment of $386 million in the HFV6 engine plant, creating 526 jobs, and an investment in global rear-wheel drive architecture. Of course we saw Toyota's $45 million technical centre for Asia-Pacific Australia and the production of a hybrid Camry at Altona, securing 3000 jobs.

The hybrid Camry is something that I would like to talk about today. The production of that car delivers 3000 jobs to the constituencies that I represent in the western suburbs, and I know that the future of that plant is vital to the future prosperity of my local community. That is why it is vital that we have the strong government support that the Altona plant has received, not just from the Brumby government but from the Gillard government as well. If it had not received support from the Brumby and Gillard governments, Toyota may well have built the hybrid Camry in Thailand and not in Altona.

Mr R. Smith — On a point of order, Deputy Speaker, I have a newspaper article here with a Toyota spokesperson saying that the hybrid was already planned and government subsidies were not needed. I think this is an opportune time to ask if I could table that article.

The DEPUTY SPEAKER — Order! There is no point of order.

Ms HENNESSY — However, I must say that there are worrying signs that there is not cross-party consensus on this crucial issue about how we as a government support the car industry in Victoria. It is a matter of fact that the Liberal Party and The Nationals did not support this industry in the 1990s, and it is a matter of fact that we had double-digit unemployment rates, communities being decimated and our state going backwards. In more recent times Liberal Party leaders have gone one step further and have called for support to be withdrawn from the automotive industry, which supports 35 000 jobs in Australia. Their position could mean we will go back to double-digit unemployment rates like we had in the 1990s.

On 20 June in an interview with the *Sunday Herald Sun* the shadow Treasurer was quoted as saying that he would 'take a lead out of the Treasury book written by Alan Stockdale and the Kennett government'. In the same interview he went on to say that the coalition will have a 'significant manufacturing policy'. Where is this manufacturing policy? The first we heard about it was when we had the member for Warrandyte criticising the Brumby government's support for the Toyota Camry and saying that Toyota's investment and the jobs that were created were a failure and that they were shaky, and indicating that they would scrap assistance for Toyota.

The member for Warrandyte went on to criticise the government for buying 2000 vehicles for its fleet after the opposition leader in the upper house, David Davis, called on the government to increase our hybrid fleet on 27 November last year. While this is disappointing, it is hardly surprising, because this comes after former Liberal Party Premier Jeff Kennett, a key leader in the Victorian Liberal Party, called for support to be withdrawn from the car industry, saying, 'I question support for the motor industry'. He went on to say that funding to assist research and production of smaller, greener cars flies in the face of reality. It is clear that Jeff Kennett is still pulling the strings behind coalition policy and wants once again to withdraw support from our vital manufacturing industry.

The Liberal Party is calling for support to be withdrawn from the industry right across the board. Federal shadow Treasurer, Joe Hockey, has said about a Productivity Commission report calling for support to be withdrawn that 'This is something that needs to be looked at seriously'. Of course he is not the first to say so. Federal Victorian Liberal Senator Mitch Fifield has said:

> The policy area that is really bugging me is the government's approach to the car industry.

He went on to argue that we should not be supporting the car industry because he did not believe it was in the wider national interest. That is right! The Liberal Party does not believe that generating, protecting and securing 35 000 jobs is in the national interest. It is clear that the coalition has no idea how to support the car industry.

Recently the member for Warrandyte, who is the shadow minister for manufacturing, said that the support the Brumby government is giving the car industry is not helping Victorian businesses. This comes as something of a surprise because I know this member has a number of car supply chain manufacturers in his electorate and they have received support from the Brumby government. In fact only a few weeks ago an automotive parts manufacturer in Croydon, Denso, received government support to expand its operations. Denso is one of the most recent recipients of support from the government's Industry Transition Fund. The company has received funding to expand its site and to manufacture condenser radiator fan modules to supply GM Holden. Previously condenser radiator fan modules had to be imported, but from now on Denso will have the capability to produce these fan modules in Australia, which will generate jobs and support and grow the industry. Once completed this expansion will create 42 new jobs and boost Denso's workforce to 400. Perhaps the member for Warrandyte could have a look in his own backyard if he wants to see Brumby government support at work.

We are now seeing a clear and emerging distinction between what this Labor government stands for and what the Liberal opposition stands for. This Labor government is dedicated to continuing to support our vital manufacturing industries, but the opposition is hell-bent on maintaining its ideological aversion to working with industry to protect and grow people's jobs. Through the $11.5 million Competitive Business Fund, the $6.7 million Victorian automotive manufacturing action plan and the industry support program, the Brumby government is committed to making sure that never again will we see what happened to the automotive industry under a Liberal government in the 1990s.

What ought to send chills through the bones of those people who work in, invest in and are reliant upon the automotive industry is that those on the other side of this chamber put themselves forward as an alternative government. They are not willing to back industry, they are not willing to back jobs, they are not willing to invest in sustainable automotive industries and they have scant regard for the impact of their mismanagement of this issue not only on people on the ground but in terms of the Victorian economy at large.

Members of the opposition want to deny the provision of quality jobs to Victorian workers. Their action drives down demand, and they do not support the impact that this activity has right across the Victorian economy. They do not support innovation and focusing on the future. I know what my local community needs. We need a government that provides industry and all of those who work in it with a stable foundation to build upon — a future. The Brumby government is a government that supports manufacturing capacity and provides a platform for future growth. We want to increase consumer choices for motorists. We want to support practical ways to reduce greenhouse gas emissions. We want to secure and grow our economy, to support employment and to support a strong economy to fund essential services for our community. We want to make sure that Victorians, particularly those who live and work in the western suburbs, are able to access quality, sustainable jobs that demand high skills and training — jobs that pay good wages, give people dignity and enable them to put meals on their tables and keep roofs over their heads.

The brutality of the opposition when it comes to supporting jobs in the automotive industry provides us with some compelling insight into what a Liberal government would do to this important industry and its workforce. The Liberals would vacate the space and drive down the industry, which would result in sending jobs in the industry to South-East Asia and to India. The Liberals would drive down Victoria's strong economy and take away the certainty and dignity that these jobs deliver to people in the state of Victoria.

North-eastern Victoria: government performance

Mr TILLEY (Benambra) — I rise to grieve for north-east Victoria and the manner in which its local communities are being treated by the tired, lazy, incompetent Brumby Labor government.

North-eastern Victoria is an amazing part of our state. It boasts rich natural and cultural heritage and has contributed many threads to the rich tapestry of Victoria's and our nation's history, but despite this and for far too long the Premier and his Labor government have neglected the north-east of Victoria. The long-term, institutionalised neglect of north-eastern Victoria was clear when the Brumby Labor government launched its long-awaited, much-vaunted *Ready for Tomorrow — A Blueprint For Regional Victoria*, which has since sunk without a trace.

The Brumby Labor government's long-awaited regional blueprint severely short-changed north-eastern Victoria through the use of rubbery figures, reannouncements of existing programs and the lack of any long-term vision. There is nothing substantial in Labor's plan for north-eastern Victoria, because it failed to recognise the significant contribution north-eastern Victoria makes through primary

production, through its manufacturing base and through its natural water resources. For 11 long years people in the north-east of Victoria have lived through this neglect, and I will spend some of my time today focusing on some of the key areas where Labor has consistently failed our community.

Firstly I would like to talk about the bushfires, a topic which takes up a significant amount of time in the activities of this Parliament. In coming days the bushfires royal commission will hand down its final report, which will undoubtedly focus the minds of many Victorians. People in the north-east of Victoria are no strangers to bushfires and to bushfire-related activities in and around their communities. Under Labor's watch north-eastern Victoria has suffered three major and complex issues which have cost lives and homes, a situation which is simply not good enough.

As I have said many times both in this place and outside, it is a great shame that it took the extraordinary devastation of the Black Saturday bushfires to prompt the Brumby Labor government into action on bushfire management. Despite the numerous and ongoing pleas of people in the north-east of the state and the many recommendations, many of which have still gone unimplemented, from emergency service experts over the course of Labor's term in office, it seems to be the case that it has taken the tragic loss of 173 lives, including the deaths of two people resident in the electorate of Benambra, and the destruction of more than 2000 homes and the prospect of parts of metropolitan Melbourne being devastated by fire to cut through Labor's ignorant and deeply flawed city-centric fire policies.

For years people in the north-east have pleaded with city bureaucrats to listen to locals with generations of fire and land management experience, but tragically those people have been consistently shunned by a government that is only too happy to appease the inner city green activists. We must all learn from the great tragedy of the Black Saturday bushfires and implement new strategies to ensure that Victorians are as safe and as prepared as possible for the fire seasons ahead.

The royal commission's interim report highlighted in particular the shortcomings in Labor's bushfire and land management policies, and those shortcomings have been reported in *Hansard* and in the press. I note in particular comments made by the Leader of the Opposition and the member for Gippsland South. Both members have put on record the fact that fuel-reduction burn targets have not been achieved. Getting rid of the excessive ground fuel in north-eastern Victoria would be an achievement in itself given the Labor government's record; however, we must not lose focus on other bushfire safety issues that are of concern to members of the community.

It is my firm hope that the handing down of the bushfire royal commission's final report on 31 July will see a permanent paradigm shift in our attitudes to land management and bushfire prevention. Never again should the current city-centric, lock-it-up-and-forget-about-it approach to land management prevail. At the end of the day the buck stops with the Premier and the Minister for Police and Emergency Services, along with the former Chief Commissioner of Police. To their eternal shame, they all failed Victorians on Black Saturday.

Another reason I grieve for the people of north-eastern Victoria is the passenger rail service along the north-eastern corridor. Last Friday, 24 July, was a historic day for Wodonga. That day saw the opening of the Wodonga rail bypass, which represents the fruits of many people's hard work. The removal of the rail line from the centre of the city of Wodonga has given us a unique opportunity to redevelop the central business district to drive the growth of the city of Wodonga well into the 21st century. This is well overdue. Both former coalition state and federal governments first committed funds to this project as far back as 1998.

However, despite the overwhelming goodwill and cheer about the removal of the rail line from the centre of Wodonga it cannot be forgotten that the wider north-east rail revitalisation project is nowhere near completed. The residents of north-eastern Victoria have been without a passenger rail service for 18 months now, and the works along the Seymour to Albury section of the rail line have been described by rail professionals — the experts in the field — as shoddy and dangerous, with up to 80 points along the line seen as safety concerns by train drivers.

As I said in speaking to the matter I raised on the adjournment last night, our community needs and deserves certainty as to when a reliable and safe passenger rail service will return. The government must declare the date on which the rail service will return and publish the full timetable details.

Local government: funding

Mr TILLEY — Moving on to another point, I grieve for north-eastern Victorians on the issue of local government viability. North-eastern Victoria has many local councils which are being starved of crucial funding by the Brumby Labor government. In the electorate of Benambra alone the Whelan report, which

was released earlier this month, indicates that going forward — that phrase 'going forward' that has been in common use recently — the Indigo Shire Council, the Alpine Shire Council and the Towong Shire Council do not have the resources to adequately service their communities over the long term. The Whelan report into the financial sustainability of Victoria's 18 small rural councils has found the cost shifting lumped upon councils by the Brumby government, coupled with increased demands for services, has left many councils in an unsustainable position.

It is obvious that councils which cover large geographic areas and have small populations have a limited capacity to raise revenue. One such council is Towong, which is in the order of 6000 square kilometres in area and has a population of 6000 people. This demonstrates the problems that are faced by the hardworking staff of the Towong council. The continuous cost shifting being forced on these councils by the Premier and Labor means they are at absolute breaking point.

A perfect example of cost shifting was Labor forcing onto local government the responsibility to identify and make ready bushfire neighbourhood safer places, something which the Premier faithfully promised to implement himself. The Whelan report has indicated that the state government has a responsibility to ensure that rural councils have adequate financial resources available to them. The Premier's current level of funding is insufficient to cover the maintenance and upgrading of council public assets, including roads, bridges and buildings. These problems have not just happened overnight but are the result of years of Labor neglect.

Albury-Wodonga: health and ambulance services

Mr TILLEY — Other issues in north-eastern Victoria include the Albury Wodonga Health service and the Wodonga ambulance station. The whole community in north-eastern Victoria is well aware that the health services are ailing right across the board. A great stride was made in local health service delivery through the amalgamation into a single health service of the Albury and Wodonga health services. The service is well run by committed professionals who deliver outstanding service, but they can only do so much with the resources they have. Due to the capacity constraints of the centralised health service, my constituents suffer because they cannot get the care when they need it. There has been no better demonstration of this than the case of a local family having to be taken to Geelong so that their twins could be born.

The coalition recognises there are many gaps in health services in the north-east that will need to be filled. At Mount Beauty, in the electorate of my colleague the member for Benalla, a death was caused by an ambulance delay. In my electorate a Beechworth family suffered through a distressing 40-minute wait for an ambulance despite living just 1 kilometre from the nearest ambulance station. There is also a litany of continued service delivery concerns surrounding patient transport for cancer sufferers. I am absolutely positive that a coalition government will overhaul our ailing ambulance service, which has struggled under the Premier, leaving residents experiencing lengthy waits for this basic service across the whole of the state but particularly in regional Victoria. To that end a coalition government will recruit 310 new ambulance paramedics plus 30 new patient transport officers — a total of 46 ambulance staff — for our local region of Hume as part of a plan to properly fund and fix the ambulance crisis created by Labor in Victoria.

Further, under a coalition government Wodonga will also receive a new mobile intensive care ambulance single responder unit, which will go a long way to delivering that all-important lifesaving service. Under a coalition government border residents would have highly trained paramedics available in their communities to provide much-needed care during an emergency. People in north-eastern Victorian have serious concerns about the performance of the Premier and Labor when it comes to ambulance services — and with very good reason.

Wild dogs: control

Mr TILLEY — I will now turn to deal with the issue of wild dogs. I have continually highlighted in this place the issue of the impact on primary producers of attacks by wild dogs. As I mentioned earlier in my contribution, the 2009 Victorian Bushfires Royal Commission has made mention of Labor's poor land management practices when it comes to bushfire prevention. However, Labor's failed land management practices also include the neglect and ignorance those opposite have shown when it comes to weeds and pest animals. For the farmers of north-eastern Victoria the attitudes of this city-centric Brumby Labor government — it is becoming self-evident that Greens party preferences are more important to it than agricultural production and vibrant local rural communities — are out of touch, particularly when it comes to Labor's tacit protection of wild dogs. Any sort of policy or prevailing attitude of protecting wild dogs is a disgrace.

As I have mentioned previously, the acting deputy secretary of the Department of Primary Industries, Anthony Hurst, on the orders of the Minister for Agriculture, has said in response to local inquiries that wild dogs are recognised as an important top order predator in Australian ecosystems and can aid in the control of rabbits and foxes. The acting deputy secretary went on to say that the Department of Primary Industries policy on wild dogs is that it will not eradicate them.

For 10 years Labor has failed to control wild dogs and other feral animals which have heavily impacted on Victorian country communities. The coalition has already made a number of announcements on ending the problem so that primary producers can get on with their business of primary production, and particularly in my electorate, being able to return to something like the 10 per cent area of available land required for sheep grazing. We are down to less than 2 per cent nowadays because of dog attacks and the lazy attitude of this government.

The fox and wild dog bounty that has been announced will give shooting organisations an active role in controlling the Victorian fox problem. The bounty is a great step forward, but Labor has for the last 11 years taken Victoria's agricultural industry for granted. Agriculture is a vital industry right across Victoria. Tackling the soaring wild dog problem and fox and rabbit numbers is critical to helping farmers and those in the agricultural industry get on with the job of producing high-quality food and driving economic growth.

In conclusion, there are many reasons I grieve for north-eastern Victoria and the residents of the north-east. They are being duped and dudded by this tired, arrogant and incompetent Labor government led by the Premier. People in north-eastern Victoria make a great contribution to their state, and this coalition team stands ready to end the 11 years of neglect the north-east has seen from the Brumby Labor government.

Manufacturing: opposition policy

Ms CAMPBELL (Pascoe Vale) — I take this opportunity to grieve for a lazy opposition which is incapable of putting before this Parliament relevant information in relation to manufacturing policy in this state. By contrast we have a vibrant Labor government that has led the state through one of the most difficult financial crises that the world has seen. It has delivered results for the manufacturing community, it has delivered results for the workers in the manufacturing sector and it has led to ensuring not only that the manufacturing community in Victoria is strong but also that it has the capacity to expand with its clear manufacturing policy.

What are the strengths of the Australian and Victorian manufacturing sectors? One of the great strengths of the Victorian manufacturing sector is that it has behind it a strong Labor government with a clear vision for the future, in contrast to the evasive comments of those opposite. In an environment where there are increasing pressures from international competition and following the recent global financial crisis, we have had a very challenging environment for the local sector to operate within.

To remain internationally competitive many Australian manufacturers have taken the opportunity to foster a more sophisticated and flexible manufacturing sector through enhanced investment and performance in innovative activities, by expanding their presence in export markets and global supply chains, by incorporating new technologies and business models into the existing operations to improve productivity levels and by providing appropriate training to workers to enhance their skills. They have done this with the support of the union movement, which in a time of significant financial pressure worked with many companies to put workers on a shorter working week and give workers the opportunity to enhance their skill bases. That is a fantastic positive outcome arising from a really significant problem. That outcome is that the skill level of the workers was increased.

I have had the opportunity to work on a manufacturing inquiry with a parliamentary committee, and I know that Victorian manufacturers are noted internationally as having a strong focus on science and technology. That focus is something that has been driven by the current Premier in his past portfolios and in his clear vision for the future as Premier.

Victoria has a highly innovative and specialised biotechnology industry and is recognised internationally as a leading location for various life sciences. A recent example, in the Premier's own electorate, was the government backing global pharmaceutical company CSL to invest $235 million on a major expansion of its Broadmeadows facility, which will create 333 new jobs by 2018. I think we have to make sure that part of any conversation on manufacturing focuses on the workers and their employers. Manufacturing is there to provide employment opportunities and a better life experience for the general community. As productivity increases the production of goods is far more sophisticated. Mass

production enables more people to access some of the material goods of this world — and of course the jobs that are provided through the Victorian manufacturing sector give people homes and lifestyles they would not have otherwise.

Another great initiative that has been taken within the Victorian manufacturing sector is the Victorian composite centre, the Australian Future Fibres Research and Innovation Centre, which was also recently established. That will offer immense opportunities for the development of cost-effective low-energy and versatile composites. Composites are the way of the future. I noticed that recently the Deputy Premier travelled overseas to Fromelles for the commemoration of those lost — —

Mr Delahunty — So did I.

Ms CAMPBELL — And so did the member for Lowan — and it was good that it was a bipartisan approach. The Deputy Premier also headed to London to look at the great work that is being done over there in relation to aerospace and defence. Carbon composites are critical to the aerospace and defence industry. I am really proud of the fact that a number of us had the opportunity to look at the Northwest Composites Centre in England. We learnt there that carbon composites were going to be coming to Geelong, and it was really heartening to see that the minister was there at that wonderful announcement. Composites provide lightweight materials that are ideally suited to transport applications due to their strength and weight ratio and the potential to mould materials into diverse shapes.

I take the opportunity to place on record my appreciation to Professor Andrew Walker, who is the strategic industry adviser at Northwest Composites Centre and has been working in great partnership with the Geelong community and Deakin University to ensure that our composites centre in Victoria becomes an Australasian hub for the aerospace and defence industry.

Carbon composites will also be of benefit to the car manufacturing sector. It was really interesting to hear the member for Altona lament the fact that the opposition does not support the car industry. It is hard to believe that such a vital employer of so many people — providing both direct jobs and with the supply chain many indirect jobs — is not supported by the opposition.

We need to look at a few of the facts in relation to why we would grieve for the sad state of policy development in the opposition. Let us look at the fact that the coalition is going back to the dark days of the Kennett government's car policy. An article in the *Sunday Herald Sun* of 20 June 2010 stated that:

> Mr Wells revealed he would take a leaf out of the treasury book written by Alan Stockdale, under the Kennett government.

In the same interview he went on to say the coalition will be moving forward but it is not quite there yet.

The other fact that is obvious in relation to the coalition is that it will not support greener vehicles. The shadow minister for manufacturing has criticised the government for buying 2000 hybrid vehicles for its fleet. It is hard to imagine that someone would come out and say that but that is what the shadow minister did. That is in stark contrast to the opposition leader in the upper house, David Davis, who on 27 November last year called on the government to increase its hybrid car fleet. You have the Leader of the Opposition in the upper house saying one thing and then you have the shadow minister for manufacturing contradicting him. The member for Bundoora is shaking his head. It is hard to believe, but that is what happens in a coalition where people do not talk to each other and which certainly does not have a clear manufacturing policy to move forward.

The Liberal Party is dangerous for the car industry; it is dangerous for the people whose jobs and families depend upon their work in that industry. In stark contrast, we have clear policy articulated by the Minister for Industry and Trade and the Premier and fostered overseas in the UK by our Deputy Premier.

Manufacturing is crucial for Victoria. We heard evidence in our parliamentary committee hearings which indicated that every billion dollars spent in manufacturing in Australia results in 17 000 jobs, 4000 of which are direct and 13 000 indirect. It also generates $600 million in government tax revenue and avoids $170 million in welfare payments. You are looking at $770 million in round figures for every $1 billion spent in manufacturing. That is good policy. This Brumby Labor government makes sure that it gives support to manufacturers in this state. The previous speaker on our side highlighted some of the material support provided by way of grants by the minister responsible for manufacturing, and I endorse those comments.

In the short time available to me, I want to mention what I see as an absolutely crucial area that Australian banks and financiers — every aspect of the superannuation and finance industry — need to address, and that is the absolutely horrendous negative downward trend of banks and lending institutions

supporting the manufacturing industry. It became abundantly clear in the evidence we received that trying to get finance during the global financial crisis was extremely difficult — if you needed finance in manufacturing, that is. In contrast, if you needed accommodation in relation to domestic building, that was a completely different story. That is a challenge that all of us need to address, and I look forward to further work continuing in that regard after the federal election when the Brumby state Labor government will work with the Gillard federal Labor government to address that particular area.

In relation to the final point that I wish to make, I reiterate that under a Brumby Labor government we have clear plans, policies and strategic grants in place. We are building towards a positive future with carbon composites in the Geelong plant and group that has developed. Our biotechnology is internationally acclaimed. I look forward to a future where the aerospace and defence industry continues to build on the strong base of manufacturing in Victoria under a Brumby Labor government.

The ACTING SPEAKER (**Mr K. Smith**) — Order! The time allocated for grievances has concluded.

Question agreed to.

STATEMENTS ON REPORTS

Family and Community Development Committee: supported accommodation for Victorians with a disability and/or mental illness

Mr BROOKS (Bundoora) — I will be making my remarks on the Family and Community Development Committee's report on the inquiry into supported accommodation for Victorians with a disability and/or mental illness, which was published in December 2009.

At the outset I want to say that this is an excellent report. It is a comprehensive piece of work on a very important area of public policy — that is, accommodation for people in our community who have a mental illness or a disability. The report sets out a range of areas where the government is providing good service and good policy direction. It also sets out some areas where we need to do better. I think the report does this in a very balanced way, and it sets out some of the challenges for Victoria's move forward.

One of the key issues identified in the report is the growing demand for disability services and services for people with mental health issues over future years. The report sets out evidence that disability services are expected to grow by 3.5 per cent to 5.3 per cent per year in future years, with similar growth expected in mental health service needs. Not only does government need to be able to meet current demand for these sorts of services but it also needs to be able to plan adequately for the demand we expect to see in the future. It is good to see that the government's response, which was tabled in the house yesterday, sets out the ways it intends to do that.

One of the key areas I was interested to read about in the report concerns respite care. I think respite care is so important, particularly for families and for people looking after loved ones who have a disability or a mental illness in being able to support them while they care for someone in their own home. Aside from the obvious benefits for that particular family and for the person with a disability or mental illness from being in a family environment and in their own home and the benefits that flow also to those people who are caring, there is also a secondary benefit which is an economic one: while those people are cared for by their families and their loved ones they cannot be forced to move into government-funded accommodation.

It is fairly sensible for governments to invest in respite care. Carers do a very good job, often in very difficult, stressful and challenging circumstances. The people in my electorate who I talk to who are carers talk about those challenges and their desire for good respite care so they can take a break, recharge their batteries and continue doing the good work they do with the person in their family they are caring for. I was very happy to see in the government response, and I quote from page 5 of that response, that the government's commitments include:

> $12.5 million allocated over four years to deliver an additional 330 episodes of respite that are flexible and responsive to individual families' needs, with a total commitment in excess of $84 million in 2009–10 for over 21 000 episodes of respite …

While that is a lot of money and a lot of respite, I am sure those people who care for people with a disability or a mental illness will argue there is more needed in that area, and I am sure as we move forward to the future years this government will continue to increase funding for respite care.

In the short time I have left I want to highlight a federal inquiry that is under way into a similar area. The Productivity Commission is conducting an inquiry into

disability care and support. I suppose the impetus for the inquiry was the push for a national disability insurance scheme. The reforms the Productivity Commission is considering currently are about how to design and build a better system across the country for looking after people with disabilities and their families and carers, how it would work, how it would be funded and how it would interact with other services. It is a great reform that is being looked at. At the moment the Productivity Commission is seeking submissions from anyone who is interested — from individuals to stakeholder groups — and I urge anyone who has an interest in this particular policy area, families, carers or themselves, to make a submission. I think submissions are open until 16 August, and information can be obtained from the Productivity Commission's website.

The report that has been produced by the Family and Community Development Committee into accommodation for Victorians who have a disability and/or mental illness is a great report. I urge all members to read the document; it will certainly help to inform debate on this particular area.

Family and Community Development Committee: supported accommodation for Victorians with a disability and/or mental illness

Ms WOOLDRIDGE (Doncaster) — I too wish to speak on the Family and Community Development Committee's report on the inquiry into supported accommodation for Victorians with a disability and/or mental illness and in particular on the government's response to that report.

I would like to start with a quote from Jean Tops from the Gippsland Carers Association. She said:

> To say that we are bitterly disappointed in the government's response to the report is a gross understatement. There is absolutely nothing in the response that gives any hope to families 'doing the hard yards' in caring for our most vulnerable citizens …

I can say it no better. I have circulated the government's response, and overwhelmingly what I have heard back from families and carers, and it is in their words, is their 'extreme disappointment' and that they are 'disillusioned'. Others said, 'I found it a futile exercise' and said they were 'appalled', 'annoyed', 'insulted' and 'saddened'. These are the words of carers and families; they are not my words.

In his response to me Colin highlighted what a whitewash the government's response really is. He said of the response that:

> … it aims to present a picture of a government responsive to the current and future accommodation needs of people with a disability.
>
> …
>
> However, whatever the document asserts or suggests, the reality is very different. I have been told by DHS staff that finding suitable supported housing for my son … would be subject to an indefinite wait. That is an unacceptable situation.

He goes on to say:

> … it would be helpful to ask the government to go beyond self-congratulation and ask how exactly do the myriad people in desperate need of supported accommodation get it before their parents' bodies and minds are totally broken by the business of caring.

Jean spent some time preparing her response to me, concluding:

> … I'm not sure that the government understands the magnitude of issues re ageing carer/s.

Her harrowing description of her family's circumstances and being 'gutted by the government's failure at every level' is typical of families right across Victoria.

What we have seen in the government's response to the inquiry is that almost two-thirds of the original recommendations are not fully supported. Many of the government's statements of support or support in principle actually cover the fact that the government has no plan of action to support the recommendations, instead offering a statement of what it has done to date and effectively ignoring the fact that recommendations for improvement have been made in the first place.

National Disability Services came back with a very comprehensive response to my request and highlighted a range of issues including a lack of commitment from the government to follow through on needs, the shallowness of many of the responses, the lack of access to appropriate services for families and carers, and the government's denial of the needs of families. These are very concerning responses from across the board. Clearly what we have in the government's response is merely lip-service to the sector, commending the committee for producing a comprehensive report while effectively ignoring a significant proportion of the recommendations.

This is a massively disappointing response to a huge amount of work and input from families, community sector organisations and the committee. Clearly there are no action plans and no additional resources

forthcoming from the government in response to the hard work done over a number of years.

I would like to leave the last words to Tony, who said to me:

> The single lesson to be learned from the inquiry is this — that if you have an intellectually disabled child in Victoria, you are on your own.

That statement alone, a statement that is echoed by so many mums, dads, siblings and carers right across the state, is an indictment of the Minister for Community Services and the Minister for Mental Health, and it is an indictment of the Brumby Labor government. People with a mental illness and people with a disability, their families and their carers deserve so much better than the lack of genuine support, genuine commitment and genuine leadership that they are getting from the Brumby Labor government. The response to the inquiry into supported accommodation is yet another example of how this government has failed to support those who are most vulnerable in our community, failed to take their needs and their wishes to heart and failed to take action on their desperate need.

Electoral Matters Committee: functions and administration of voting centres

Ms GRALEY (Narre Warren South) — It is a pleasure to speak today on the Electoral Matters Committee inquiry into the functions and administration of voting centres. This is a very important report, and I would like to begin by complimenting the committee's chair, the member for Preston, and all members from both sides of the house for undertaking this inquiry into one of the most crucial features of our working democracy, especially in an election year. I note at the outset how quickly this report has been put together — in just five weeks, which the Chair tells me is a record and which reflects, as other speakers in the other place have said, the courteous participation and bipartisan approach of all MPs on this subject.

As an MP with one of the largest electorates in Victoria, which has over 50 000 electors, I think it is essential that every one of those electors has access to voting and that voting is a positive experience for them. I made a short submission to the inquiry, as did a number of other MPs from both parties. My submission was a result of my experience at the last state election in 2006, and I believe my concerns are shared by many MPs with electorates in growth areas who are experiencing a steady stream of new voters and often a lack of community facilities of adequate size to act as voting centres.

I recall long queues and long waits to vote. Lots of sausages were sold by local clubs while people waited, mostly patiently, but many voters at some of the more crowded booths were clearly upset that exercising their compulsory right to vote was taking up to an hour. This was particularly the case where joint voting booths resulted, as I also said in my submission, in confusion on the part of some voters about which electorate to vote in, with many taking a place in the wrong queue and some waiting for up to an hour.

I am pleased to see on page 24 of the report that in response to the issues I raised the VEC (Victorian Electoral Commission) has advised the committee that:

> The VEC has done considerable work in estimating anticipated voter numbers in growth areas to ensure that all voting centres are adequately resourced and staffed for the 2010 election.
>
> The anticipated voter numbers for Brentwood Park are 4009 ordinary Narre Warren South electors and 711 anticipated absent voters from across a number of electorates. The venue is large enough to manage the anticipated voters.
>
> Given the high number of anticipated absent voters, the VEC is proposing that netbooks be used at this venue to electronically mark electors' names on a central copy of the roll. This removes the requirement for absent electors to complete a written declaration vote and will allow electors to move through the centre much faster.

I am pleased to see this.

The committee has made 12 recommendations, which are set out at the start of the report. I am also encouraged by recommendation 9, which is that:

> The Victorian Electoral Commission establishes, as a key electoral performance indicator, that voters, except in exceptional circumstances, receive their ballot papers within 10 minutes of joining a queue at a voting centre.

I look forward to the VEC meeting this key performance indicator, as it will make a big difference to the voter experience at certain booths in my electorate. I am also in favour of recommendation 3, which is that:

> The Victorian Electoral Commission only appoints joint voting centres when it is unable to secure other suitable voting centres in an electoral district.

However, I note that the VEC has anticipated that the number of joint voting centres will be increased at the 2010 election despite the fact that most submissions were suggesting the opposite. I also note with some concern that in my electorate of Narre Warren South not only will I have a number of joint booths but also that I seem to have drawn the short straw and will be standing in the only electorate in Victoria that will have

two triple-electorate joint voting centres. I will be keeping a very watchful eye on the operation of these booths in the hope that they function as the report describes in recommendation 4, which says:

> If joint voting centres are appointed by the Victorian Electoral Commission, the electoral commissioner ensures that the centres are well resourced, organised, staffed and signposted to minimise informal voting, as well as any voter confusion outside of the centres.

This is a very good report that I hope will provide guidance and instruction to provide for a better 2010 state election. I hope that when people vote on 27 November they will put a no. 1 next to my name for the ALP, but as a passionate believer in the democratic process I also expect that each voter will leave the booth thinking voting is a privilege and not a chore.

I congratulate the members of the Electoral Matters Committee on their report. I understand some of their recommendations made in the past have been taken up in the Electoral Amendment (Electoral Participation) Bill. I am very disappointed and dismayed to see that the opposition is opposing that bill. I for one will be very happy to have all those young people on the electoral roll, and I am very disappointed that the opposition does not like, trust or care about our younger voters. I commend the report to the house.

Rural and Regional Committee: regional centres of the future

Mr NORTHE (Morwell) — I wish to speak on the Rural and Regional Committee's report on its inquiry into regional centres of the future. In particular I wish to speak on the government's response to some of the recommendations proposed by the committee.

Recommendation 14 of the committee referred to the need for the state government to establish a local government planning task force which would consist of planning managers from regional and rural councils as well as regional planning experts. It was the committee's wish that some of the functions this task force might serve would include improving the timeliness and affordability of current processes and providing greater flexibility around decision-making processes and mechanisms that would take into account the unique planning issues that exist in each of the regions. I can certainly attest to the need for these with respect to the Morwell electorate, particularly with the coal mines within my region. This recommendation was not supported by the government, and it made that choice under the guise of saying that the Planning and Environment Act was currently under review. The government referred to a number of other reasons, including cutting red tape, as to why it did not support this recommendation.

I was quite curious as to why the government would not support the recommendation. If I may delve into a local perspective, in the Latrobe Valley the Morwell electorate has enormous planning challenges. One of those is the direct result of the lack of available residential land, particularly in the townships of Morwell and Traralgon, which only have approximately three years of residential land available for potential growth. Much of this shortage of land has been the result of state government decisions, one of those being on the Traralgon bypass route. When that route was determined it took out a huge tract of land between Traralgon and Morwell, so that we now have a distinct shortage of land.

Now we have Latrobe City Council requesting that the local members of Parliament support the council's submission to the planning minister to the effect that land in our electorate be fast-tracked in terms of residential rezoning. With respect to planning, it seems quite curious that on the one hand the task of the committee was to look at ways we could grow and prosper in regional Victoria and on the other hand the government is making decisions which are prohibiting that.

Recommendation 22 speaks about climate change and its impacts on regional Victoria and ensuring that the Victorian government is au fait with those challenges for the future. The government supported the recommendation in part and went on to speak about a number of different projects that it is undertaking. In particular I want to address one element of the government's response, and that is where it talks about the action plan for green jobs for the future in a low-carbon economy. As part of that the government says these actions will support jobs growth and improve environmental outcomes.

As you would very well know, Acting Speaker, in the last couple of days the government has announced its climate change white paper, in which it speaks about phasing out 25 per cent of the capacity of Hazelwood power station. The question being asked at the moment is what the impacts are for our community for the future in terms of jobs, the social implications and also the economic output of our region. Whilst the government says on one hand it is talking with industry and others, it also needs to be speaking with the community. I believe a consortium of government representatives is today in the Latrobe Valley as we speak, trying to curry favour with those they have upset with the announcement in the last couple of days.

We know the energy industry will be diversified in the future and that we will not be so reliant on the Latrobe Valley for the production of electricity. Again I make the point that on the one hand this inquiry was about finding ways and means of growing regional Victoria and making sure that regions prospered, but on the other hand the government must look at its own response here and ensure that it is discussing such opportunities not only with business but also with the community. In the case of the Latrobe Valley, it has simply been left behind by this government.

In closing, the $25 million Latrobe Valley Advantage Fund which is proposed to be set up to assist our community is simply nowhere near enough; not enough work is being done by this government to understand the impacts of these decisions. In summary, that response is a very poor one.

Economic Development and Infrastructure Committee: manufacturing in Victoria

Ms CAMPBELL (Pascoe Vale) — I take this opportunity to speak on the Economic Development and Infrastructure Committee's report into manufacturing in Victoria, which was tabled earlier today. We looked at what influences business decisions to manufacture products either in Australia or overseas. Thankfully Victoria is recognised as the Australian leader in manufacturing workforce training, particularly in apprenticeships and skills enhancement. Our forward agenda has a strong industry focus on science and technology policy and investment towards high-value jobs in the rapidly expanding multibillion-dollar green industries.

The establishment of a Victorian composites centre offers immense opportunities for the development of new and cost-effective low-energy and versatile composites that will aid the expansion of the state's aerospace and defence products and services industry. Given the state's strong focus on skilling the workforce, the development of high-value manufacturing based on current and future global markets and the mixed commercial experiences of non-high-volume offshore manufacturing, the inquiry heard disturbing evidence that indicated that many financiers hold a misguided and outdated view that for their best return on capital, Australian manufacturers should produce offshore.

I refer members in particular to comments on pages 64 to 68 of the report that are the basis of finding 13, which states:

> Local manufacturers deciding to move their operations offshore need to be mindful of potential costs involved in manufacturing in developing economies, such as costs arising from quality issues, lower worker productivity, insufficient infrastructure, inventory maintenance, freight, and differences in business culture.

'Differences in business culture' is code for what I put more bluntly in my chair's foreword, which is basically the additional costs of doing it in countries that expect certain financial benefits for their various government bureaucrats and so-called public servants.

I refer in particular to evidence on pages 64 to 68, where the committee has included some compelling evidence from Giuseppe Boemo, managing director of Sprint Gas Australia Ltd. I have visited his site, which is very impressive too. He has actually brought his manufacturing back to Australia. He explained to the committee why he did that. I want to quote from his comments, as recorded at page 64:

> … all feasibility studies that we have done have led to the same result in that it is feasible to manufacture our components here in Australia. That is based on a direct comparison of the costs of the components from our current suppliers to the cost of manufacturing in-house. It does not evaluate the benefit of reduced stock holdings, not using trade finance facilities, such as letters of credit, and the resources it takes internally for the administration of importation of components from the other side of the world. There are other hidden benefits in there that are non-tangible at this stage.

We also heard evidence from Paul Dowling, chief executive officer of the South East Melbourne Manufacturers Alliance, who stated that companies that were going overseas to source from China are now coming back because of the value they get by manufacturing here in Australia. He said:

> When you weigh in the lead time, exchange rates, reject rates, the inability for Chinese companies to be part of your supply chain and therefore help you develop, my personal opinion is this is where the car companies in Australia are going to suffer in the next 10 years. Australian companies added greatly to their development and the manufacturers by knowing how to do it better. These are some of the things that we all forgot chasing the almighty dollar, and now companies are starting to realise that it is cost versus value, and in some cases it is not adding up.

I think it is absolutely crucial that recommendations in our report focusing on the finance industry be picked up in the future. The recommendations I refer to are recommendations 32 to 35.

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

Drugs and Crime Prevention Committee: people trafficking for sex work

Mr MORRIS (Mornington) — This afternoon I want to speak briefly on the inquiry into people

trafficking for sex work, the report on which was tabled last month. The committee received the reference on 13 August 2009 and was asked to inquire into and report back by 30 June 2010 on the extent and nature of the trafficking of people from overseas into Victoria for the purposes of sex work; on the interrelationship, if any, between the unlicensed and licensed areas of sex work; on the effect of the current and proposed intergovernmental and international agreements on sex work, and particularly the issue of trafficking for sex work; and finally on the need for policy and legislative reform to combat trafficking for the purposes of sex work in Victoria.

Before I move to the detail of the report, I want to thank my colleagues on the committee: my coalition colleagues the member for Lowan and Mrs Coote in the other place; and from the other side of the house the members for Essendon and Yuroke and Ms Mikakos and Mr Leane in the other place. I have had the privilege of being deputy chair of the committee for some three and a half years. Perhaps I had led a sheltered life, although I do not think so, but I have certainly found many of the issues and subjects that we have had to deal with over that time not only challenging but in some cases confronting as well.

I want to put on the record my thanks to all the members that I have served with on that committee, including former members. They are the members for Kew; a former member of the house, André Haermeyer; and the Deputy Speaker. I think it is a committee whose members have worked extremely well together. We have had some pretty serious and heavy discussions and heavy and robust debates on many issues, but in the end we have always agreed on a common way forward. There has not needed to be compromise on any side to achieve a common way forward. We have worked through the issues.

I also want to put on record my thanks to the staff of the committee: Sandy Cook, who is the executive officer, Pete Johnston, Dr Cheryl Hercus and Stephanie Amir. It has been a privilege to work with those people. The committee has a well-deserved reputation for excellence in the reports it presents and of course, as anyone who has served on a parliamentary committee knows, the role the staff play is critical to the quality of the reports. I think this report into people trafficking is no exception.

There were a number of challenges in considering the matters, not least of which is that we had several inquiries running concurrently, but that aside the complexity was considerable. All spheres of government in Australia are involved in this area: local government in its role in planning regulation and inspection; the Victorian government in terms of its consumer affairs role and the role played by Victoria Police, particularly on the illegal side of the business; and the commonwealth when it comes to immigration controls, international agreements and so on.

The second challenge was the philosophical approach. I know there is universal condemnation in this country of the practice of trafficking for any purposes. There were many witnesses who urged the committee to consider whether sex work should effectively be outlawed again in Victoria. As the report notes, that raises not merely philosophical issues; it also raises practical policy implications. While that was clearly outside the sphere of the terms of reference and it was clearly outside the terms of the discussion, it was nevertheless always present.

There was also a lack of hard data. It is very difficult to get appropriate data, even something as simple as establishing the scale of the operations. Nevertheless, despite all those complexities, I think the committee has put together a very effective set of recommendations. If the government picks them up, it will go some way towards redressing this awful problem.

PLANNING: AMENDMENT VC68

Mr WYNNE (Minister for Housing) — I move:

> That under section 46AH of the Planning and Environment Act 1987, the Victoria planning provisions amendment VC68 be ratified.

Amendment VC68 has been some time in coming back to the house in its amended form, and it has had an interesting journey in reaching where it has come to today to be debated in the lower house of Parliament. In the view of the government the amendment before the house will deliver the most significant land use and transport changes that Victoria has experienced in a generation. It builds on the Brumby government's commitment and long-term planning considerations as articulated in the Melbourne @ 5 Million policy and of course the Victorian transport plan.

Amendment VC68 defines the city's new urban growth boundary to secure Melbourne's land supply for the next 20 years, ensuring sustainability and, most importantly, housing affordability. The amendment brings approximately 43 600 hectares of land inside Melbourne's urban growth boundary and directs more future growth to the north and west of Melbourne. The extension includes approximately 24 500 hectares of developable land, land on which to build at least

134 000 homes for Victorian families and for crucial employment opportunities. The release of more greenfield land will help to keep housing prices affordable, whilst easing the pressure on Melbourne's existing urban areas, to accommodate the projected population growth over the next 20 years.

As well as expanding the urban growth boundary the amendment also sets out the alignments for two major transport initiatives identified in the Victorian transport plan — namely, the regional rail link west of Werribee to Deer Park, and the outer metropolitan ring/E6 transport corridor. The regional rail link will provide more frequent and reliable regional rail services to Melbourne's west, where country trains reach the metropolitan network and, of course, boost the capacity of the metropolitan rail system as well. The outer metropolitan ring/E6 transport corridor will cater for expected increases in the volume of freight and the number of people moving around outer metropolitan Melbourne and Victoria over the coming decades, and construction is not expected to start before 2020. Amendment VC68 will also crucially protect 15 000 hectares of native grasslands in Melbourne's western region. Less than 5 per cent of Victoria's original grasslands still remain, and the Brumby Labor government is taking action to preserve these remaining grasslands.

I submit that this package of initiatives has involved extraordinary community consultation. In June 2009 the draft urban growth boundary, the alignments with transport projects and the boundaries for the grasslands were released for full public consultation. The consultation process included eight public information sessions, a dedicated website and hotline, plus a direct mail program to all affected land-holders. Approximately 15 000 letters were sent out, and approximately 2000 submissions, naturally enough, were subsequently received, all of which have been considered in the minister's approval of amendment of VC68. This has really been a model of an open and transparent consultative process where all affected parties have had the opportunity to have their say and to provide formal submissions into the process, and I think by any measure it has been an excellent process.

An amendment to deliver these important initiatives had previously been put to the Parliament in the form of amendment VC67. In my opening comments I indicated that this amendment has been subject to pretty vigorous dialogue and conversation on both sides of the house. We have sought to come here, I believe, in an honourable way to bring forward this amendment which addresses the crucial and fundamental elements that are embedded in this very important urban growth boundary proposition that is before us today.

The government believes that delivering on its commitment to maintaining Melbourne's housing affordability is a crucial element of this amendment, and it is in that context that I rise as Minister for Housing to reiterate how crucially important it is that the housing affordability advantage that Victoria has, particularly compared to the other eastern states, is maintained. That competitive edge is absolutely fundamental, and it is in that context that this planning scheme amendment sits fair and square in the space of housing affordability.

We believe the balance between the changes that this government is making to the urban growth boundary and indeed the opportunities that will arise for high-quality urban conurbations that will be built within that context will provide an important step forward over the next decades. Being able to manage urban growth and being able to accommodate the population trends that are indicated through the various data that is available to us are inherent within this amendment.

So, unlike amendment VC67, amendment VC68 does not include the proposed changes to clause 2 of the planning provisions, which were subject to vigorous conversation and which were intended to translate the policy elements of Melbourne @ 5 Million into planning schemes. Instead, a separate planning scheme amendment will be prepared to implement the Melbourne @ 5 Million policies.

The government has tabled amendment VC68 in this form because it wants to provide certainty for land-holders and prospective homebuyers, certainty for the major transport projects that I have already articulated, certainty for the future of Victoria's remaining volcanic plains grasslands and crucially certainty also for the development industry.

This package of projects demonstrates the government's commitment to both integrated land use and transport planning. It ensures that the infrastructure and essential services that communities in fact need and demand will be met. Amendment VC68 will help us manage our population growth while protecting Melbourne's hard-earnt reputation as one of the most livable and prosperous cities in the world. I encourage both sides of the house to support the motion currently before the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debated adjourned until later this day.

Sitting suspended 12.59 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Gaming: Pink Hill Hotel

Mr O'BRIEN (Malvern) — My question is to the Premier. I refer the Premier to the decision of his gambling regulator, applying his laws, to approve a 60-machine gaming venue in Beaconsfield that features 'a children's playroom … fully enclosed with soundproof glass so that children are visible to parents from the gaming room' and I ask: given that this decision encourages parents to dump their children in a soundproof pokies playpen while mum and dad go off and gamble, what specific action will the Premier now take?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition — sorry, I think that is unlikely. Apologies, I think that is very unlikely. I thank the member for Malvern for his question, and I note that it is somewhat ironic coming from his side of the chamber.

Honourable members interjecting.

The SPEAKER — Order! I ask for some cooperation, especially from the members for Warrandyte and Polwarth; and I ask the Premier to confine his comments to government business.

Mr BRUMBY — I am aware of a recent decision by the independent Victorian Commission for Gambling Regulation (VCGR).

Honourable members interjecting.

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

Mr BRUMBY — I am aware of a recent decision by the VCGR to approve 60 gaming machines for the Pink Hill Hotel in Beaconsfield. I further understand that the minister responsible has sought further advice from the VCGR on the play area and that the minister will be meeting with the VCGR today. I advise the house that there are strictly enforced laws which are designed to keep gaming areas very separate from bar and restaurant areas in pubs and clubs as well as restrict signage and advertising for venues and for machines.

Further, in Victoria it is not only an offence to allow a minor to gamble it is also an offence for a minor to be in a gaming area — for example, a venue that permits an adult to take a baby in a stroller or a sling into a gaming area has committed an offence under the act. The government has worked hard with industry and community stakeholders to create an environment where children are not exposed to the harms of gambling. The government, through the minister, will seek further advice on the Pink Hill Hotel and the minister will use his powers to act, if necessary.

Climate change: government initiatives

Mr HOWARD (Ballarat East) — My question is to the Premier. Can the Premier inform the house of how the Brumby government is continuing the record of leadership shown by Victorian Labor governments on tackling climate change and, in particular, of what benefits this leadership has brought to regional Victoria?

Mr BRUMBY (Premier) — I thank the member for Ballarat East for his question, for his strong advocacy in this area, for his strong work with the Hepburn Wind group and for his belief in the need for decisive action in relation to climate change. Climate change is a complex issue, and there is always a temptation for policy-makers and politicians in this state to avoid or cloud the issue, but our government has never shied away from the issue. We have never run a glib line like:

> Victorians understand that we need to manage the transition to a greater use of renewable energy. To achieve this we need action, not just aspiration.

The disappointing thing about that comment is that it came from the member for Malvern, and it came from his party, which voted against the renewable energy target.

Mr O'Brien interjected.

The SPEAKER — Order! I ask the member for Malvern not to interject in that manner, and I ask the Premier not to debate the question.

Mr BRUMBY — It would be somewhat contradictory or hypocritical, to say the least, for someone who has been voting against renewable energy targets and voting against wind farms to then make a comment like that.

The SPEAKER — Order! The Premier will come back to the question.

Mr BRUMBY — The bottom line is that when we make commitments in relation to climate and climate change we keep them.

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass!

Mr BRUMBY — In 2002 our government made a commitment to reduce greenhouse gas emissions in Victoria by 7 per cent, and that was made against the business-as-usual projection. Our research estimated that gap to be around 8 million tonnes of emissions. I am happy to advise the house that we have achieved that target by being Australia's first state to introduce the renewable energy target, initially of course for 10 per cent, but we led Australia with that target so successfully that it then became a 20 per cent national target.

The 434 megawatts of already installed wind, hydro and solar power have already saved around 1 million tonnes of greenhouse gas emissions. Secondly, we have established a mandatory energy efficiency target for electricity retailers, which has locked in a further 2.7 billion tonnes of emissions savings each year for the last two years. Thirdly, we have had a mandatory energy, water and waste resource efficiency program for the biggest commercial users, which has delivered a saving of another 1.2 million tonnes a year. Fourthly, we were the first state — again we led Australia — with a 5-star energy efficiency standard for new homes. That has now been rolled out across Australia as a national standard to become a 6-star standard from 2011.

All of those commitments, those concrete actions, have delivered those savings which we forecast and promised back in 2002. It is therefore a surprise to me to see other comments in relation to, for example, solar energy. A comment was made in the *Geelong Advertiser* last week that the government needed to 'make it clear … what the future of Solar Systems is.' Solar Systems was purchased by Silex Systems in March this year — Australia's biggest solar energy company — and it is continuing with that investment. Indeed we were at Bridgewater the other day watching the further progression of its investment. We brought forward, as a government, a payment. It is remarkable that the honourable member was completely ignorant of that. Even if he had just read the newspapers, he would know that. We brought forward $3.5 million to Silex Systems.

I am happy to say that the Minister for Regional and Rural Development and the Minister for Energy and Resources were in the Latrobe Valley today. They were discussing with a range of industry and union leaders there our plans for the Latrobe Valley. They were able to provide detail of the $30 million for the CarbonNet project, and they were also able to discuss with industry leaders and unions the $25 million that we provided for the Latrobe Valley Advantage Fund, which provides for skills development, for investment attraction and for research into low-emission energy technologies in the region.

I was pleased that this announcement was very well received. In fact John Parker from the Gippsland Trades and Labour Council said in a media release:

> We congratulate the state government on its courage to take the lead on the climate change transition …
>
> …
>
> … we now have a significant opportunity to develop a sustainable future for the region …

Finally, I will just say that right across regional Victoria we are seeing regional communities excited about the opportunities that will flow from $6 billion to $10 billion of new investment. For example, in today's *Wimmera Mail-Times* Amelia Elliston said in an article headed 'Wimmera houses aims for the stars':

> Wimmera builders have applauded the state government's aim to make all homes more energy efficient by introducing a 6-star energy rating.

A further article on energy, again in the *Wimmera Mail-Times* of today, quotes the Wimmera Development Association as saying:

> This part of the action plan is fantastic.
>
> To see the government this interested in alternative energies is very positive for the region.

Across the state there is extraordinary interest in our white paper action plan. There is extraordinary interest in trying to garner the $6 billion to $10 billion in new investment and jobs that come from it. Typically with so many of these positive steps we take for the state the only people who are out there opposing what we are doing in terms of a cleaner environment and more jobs for our state is this lot opposite.

Police: freedom of information requests

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Victorian Civil and Administrative Tribunal's decision of 8 April to support the opposition's FOI application and order the release of Victoria Police roster records from July 2009, showing the true staffing levels at police stations throughout Victoria, and I ask: given the that government, only four months before the election, has now taken the extraordinary step of appealing the VCAT decision in the Supreme Court, what is this Premier trying to hide?

Mr BRUMBY (Premier) — The shorthand of this question is that it is another unprecedented attack by the Leader of the Opposition on the Chief Commissioner of Police.

Honourable members interjecting.

Mr BRUMBY — We have seen a fair bit of this already from the Leader of the Opposition and from the member for Kew. The Chief Commissioner of Police is an independent statutory officer — —

Mr Baillieu interjected.

Mr BRUMBY — Sorry? What did you say?

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to address the question as asked, I ask the Leader of the Opposition to cease interjecting in that manner and I ask for cooperation from government members.

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth! That was a totally unnecessary interjection, and I warn the member for Polwarth.

Mr BRUMBY — The Leader of the Opposition's question was wrong, and the objection — the appeal — has been lodged by the Chief Commissioner of Police.

Fromelles: military cemetery

Ms DUNCAN (Macedon) — My question is to the Attorney-General. Can the Attorney-General inform the house of the outcomes of the Victorian delegation's participation in the dedication of the Fromelles (Pheasant Wood) Military Cemetery in France?

Mr HULLS (Attorney-General) — I thank the member for her question. Last week I had the privilege of leading a Victorian delegation, which included the shadow Minister for Veterans' Affairs, the member for Lowan, and the state president of the RSL, Major-General David McLachlan, to the dedication of the Fromelles (Pheasant Wood) Military Cemetery in France. This cemetery is the first new commonwealth war graves cemetery to be built for some 50 years and will hold the remains of 250 soldiers, including more than 200 Australians.

The dedication was attended by the Governor-General and the Prince of Wales and is the latest chapter in an extraordinary story which stretches from the battle 94 years ago to the present day. This dedication would not have happened without the passion, the investigative skills and the tireless work of one man, Lambis Englezos, a Greek-born former teacher from Northcote, whose research identified the unmarked grave of those lost soldiers, whose passion gathered many supporters to the cause and whose hard work and persistence ultimately persuaded governments to support an international project to excavate the site, to identify the remains where possible and to rebury the bodies with full military honours in a new cemetery.

As many members of this place would know, the connections between Victoria and Fromelles, and indeed the Western Front, are very strong. Many Victorians travelled to the ceremony in northern France having provided DNA to help identify their relatives. It was not only a great privilege for us in the delegation to represent the people of Victoria but it was also a privilege for us to meet the families, to hear their stories and to jointly acknowledge the sacrifice that their relatives made to defend our rights and freedoms.

As the shadow minister knows full well, the battle of Fromelles was fought on 19 July 1916. It involved Australian and British troops. It was Australia's first major offensive action on the Western Front in World War I, and as we learnt, it was a military disaster. In just one day 5333 Australian and 1557 British servicemen were reported killed, wounded or missing in a futile and badly planned attack on German lines.

For many decades this battle was officially forgotten, and so too the heroic efforts of our troops — those who went over the top knowing they were almost certain to be killed, those who held on in atrocious conditions and those who risked their lives to rescue their wounded cobbers who were lying on the ground in what was called no-man's-land. That fateful day reminds us all that lives were certainly unfulfilled but courage was undenied.

This renewed interest in Fromelles is also generating renewed interest in Australia's involvement more broadly on the Western Front, including of course the great victory at Villiers-Bretonneux, which proved to be a major turning point in the war. It was particularly moving for the shadow minister and me to visit the Victoria School at Villers-Bretonneux to see the sign that says, 'Do not forget Australia', and to be told that every day in this region local villagers and their kids remind themselves about Australia and what our troops did to fight for their freedom and for their way of life.

The Victorian delegation also participated in a commemoration ceremony at the Menin Gate at Ypres in Belgium to honour the hundreds of thousands, including many Australians, who fought and gave their

lives in World War I. For those who have not had had the opportunity to be there, each night at 8.00 p.m. the traffic is stopped in the main street in Ypres and the last post is played, followed by a short silence and reveille. Major-General David McLachlan was asked to recite the ode, and the shadow minister and I had the privilege of laying a wreath at the Menin Gate.

The ceremony that we attended was, would you believe, no. 28 161; it has actually gone on every night since the end of World War I, except for the German occupation in World War II, when the ceremony ceased for a short period. It has been conducted continuously since. It is my hope, and I am sure the hope of the shadow minister, that those who play the last post at the Menin Gate can one day play it for us here in Melbourne on Remembrance Day or Anzac Day. I think that would be a great tribute to those who celebrate the effort Australians put in during World War I.

On a personal note, it was an honour to visit the memorials bearing the names of two of my relatives, one at Villers-Bretonneux. The Victorian government has made a significant contribution to the Shrine of Remembrance, to the restoration of community war memorials, to education, to the Spirit of Anzac Prize and its ongoing partnership with the RSL. I thank the Premier for giving the shadow minister and me the opportunity to attend what was a very moving ceremony. It is important that we continue to support the families of all diggers. We will continue to do that, because it is important that we never forget.

Food bowl modernisation project: business case

Mr RYAN (Leader of The Nationals) — I refer the Premier to the original business case for the food bowl modernisation project submitted in August 2008, which on 10 June the Victorian Civil and Administrative Tribunal directed the government to release to the opposition, and I ask: given that the government only four months before the election has now taken the extraordinary step of also appealing this VCAT decision in the Supreme Court, what is the Premier trying to hide?

Mr BRUMBY (Premier) — As the honourable member well knows, the government has already released the business case for the Northern Victoria Irrigation Renewal Project. It has been produced, it has been approved and it has been released. It is on the website. All of this is about — —

Mr Ryan — On a point of order, Speaker, in the interests of fairness, so that the Premier is not misunderstanding what has been asked of him, the question relates to the original business case, not to the one that is on the website. That is not the original business case.

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of The Nationals not to interject across the table. I ask for some cooperation from the member for Narre Warren North. I do not uphold the point of order.

Mr BRUMBY — On this side of the house we are certainly not confused about our attitude to this project. Do you know what? We support this project. We think this is a great project. We think this is a project which will secure and sustain the future of that region and the food bowl in Victoria. Let us see questioning, positioning and posturing of the Leader of The Nationals on this for what it is — it is more of the undermining of and opposition to this project by Liberal and National parties. Let us call a spade a spade: on our side of the house we are happy to say we put the money on the table. There is $1 billion of our money and there is $1 billion of federal money. We put the money on the table.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Burwood

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. He was asked a very specific question. All he has done is debate the question and prove that a spade is a spade in the secret state.

Honourable members interjecting.

The SPEAKER — Order! If all members are happy, we might continue with question time. The level of interjection from both government and opposition members is far too high. As I have reminded members before, jeering and cheering in the chamber is inappropriate. I uphold the point of order and ask the Premier to return to the question as asked.

Mr BRUMBY — As I said, the business case for this project, the business case that was approved by the government, has been released, and it is up there on the website for everybody to see and read. Of course the business case relates to the project which we on this side of the house strongly support. We support it. I know the member for South-West Coast said it should be fast-tracked, but then his leader said, 'No, we oppose it', so I am not sure where the opposition is. But I know we support the project, because — —

Mr Ryan — Speaker, I renew the point of order. The Premier is debating the question. The question relates to the original business case. That is what he has been asked about, not the business case that is now on the website. That is not the original business case, and he knows that to be so. I ask that he answer the question that he has been asked.

The SPEAKER — Order! There is no point of order.

Mr BRUMBY — As I said, the business case is there, and all of the benefits that we said would come from this project are indeed being achieved. The security of the region's future, the new investment which is occurring in horticulture and irrigated agriculture, and the water savings which have been shared between the environment, farmers and Melbourne, all of these things confirm just what a transformational investment and project this is. Let us be clear about the question from the Leader of The Nationals: this is just part of a sustained campaign of opposition in partnership with Plug the Pipe against this project.

The SPEAKER — Order! The Premier has concluded his answer.

Mr Ryan — On a further point of order, Speaker, the Premier has deliberately debated the question. Of course the logic of it is outstanding. The order would never have been made by the Victorian Civil and Administrative Tribunal if that order related to a business case which was on the website. The order relates to the original business case, and I ask that the Premier answer that question.

The SPEAKER — Order! There is no point of order, and the Premier has concluded his answer.

Kindergartens: government initiatives

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Children and Early Childhood Development. I refer to the Brumby Labor government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how the government is investing in children's services to ensure Victoria's children have access to quality kindergarten programs?

Ms MORAND (Minister for Children and Early Childhood Development) — I thank the member for Barwon South for his question. Attending a kindergarten program is a vital part of a child's learning and development journey. That is why over the past decade we have increased our support for and our investment in kindergarten by something like 225 per cent. This is a clear demonstration of our commitment to kindergarten and our understanding of the importance of early learning.

As part of our investment we have provided more than $134 million in capital infrastructure spending for kindergartens right across Victoria. New integrated children's centres have been built, hundreds of kindergartens have been renovated or refurbished and thousands of kindergartens have benefited from minor capital grants. As well, computers, internet connections and IT support for every community-based kindergarten have been provided. The provision of early years services has involved a really successful partnership between the state government, local government and the community. These grants are a great example of that partnership in action.

Early this month I announced the outcome of another round of grants to expand kindergarten facilities to provide more space and more kindergarten places. These grants totalled $4.6 million and were provided right across Victoria. I know the member for Barwon South was very pleased to welcome the grants for kindergartens in Belmont and Grovedale in his electorate. I am sure the member for Warrandyte would want to thank the Brumby government for the funding for the Barngeong Reserve Kindergarten in North Croydon, and I am sure that the member for Ferntree Gully, if he were here, would want to thank us for the funding for the centre in Rowville. The member has come back into the chamber to thank us.

I am sure the member for Rodney will thank us for the funding for Echuca South Community Preschool. I have not forgotten the member for Cranbourne, because Cranbourne will get a kindergarten grant; and I am sure the member for Gippsland South is lining up to thank the government for the $200 000 that will go to the Leongatha kindergarten for an extra room and for permanent maternal and child health facilities.

I have now opened another round of grants of up to $200 000. These grants will provide vital early years services but will also provide vital construction jobs and ongoing teaching positions. The quality of our early childhood workforce has been supported by a range of initiatives and incentives and scholarships to upskill existing staff as well as providing graduates with incentives to go and work in the early years.

We understand that all children deserve the best possible start in life, and that is done by investing in world-class early childhood services. Sadly that investment is in stark contrast to the record of the

previous government, which actually cut kindergarten funding by 20 per cent.

Berwick Primary School: building program

Mr DIXON (Nepean) — My question is to the Premier. I refer to a submission from Berwick Primary School to the Education and Training Committee's inquiry into the Victorian government's management of Building the Education Revolution (BER) projects and funding, which states:

> … if Berwick Primary School was allocated the full $3 million dollars and was able to design and control how the money was spent, we would have achieved what the school requires for approximately $1.4 million dollars, and would still have $1.6 million left to put to other projects. Sadly this is not the case.

I ask: is it not a fact that the students of Berwick Primary School were short-changed under the BER project because of the arrogant failure of the Premier's education department to listen to the principal and act in the best interests of the students, or is this just another example of the government's incompetence?

Mr BRUMBY (Premier) — I thank the honourable member for his question. He used the term 'short-changed' in asking it, but the big short-changing that occurred in this state was a decade ago when all of the schools were sold off. The Leader of the Opposition — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier not to debate the question.

Mr BRUMBY — The Victorian schools plan, in partnership with the Building the Education Revolution, is about building schools. It is about building up new schools. It is about improving schools. It is about investing in education. It is about saying that education is the no. 1 priority. We believe that education is the no. 1 priority. We make no apology for the fact that we have invested more than $500 million in building new schools and upgrading and improving schools under our program and under our Victorian schools plan.

We are delighted that after the best part of a decade of cutting back on funding for government school education by the federal government we finally have a federal government that is investing in education in our country and in our state. All we have had from those opposite, despite this record investment and record improvement in opportunity for our children in our schools, is criticism, ridiculing and undermining of this record investment in education; that is all we have had. The Building the Education Revolution will deliver $2.54 billion for over 2900 projects in Victorian government schools. We are working in partnership with the federal government to oversee this huge investment. I have said this before in Parliament and I will say it again just so there is no doubt: on our side of the house we believe in investing more in education. We believe in investing for the future. We believe in creating opportunities for children wherever they live across our state to go on and achieve their potential in life. It is a very big contrast, and we are seeing it replayed and rewrit large now. In the 1990s, when schools were sold off for personal gain for the Leader of the Opposition, and now — —

Honourable members interjecting.

The SPEAKER — Order! The Premier will not debate the question.

Mr BRUMBY — We now see federally too this program being at risk as it would be the subject of budget cuts should an Abbott government be elected.

Honourable members interjecting.

Mr BRUMBY — Yes, that is right: $20 billion of cuts. It is a rewriting of history. When people think of the Liberal Party, they think and know of cuts to education. We are proud to be investing in education. We are proud that we have our Victorian schools plan, which is rebuilding our infrastructure — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Rodney not to interject in that manner, and I ask the member for Warrandyte to cease interjecting.

Mr BRUMBY — We are proud to work in partnership with the federal Labor government — the Gillard government — to see this record investment secured for our state.

Roads: infrastructure investment

Mr NOONAN (Williamstown) — My question is to the Minister for Roads and Ports. 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 update the house on the steps the government is taking to create and support jobs through major infrastructure projects across the state?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Williamstown for his question and for his continuing support for the Brumby

government's efforts to improve transport infrastructure right throughout the state and in particular in the rapidly growing western suburbs of metropolitan Melbourne.

We are investing in transport infrastructure because that translates into economic opportunity — it also boosts jobs for our state. We have brought to book — that is, we have committed real dollars, together with the federal government — $10.3 billion of our $38 billion Victorian transport plan. Put in context, that investment is more than the net present value replacement of the Snowy hydro scheme. This is nation building. This is infrastructure building on a grand scale, make no mistake. We are making it; we are not faking it!

Yesterday the Premier — and I had great pleasure to be with him — announced that the channel deepening project was almost $250 million under budget, like many projects this government is going about delivering. We have seen the sceptics, the channel deepening deniers, the people who have been out there every step of the way putting process and concerns in the way of progress. We have stood up for the delivery of this vital project. It has won an Infrastructure Partnerships Australia award as the best managed infrastructure project in Australia. It has received the Auditor-General's endorsement as a template project on which other infrastructure projects should be modelled. This is a demonstration of how this government goes about delivering quality projects under budget and ahead of time.

The Brumby government is also improving transport infrastructure and our transport network, most notably the $759 million Peninsula Link. This toll-free connection will effectively reduce the travel time between Mount Martha and Carrum Downs to 17 minutes. It will cut up to 40 minutes of travel time for the people of the Mornington Peninsula. Of course not everyone is a proponent or supporter of this project, and we are working with the community to make sure this vital project meets its needs.

I was concerned recently to see the member for Hastings actually joining a protest against this vital project. Peninsula Link will deliver 4000 jobs into the communities of the Mornington Peninsula, Frankston and right across metropolitan Melbourne. That is 4000 jobs. I recently had the pleasure of meeting with one of the construction workers who lives in Frankston and who was explaining to me that he does not see this as being about delivering and improving transport links; he sees it as being about making a vital contribution to his community. We are not faking it; we are making it.

We have now delivered more than $8 billion into our transport system — more notably, our road system. We have delivered thousands of jobs, thereby boosting our economy. Whether it be the M1, the Western Ring Road, the Geelong Ring Road, the Nagambie bypass or the Western Highway, these are vital projects that are happening now right across this state.

It is not just government members who recognise the value of these vital projects in terms of generating wealth throughout our community. The valuer-general yesterday produced a report in which he identified that the delivery of projects such as EastLink is raising personal wealth. That has a profound effect on our community by improving property prices, delivering wealth, connecting communities and growing our whole state's economy. A headline in today's *Herald Sun* effectively says it all. The article is headed 'New freeways lead to boom in housing'.

The accounting firm Ernst and Young — I know the member for South-West Coast has a great deal of respect for it because he has recently told this house how much he does — has identified that the net benefits of the Victorian transport plan will deliver $153 billion worth of economic activity.

It took less than 777 days to build the Eiffel Tower, which is an international symbol of style and substance. It is 777 long days since promises were made to roll out an opposition integrated transport strategy — longer than the time it took to build the Eiffel Tower. If you cannot deliver a plan, what hope do you have of delivering a transport system? The challenge is there, and Victorians are waiting for leadership from those opposite. Having a policy, plans and projects means this government is not caught up in a quagmire of inaction. We are delivering on infrastructure for Victorians today.

Hoon driving: government policy

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Police and Emergency Services. I refer the minister to his car-crushing photo opportunity in Dandenong this morning and to his July 2008 description of crushing cars as 'short sighted, populist and completely irresponsible', and I ask: can the minister confirm that he changed his position and adopted coalition policy on this critical issue after attending a planning strategy whiteboard meeting in the Deputy Premier's office where it was decided to announce nothing new in policy terms unless necessary as a political response to the opposition?

Mr CAMERON (Minister for Police and Emergency Services) — There have been some misconception as to what 'cheese' means in relation to the Attorney-General's office, because it is code for opposition policies that are absolutely smelly and full of holes. We know the position of those opposite. We know the position of the member for Kew is that hoons should simply get a warning the first time. We reject that. We are the party that has led the way on hoon laws in Victoria. It is utterly irresponsible to crush a perfectly good car. It is utterly irresponsible to crush a car when a finance company has a mortgage over it.

Honourable members interjecting.

Mr K. Smith — On a point of order, Speaker, I am sure it is going to be of great assistance to the minister and also to the Attorney-General to know that I have been able to identify the cheese that was mentioned in the plan. I also managed to get the rat trap to catch the rat in his office who let this out to the media. I will give it over to the Deputy Premier.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Bass

The SPEAKER — Order! Under standing order 124, I ask the member for Bass to leave the chamber for 1½ hours.

Honourable member for Bass withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Hoon driving: government policy

Questions resumed.

The SPEAKER — Order! The Minister for Police and Emergency Services, to continue his answer.

Mr CAMERON (Minister for Police and Emergency Services) — Well, Speaker, it is just another Baillieu rat.

Mr Mulder interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Polwarth

The SPEAKER — Order! Under standing order 124, I ask the member for Polwarth to leave the chamber for 30 minutes.

Honourable member for Polwarth withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Hoon driving: government policy

Questions resumed.

Mr CAMERON (Minister for Police and Emergency Services) — You can give hoons a warning the first time around, you can approach that timidly like a mouse, or you can tackle the issue seriously and head on, which is what Labor has done. Let us be clear about crushing a perfectly good car that perhaps is the subject of a mortgage with a finance company. That would be irresponsible and obviously to the detriment of the finance company, whereas we believe perfectly good cars should be sold and the proceeds go to victims of crime.

However, where a car is unsafe, that car should be crushed. That is what we saw today, and I congratulate Deputy Commissioner Ken Lay. I say to the State Emergency Service, where an arrangement has been entered into, that it can practise on those unsafe cars because of the important work it does with road rescue. It is a fantastic partnership so the SES can get value. We do not step back from our tough hoon laws, but I reinforce again that we completely reject the policy of giving hoons a warning.

Housing: government initiatives

Mr LANGUILLER (Derrimut) — My question is to the Minister for Housing. 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 update the house on government action to ensure that every Victorian can access housing that is safe, affordable and secure?

Mr WYNNE (Minister for Housing) — I thank the member for Derrimut for his question, which is a timely reminder for us of his great pedigree as a person who grew up in public housing in inner Melbourne and who has been a fantastic advocate for public and social housing for many years.

It is my pleasure to again update the house on progress in ensuring that the most vulnerable in our community have access to safe, affordable and secure housing. Earlier this month I joined the Premier at Mount Street in Heidelberg to inspect works on the 114-unit affordable housing development located right opposite the Austin Hospital and right in the middle of the major activity centre in Ivanhoe. It is a beautiful development that will deliver 171 jobs on site. This $37 million development that we are investing in through Nation Building funding is part of a delivery program of 4500 new units of housing right across Victoria in partnership with the Gillard government.

I am pleased to report to the house today that Victoria is exceeding its targets in the Nation Building program, with more homes under construction and more homes completed at the end of 30 June than were targeted for. In fact at the end of June we were targeted to deliver 572 homes, and I am delighted to advise the house that we have in fact completed 746 homes and that we are on track to deliver 2917 homes by the end of this year.

This investment is critical, as everybody in this house knows. We still have the tightest private rental vacancy rate we have seen for many years of 1.6 per cent. This low vacancy rate poses significant challenges, particularly for people seeking accommodation in the private rental market, and it obviously has a knock-on effect for our public housing waiting lists as well. Indeed there is a direct correlation between the vacancy rates in the private rental market and our public housing waiting lists.

Members will recall that I have previously updated the house on a number of our major developments. I want to again advise the house of where some of those projects are up to. We have the 98-unit Doncaster Hill project, which we are building with Loddon Mallee Housing Services. This project is a $27 million investment and will be completed by April next year. With the full support of the Manningham City Council this project is powering ahead and will house very needy families, again in a major activity centre in Doncaster. In fact work on this project is at the 5th storey of a 10-storey development.

Work has also commenced on a Community Housing (Victoria) Ltd 79-unit project at the former Ferntree Gully Primary School site. I believe that people in Ferntree Gully will see a wonderful addition to their community there. Six of the eight buildings are currently under construction, as I am sure the local member knows very well. At Larissa Avenue in Ringwood, Common Equity Housing Ltd is moving ahead with its $25 million 80-unit project, which will be completed in March next year. That project is at level 4 of an 8-level development

I am advised by the Minister for Planning and Shaun Leane, a member for Eastern Metropolitan Region in the other house, that they were recently in a consultation with the Maroondah City Council, which specifically identified the Larissa Avenue project as a perfect example of the sort of development the council wanted to encourage in its major activity centre in Ringwood.

I will just say to the members of the house who have sought to delay, frustrate, mislead people about and oppose public and social housing developments that when they are driving home tonight, perhaps past some of those developments, they might have a moment of introspection. They might just pause for a moment and reflect on their behaviour and motivations in opposing these sorts of developments, because we are seeking, through the construction of these sorts of developments, to house some of the most vulnerable people in our community.

TRADITIONAL OWNER SETTLEMENT BILL

Statement of compatibility

Mr BRUMBY (Premier) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Traditional Owner Settlement Bill 2010.

In my opinion, the Traditional Owner Settlement Bill 2010, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill seeks to:

(a) recognise certain groups of Aboriginal people as the traditional owners of particular lands in Victoria and give effect to particular rights of these traditional owners over these lands, as recognised by the state in the bill;

(b) provide an alternative mechanism for the resolution of native title claims in Victoria through the making of agreements with traditional owners which offer a range of benefits, including rights equivalent to native title, in return for withdrawal of native title;

(c) provide for access to management, ownership and/or procedural rights to Aboriginal people in relation to future use and development of certain lands and natural

resources to which they have Aboriginal traditional and cultural associations;

(d) provide for the making of agreements between the state and traditional owner group to give effect to those rights and interests and the making of related and consequential amendments to other acts.

The bill is enabling legislation that creates a framework for agreement making between the state and a given traditional owner group entity for an area of Crown land. The legislation will only be given effect as and when the Attorney-General, on behalf of the state, enters into a recognition and settlement agreement (RSA) with a traditional owner group entity.

The bill is in the following parts:

Part 1 provides the preamble, purpose and definitions.

Part 2 sets out the structure for agreement making. The RSA is the overarching agreement that primarily recognises the traditional owner group entity as the traditional owners for an area and enables the recognition of certain rights of traditional owners over public land that is subject to the agreement. The RSA includes four sub-agreements, being a land agreement, a land use activity agreement, a funding agreement and a natural resource agreement.

Part 3 of the bill enables the making of a land agreement which may include grants of unreserved Crown land with or without conditions (clauses 14 and 15) appointment of a traditional owner land management board over public land (clause 12(7)(b)), and the grant of public land to the traditional owner group for the purposes of joint management with the state as reserved public land (clause 19).

Part 4 enables the establishment of land use activity agreements which provide a new streamlined regime for recognising traditional owner rights in public land when activities occur on that land, whilst accommodating third-party interests. These agreements replace the future acts scheme under the Native Title Act 1993 and are analogous with this scheme.

Part 5 provides for the provision of funding to the traditional owner corporate entity through the establishment of a trust that provides annual income to ensure the traditional owner corporate entity can fulfil its responsibilities under the agreement into the future.

Part 6 enables the making of a natural resource agreement to facilitate traditional owners access to and use of natural resources for personal, domestic and non-commercial communal needs.

The bill also amends the Conservation, Forests and Lands Act 1987 to link RSAs to the appointment of traditional owner land management boards under that act, which are the vehicle for delivering joint management of public land, as well as making consequential amendments to other legislation.

Human rights issues

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

Section 19(2) — Distinct cultural rights of Aboriginal people

Consistent with international human rights instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, section 19(2) of the charter provides that Aboriginal persons hold distinct cultural rights and must not be denied the right with other members of their community to enjoy their identity and culture; to maintain and use their language; to maintain their kinship ties; and to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

This bill is a significant milestone in the ongoing protection of these rights and an important step to ensuring the rights can be fully exercised. The bill recognises that Aboriginal people have lived for more than a thousand generations in this state and have maintained complex societies with many languages, kinship systems, laws, polities and spiritualities. They enjoyed close spiritual connections with their country and developed sustainable economic practices for their lands, waters and natural resources. Through this bill, the state will make agreements which formally recognise particular traditional owner groups and their traditional and cultural association with an area of Victoria. In doing so, the bill promotes the rights contained in section 19(2)(a) and (d) of the charter. These rights are specifically incorporated in the bill in clause 9.

In particular, agreements provided for in this bill will afford traditional owners unique rights to own or manage certain public lands identified in an agreement, access and use certain land and natural resources within the agreement area, and be involved in defined decision-making processes that affect Crown land. The making of agreements directly linked to those lands and natural resources gives practical effect to the continued exercise of the relationship that Aboriginal people have to their traditional lands and the ability to continue to enjoy culture on that land.

Also, relevant to section 19(2)(d), clause 93 ensures that traditional owner groups with whom the state makes an RSA will have sole responsibility for the management and protection of Aboriginal cultural heritage within their agreement area under the Aboriginal Heritage Act 2006 on application to the Victorian Aboriginal Heritage Council.

The bill protects and allows for the continued expression of the rights at section 19(2)(d) of the charter whilst also allowing for the continued expression of the other cultural rights that are not tied specifically (or solely) to land at sections 19(2)(b) and 19(2)(c) of the charter. It also does not affect the continued enjoyment of identity and culture more broadly by Aboriginal people (section 19(2)(a)).

Section 8 — Recognition and equality before the law

Section 8(3) of the charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

This bill takes positive steps to advance the rights of the Aboriginal traditional owners of Victoria. It does so by recognising, protecting and providing for the exercise of cultural rights by Aboriginal people over areas to which they have traditional and cultural association by providing for grants of land to traditional owners, including culturally significant land, and for joint management of public land.

The rights to which this bill relates belong to a distinctive group of people in Victoria, not to all Victorians. They are rights to land that belongs to Aboriginal people who can demonstrate traditional and cultural association with the land. Non-Aboriginal people as well as Aboriginal people who do not have a traditional and cultural association with that land do not hold these rights. This is a distinction already recognised at section 19(2)(d) of the charter.

Providing for the exercise of certain rights over Crown land by Aboriginal people who can demonstrate traditional cultural associations but not to others is essential to implement section 19(2) of the charter and is not discriminatory. However, if any discrimination does occur, section 8(4) of the charter further provides that measures taken to assist or advance persons or groups of persons disadvantaged because of discrimination do not constitute discrimination. This bill seeks to restore some of the traditional rights that Aboriginal people enjoyed for more than a thousand generations prior to the arrival of Europeans in Victoria. The failure of the common law to recognise native title and traditional ownership of land discriminated against the property rights of Aboriginal people. This bill is only one step in the long process of addressing this discrimination which was deeply entrenched in our legal system prior to the High Court decisions in *Mabo v. Queensland* (No. 1), 1989 166 CLR 186; and (No. 2), 1992 175 CLR 1. The High Court has also recognised in those decisions that acts which extinguish the property rights (native title) of Aboriginal people specifically are discriminatory.

The failure of previous governments to redress this discrimination and to recognise and protect the rights of Aboriginal people to lands in Victoria has given rise to historical disadvantage which this bill seeks to address. This bill is one of the many measures that must be taken to redress this disadvantage.

Section 12 — Freedom of movement

Clause 13 sets out that if a land agreement provides for the grant of an estate in fee simple in land that is the subject of the agreement, the minister must take steps to recommend to the Governor in Council that an estate in fee simple be granted to the traditional owner group subject to the conditions in the agreement. The granting of land in fee simple under the bill may result in public land becoming private land held by the traditional owner group. In limited cases, people who had previously accessed the land whilst in public ownership, either formally or informally, may be prevented from doing so by the provisions under this bill. In my view, the limitation is reasonable and demonstrably justified in a free and democratic society under section 7(2) of the charter, for the reasons discussed below.

Section 13 — Privacy and reputation

Section 13 of the charter guarantees the right not to have one's privacy unlawfully or arbitrarily interfered with. An interference with privacy will not be unlawful if it is permitted by law, certain and appropriately circumscribed. An interference will not be arbitrary if the restrictions on privacy it imposes are reasonable in the particular circumstances and are in accordance with the provisions, aims and objectives of the charter.

Pursuant to clause 3 of the bill, in order to recognise a 'traditional owner group', the Attorney-General may require the provision of personal information in order to be satisfied that the members of the group are the traditional owners of the land, based on Aboriginal traditional and cultural associations with that land. Such personal information may include a person's name and address and information about their family, including genealogical information. This requirement engages the right to privacy in section 13 of the charter.

The interference with privacy, however, is not unlawful or arbitrary. The provision of private information occurs with the consent of the traditional owner group in accordance with the law. The interference with privacy is not arbitrary because the request for information will be limited to such information as is necessary to ascertain who has connections with the land in order to identify the particular Aboriginal group. Without such information it would be impossible for the scheme to operate. Further, in performing his or her functions under the bill, the Attorney-General has an obligation to act in accordance with the charter and privacy legislation and not to seek any information that is not relevant to the decision to gazette a 'traditional owner group'. For these reasons the right to privacy is not limited.

Section 20 — Property rights

Section 20 provides that a person may not be deprived of their property except in accordance with the law.

The bill does not affect the property rights of individual people as the granting of land and procedural rights over land only apply to Crown land and the charter does not protect the property rights of the Crown. The introduction of the bill will not affect any existing property rights, in particular, land use agreements do not apply to any rights such as leases that are in existence at the time at which a land use activity agreement is registered (clause 73(2)).

Part 3 (division 4) of the bill enables the granting of Aboriginal title, being an estate in fee simple, of some Crown land to traditional owner groups for the purpose of joint management with the state. The granting of Aboriginal title to traditional owner groups is always subject to a standard set of limitations on the grant, and the grant can only be made after the commencement of an agreement that includes special provisions which enable the Crown to regain its authority to manage the land.

The limitations include, among other things, that Aboriginal title is inalienable (clause 19(2)); the land is taken to be land reserved for the purposes for which it was reserved immediately before the grant (clause 20(2)); and that the right to occupy, use, control and manage the land is transferred to the Crown (clause 20(1)). Any existing interests in the land, such as leases and other use and occupation rights, will be initially extinguished to accommodate the making of the grant, but will be automatically reinstated by the legislation as if the grant had not been made.

While the granting of Aboriginal title places conditions on the use of that property by traditional owner groups, it cannot be described as deprivation of property because it recognises traditional owner property rights where no such recognition previously existed.

Traditional owners who are native title holders or who may hold native title have certain rights over Crown land recognised at common law and subject to the Commonwealth Native Title Act 1993. To the extent that these rights are property rights, the bill may engage with the right to property of these traditional owners. The bill enables agreements to be made which may be implemented in whole or in part by an indigenous land use agreement under the Native Title Act. Through such a mechanism, traditional owners may, by agreement, opt out of the protection of their rights afforded by future act system of the Native Title Act 1993 in favour of a land use activity agreement provided for at part 4 of the bill. Such a process would be by agreement and in accordance with the law and, in my view, would not limit the right to property under the charter.

Under part 4 of the bill, traditional owners may also have their property rights recognised in the bill affected by a decision by the Victorian Civil and Administrative Tribunal (VCAT) or the minister. In such cases the minister and the VCAT would be bound in each individual case to act compatibly with the charter and as such, any deprivation of property would be in accordance with law and not arbitrary.

I am satisfied that the bill does not limit the right to property.

Section 24 — Right to a fair hearing

Division 3 of part 4 of the bill deals with negotiation, arbitration and determination processes in relation to land use activities. A 'traditional owner group entity' or a 'responsible person', as defined in the bill, has the right to apply to VCAT for a determination. Proceedings at VCAT clearly fall within the scope of section 24 of the charter and are compatible with that right.

Subdivision 3 of part 4 allows the minister to request VCAT to determine the matter within a specified time that is not less than six months. The minister can only exercise this power in certain limited circumstances, namely, where the matter is urgent and at least four months have passed since the application to VCAT was made. Where VCAT fails to make a determination within the specified time and the minister is satisfied that the VCAT is unlikely to determine the matter within a reasonable period after that, the minister may determine the matter him or herself where he or she is satisfied that it is in the interests of the state to do so. The minister can also substitute a VCAT determination where he or she is satisfied that it is in the interests of the state to do so.

The minister, who is not an 'independent court or tribunal', has no obligation to comply with section 24 of the charter in exercising powers under subdivision 3 of part 4. However, clause 63 of the bill provides that the minister will afford procedural fairness by allowing each party to make written submissions and make written comments in response to submissions made by other parties involved in the matter.

However the minister and the VCAT would each be subject to judicial review in the Supreme Court pursuant to the Administrative Law Act 1978. I am satisfied that the processes created by part 4 of the bill do not limit the right to a fair hearing.

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

Section 12 — Freedom of movement

(a) the nature of the right being limited

Section 12 provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live. This right may be limited where Crown land with current public access is granted to traditional owner groups as freehold title and that access is reduced or denied.

(b) the importance of the purpose of the limitation

As noted in the discussion above, land agreements under this bill serve a number of important purposes, including providing for the protection and promotion of Aboriginal cultural rights by increasing the access that Aboriginal traditional owners have to their traditional lands and also to address past discrimination against Aboriginal people in Victoria. The granting of land would be a component of the overall settlement package with a traditional owner group which is in lieu of future compensation claims.

(c) the nature and extent of the limitation

The bill sets out the conditions in which a recognition and settlement agreement may be entered into and what land may be granted as part of an agreement. Clause 12(2) states that only unreserved public land may be granted as an estate in fee simple. Further, clause 12(4) requires the consent of the minister administering the land and clauses 12(7), (8) and (9) state that a grant may be subject to certain conditions. In determining whether to give his or her consent, the minister would be bound to act in accordance with the charter. In doing so, the minister may take into account any significant public interest, including public access, to determine whether or not a parcel is appropriate for transfer, and/or any conditions on the transfer. Furthermore, parcels of land which might be granted to traditional owner groups, being only unreserved Crown land, may in some cases be already subject to restricted access.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and the purpose of promoting Aboriginal cultural rights, settling land claims of traditional owner groups and redressing past discrimination.

(e) any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means reasonably available to achieve the intended purposes.

Conclusion

I consider the bill is compatible with the Charter of Human Rights and Responsibilities because the provisions in the bill do not in any way limit human rights but rather enhance the distinct cultural rights of Aboriginal people recognised at section 19(2) of the charter.

John Brumby, MP
Premier of Victoria

Second reading

Mr BRUMBY (Premier) — Speaker, I begin my remarks today by acknowledging the traditional owners of the land on which we are gathering and meeting here today, the Kulin nation. I acknowledge and pay my respects to their elders, past and present. I also acknowledge other traditional owners and elders who have gathered here in Parliament today on this important occasion.

I move:

That this bill be now read a second time.

Introduction

When Prime Minister Paul Keating introduced what is now the Native Title Act into federal Parliament in 1993, he described it not only as a 'milestone' but as an 'opportunity': an opportunity to respond to the challenge of the Mabo decision and to end what he termed as 'the pernicious deceit of terra nullius'; and an opportunity to forge a new relationship between indigenous and non-indigenous Australia.

Since that time, of course, Victoria has seized similar opportunities.

In 2004, our government recognised — in our constitution — Victoria's Aboriginal people as the 'original custodians of the land' which makes up the state of Victoria. And in 2006 Victoria's Charter of Human Rights and Responsibilities recognised that Aboriginal people have distinct cultural rights — including the right to 'enjoy their identity and culture' and the right to 'maintain their distinctive spiritual, material and economic relationship with the land, waters and other resources to which they have a connection under traditional laws and customs'.

These simple acts of recognition — both straightforward and transformative — were long overdue, and I am very proud that they were finally achieved by a government of which I am a member.

But despite the progress we have made there is still much work to do and many more opportunities to seize. One of those opportunities is land justice — the recognition of relationship to country and all that this relationship entails. The bill I present to the house today signals the government's intention to make good on this opportunity.

This bill provides for the recognition of distinctive traditional owner groups in Victoria, identified by their group name, and to enter into agreements that give effect to the rights they hold in land and natural resources in concrete and meaningful ways.

The native title journey

Let me first explain why we are taking this step and seizing this opportunity.

Until now, traditional owner groups have had no concrete avenue for the recognition of their rights in land, other than through the commonwealth's native title system — a complex legal system that was never intended to address land justice in the more settled regions of Australia.

Despite the constraints of this legislation, our government has been determined to heal some of the damage caused by the Kennett government's litigious approach, which resulted in the negative determination of the Yorta Yorta claim. That is why we have entered into a cooperative management agreement that recognises the Yorta Yorta as traditional owners of their country. Through negotiation, rather than litigation, we have also achieved two consent determinations under the Native Title Act — one with the Wimmera peoples in 2005 and another with the Gunditjmara people in 2007. These achievements, however, have been against the odds — confined within the walls of a relatively narrow approach under the Native Title Act.

The Native Title Act approach

While the Native Title Act represents a major step forward for Australia, there are nevertheless certain shortcomings in the approach taken under the act. Firstly, it examines whether previous grants have extinguished native title, and this requires a costly, complex, parcel-by-parcel investigation of historical tenures.

And, secondly, it seeks to determine whether claimants still hold a customary title that must have survived 180 years of European colonisation. This means Aboriginal people are required to prove that they have maintained a continuous connection with their country and that they form a society with a normative system of law and custom significantly unchanged since the beginning of colonisation.

Of course, in Victoria's case this test is almost impossible to meet given the rapid occupation of the land since settlement. For example, between 1851 and 1861, Victoria's migrant population doubled nearly four times over.

And in the century that followed, we saw a raft of government policies which greatly impacted those Aboriginal people who survived the earlier onslaught of disease, violence and dispossession. This included policies which sought to either exclude Aboriginal people from the population or absorb them imperceptibly within it. Either way, ties to country were often severed.

Despite this legacy, Victoria's traditional owners survived — through sheer resilience, determination and heroism. Law and custom, cultural practices and traditional owner identities endure. Yet the events and policies of nearly two centuries cast traditional owners from country, broke their means of subsistence and undermined their systems of law and relationships to country and to each other. This, of course, makes the task of meeting contemporary connection tests almost insurmountable.

Missed opportunities

The native title system has also not functioned well for those who manage or want to do business on Crown land. It has caused confusion and delay for government, public utilities, park managers and, for example, industry wanting to do business on Crown land, such as the mining and forestry sectors.

The reality is that when there is a possibility that native title may one day be claimed or might one day be found by the courts to exist, the actions of land managers or developers or miners on Crown land are delayed by the complex future acts regime of the Native Title Act.

In the meantime, opportunities to work with traditional owners — to do business, to contribute to economic self-sufficiency, to harness knowledge in land management — are also being missed.

The need for reform is clear — and even clearer when you consider that since 1994, questions of native title have been resolved over only 15 per cent of Crown land — and it has taken too much time.

For example, the Yorta Yorta endured 9 years of litigation; the Wimmera people's claim took 10 years; and the Gunditjmara, 11.

And for the Gunaikurnai people of Gippsland — the next claim close to completion — it is 13 years since they first lodged their claim. And with 14 claims still outstanding, it will take over 50 years to resolve native title in Victoria at this rate of resolution.

What is more, the financial cost has been large — more than $40 million from the public purse — of which 80 per cent has been associated with the technical nature of determining whether native title is extinguished.

Meanwhile, the businesses and industries who want to utilise Crown land have been left waiting on the sidelines.

An alternative approach

It is time then, Speaker, to seize a new opportunity — and find a new way — that works for Victoria, a new way that delivers the practical and symbolic recognition of traditional owners' rights in Crown lands, and a new way that provides certainty to land managers, to industry and to developers.

That is why, in 2008, our government established a Steering Committee for the Development of a Native Title Settlement Framework.

That steering committee was chaired by prominent indigenous Australian and 2009 Australian of the Year, Professor Mick Dodson. It brought together key government agencies, traditional owner representatives from the peak Victorian Traditional Owners Land Justice Group, and representatives from Native Title Services Victoria.

This was an unprecedented collaboration and I want to take this opportunity to thank the committee members for their work and acknowledge the pivotal role of the Victorian Traditional Owners Land Justice Group.

Last year, this government adopted the steering committee's report and recommendations, subject to a funding contribution from the commonwealth, which was looking for a new direction in native title.

In June this year, we entered into a national partnership agreement to assist settlements under this bill, under which we will continue to press the commonwealth to share funding for future settlements.

Meanwhile, relevant agencies have been building the framework for bringing this alternative system into operation — all with the backing of enthusiastic stakeholders.

Overview of the bill

This bill establishes the legal framework for a state-based system that enables the government to enter into agreements directly with traditional owner groups, outside any court setting.

Through these agreements, the government will recognise traditional owner groups based on their

traditional and cultural associations to certain land in Victoria and recognise their rights in relation to access, ownership, management, use, and development of certain public land.

The bill's approach is to put the question of native title to one side in exchange for recognition and a range of benefits related to that recognition.

Traditional owner groups will agree to withdraw existing native title claims, if they have one, and agree to not make native title or compensation claims into the future.

This is an important step forward because these agreements continue in perpetuity, and will give all the parties finality and certainty.

The agreement is registered as an indigenous land use agreement under the Native Title Act and all potential native title claimants are legally bound to that agreement. It will also allow for existing settlement groups such as the Gunaikurnai people to take up these new options.

Some key definitions and terms

Let me draw attention to some important definitions.

First, the term 'traditional owner group' allows for recognition by the state, where it is due, without reliance on the determination of native title, and yet it is compatible with the positive determinations of native title made to date.

Government still requires those seeking traditional owner recognition to show that they are descended from the Aboriginal people present at the time of European settlement, and to demonstrate their relationship with, or association to, their country. This is a necessary and rigorous standard, and one that traditional owners also support for their own cultural integrity.

Secondly, the bill recognises the rights held by traditional owner groups. This is unique to the Victorian approach.

The Native Title Act itself left the question of what constituted native title rights and interests to each native title group to define in accordance with their law and custom.

Yet determinations over the last 17 years have recognised interests which are remarkably similar in form — for example, rights to fish, hunt and gather, to camp, to use and enjoy land, to conduct cultural and spiritual activities, to protect places of significance.

This bill defines these rights — and in doing so ensures clarity for all concerned.

It sets out the traditional owner rights that the state will recognise wherever it enters into a traditional owner settlement, rights consistent with Victoria's Charter of Human Rights and Responsibilities.

The traditional owner rights recognisable under the bill are, of course, qualified or limited by other laws of the state, including the bill itself. Existing rights and interests of persons other than traditional owners remain unaffected. This includes existing rights of public access, and rights to use Crown land and resources under existing leases, licences, permits and authorisations.

Agreement making

To return to the agreement-making provisions of the bill, the bill empowers the Attorney-General to enter into a recognition and settlement agreement with a traditional owner group entity for a given area.

Four sub-agreements sit below a recognition and settlement agreement, each of which is an agreement in its own right, and which will be entered into simultaneously by the state and a traditional owner group entity.

The four sub-agreements require the consent of relevant ministers who administer legislation with which the bill will interact. This ensures a coordinated, whole-of-government approach.

Land agreements

The first of these agreements — land agreements — deal with granting land or joint management of land and will increase the access of traditional owners in Victoria to their traditional lands in four ways:

Handing back of freehold over unreserved public land without ongoing conditions.

Handing back of freehold over unreserved Crown land, subject to conditions, which might include restrictions on the title or conditions about how the land is managed into the future.

Establishing a Traditional Owner Land Management Board over public land.

On this point there are many instances of joint management operating across Australia. Joint

management preserves valuable traditional knowledge and cultural practices and applies this knowledge to conservation, land and resource management. Importantly, joint management also creates employment and economic opportunities for traditional owners.

And lastly, handing back Aboriginal title to traditional owners over public land, for ongoing joint management.

This involves new legal constructs and concepts for Victoria, and as such, it warrants special mention.

Aboriginal title can be granted over any public land, including national and state parks. The traditional owner group entity will become the owners in perpetuity with conditions. The estate held by the traditional owner corporate entity will be inalienable and unable to be encumbered. It is worth noting that state game reserves are not subject to these provisions, recognising their special status to the state's hunting groups. The agreement will ensure that the state will continue to use, occupy, control and manage the land.

Similar arrangements have been in place for decades in other jurisdictions.

Land use activity agreements

The next form of agreement — land use activity agreements — will replace the future acts regime in the commonwealth system and will recognise and protect traditional owner rights in public land, as well as existing third party rights.

It will set in place a process whereby activities on Crown land will be able to proceed and traditional owners and proponents will both be provided with procedural rights broadly analogous to those under the Native Title Act.

Under the bill, a land use activity is defined by reference to common activities that are carried out on, or affect, Crown land, such as building works by a land manager, approval of mining activities, and so on. The definition is exhaustive, to provide certainty to land managers, Crown land users and developers and traditional owners alike.

A land use activity agreement will operate over all Crown land within a given area of traditional owner recognition, but with agreed exclusions, such as areas with existing infrastructure and Crown land set aside for identified future uses.

The land use activity agreements will categorise future land use activities on Crown land into four basic types, thus simplifying the 10 subdivisions of future acts in the Native Title Act. They are:

routine;

advisory;

negotiation; and agreement activities.

Each of these types will each afford a different level of procedural rights and responsibilities to the traditional owner group and the proponent responsible for carrying out the activity. And the level of procedural rights and requirements is commensurate with the likely impact of that class of activities on the recognised traditional owner rights in land.

In relation to negotiation activities, both parties are required to negotiate in good faith to seek to reach agreement about the activity proceeding, including any conditions to which the consent to proceed is subject, and the provision of any community benefits by the proponent to the traditional owner group entity.

'Community benefits' are broadly defined in the bill so as to allow flexible, negotiated outcomes that may provide an economic, cultural or social benefit, as agreed by a traditional owner group entity.

Where a proponent and a traditional owner group entity are not successful in reaching agreement about negotiation activities proceeding, the Victorian Civil and Administrative Tribunal (VCAT) will act as a dispute resolution and arbitration body.

VCAT's determinations may be about conditions that apply to the negotiation activities, including whether a proponent must make a 'community benefit payment' — a payment of compensation for the impact of land use activity on the traditional owner group's rights — and if so, then the amount and in some instances, the timing of payment.

The bill has built in mechanisms for dealing with delays and particularly urgent circumstances that might affect the state's interests.

Where a matter is considered urgent, the minister is empowered to request VCAT to make a determination within a particular time frame not less than six months from when the parties first applied to VCAT. If the time frame cannot be met, the minister may make a determination on the same terms that VCAT may.

Analogous with the Native Title Act and only in limited circumstances, the minister may also override a determination made by VCAT, but must indicate his or

her intention to do so within one week of VCAT making a determination.

Like negotiation activities, agreement activities require good faith negotiations between the proponent and the traditional owner group entity to reach agreement that the activity may proceed.

Agreement activities are land use activities with a significant impact, such as the sale of public land, and require the consent of the traditional owners.

Importantly, any land use activity is exempt if it is for the purposes of emergency protection of human life, property or the environment.

By way of the land use activity agreement between the state and the traditional owners being a part of an indigenous land use agreement under the Native Title Act, all future act requirements under that act will have been consensually contracted out.

The land use activity regime will extend its operation incrementally over the Crown land estate over time, as settlements are reached with each of the traditional owner groups across the state over the next decade or so. This gives land managers and land users time to adjust to what will be a simplified regime.

The bill provides that a register of land use activity agreements is to be established, to enable proponents and land managers to easily identify whether a land use activity agreement is in operation in a given area.

Funding agreements

Funding agreements will provide a sustainable funding base for traditional owner corporate entities to be able to perform their functions and meet their responsibilities into the future, including effective engagement in land use activity negotiations with industry and developers.

Through the funding agreements, trusts will be established that deliver an annual income to recognised traditional owner group entities.

The trust will have a board of directors who will manage the funds for the benefit of the group entity and who will be appointed by the minister. The settlement package as a whole, including the establishment of the trust, represents a just and fair alternative to compensation entitlements under the Native Title Act.

Natural resource agreements

Natural resource agreements document the aspirations of traditional owner group members to non-commercial forms of access and use of natural resources.

The bill enables new, streamlined, fee-free authorisation orders to be issued to traditional owner group entities. These will cover hunting, the harvesting of certain plants and the taking of forest produce or water, but only for ‘traditional purposes’ — that is, for any personal, domestic or non-commercial communal needs of traditional owner group members.

In relation to fishing, regulations will be developed to exempt traditional owners from the need to hold a recreational fishing licence.

The rights recognised under authorisation orders will, of course, be subject to laws of general application such as for firearm use, public health, public land management and safety and environmental protection. All existing rights of use and access currently enjoyed by all Victorians continue unaffected.

Conclusion

Our government has been determined to do things differently — to build an alternative approach, and a better approach, to land justice in Victoria.

The Traditional Owner Settlement Bill is about recognising the special relationship Aboriginal people have with their land, and it sets the pieces in place for a meaningful and practical recognition of our unique traditional owner groups in Victoria.

It represents unquestionably a new approach, which will:

fast-track resolution of claims lingering in the courts;

end public expenditure on limited outcomes;

provide for the good management and appropriate development of Crown lands and natural resources; and foster positive relationships between the government and Victoria’s traditional owners.

And the result of these reforms will see improved processes, quicker outcomes and more certainty for all those people involved in, and affected by, the native title process.

This is a landmark reform — but we could not have done it alone.

I want to again acknowledge the outstanding work of the steering committee and its chair, Professor Mick Dodson. They have done a wonderful job.

I want to also commend and thank the Victorian Traditional Owner Land Justice Group for the leadership and goodwill they have provided. We would not have been able to progress this important reform without a cohesive peak body representing Victoria's traditional owners.

I would also like to acknowledge the Attorney-General and Deputy Premier, the Minister for Aboriginal Affairs and the minister for the environment for their hard work and the hard work of their departments in the development of this bill.

The Traditional Owner Settlement Bill is another important act of recognition. It is a very positive step forward for our state and another step along the path to true and lasting reconciliation.

It is with great pride that I commend this bill to the house.

Debate adjourned on motion of Mrs POWELL (Shepparton).

Debate adjourned until Wednesday, 11 August.

DISTINGUISHED VISITOR

The SPEAKER — Order! I acknowledge the presence of the federal Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, in the gallery.

PLANNING: AMENDMENT VC68

Debate resumed from earlier this day; motion of Mr WYNNE (Minister for Housing).

Mr CLARK (Box Hill) — This ratification motion is a motion that goes to the availability and affordability of housing in Victoria. It is a ratification motion that is the latest step in a long saga that has dogged Victoria under the Bracks and Brumby governments — a saga of bungling, of procrastination and of backflips, all of which have had the effect of greatly diminishing the availability of housing in Victoria and driving up its cost.

If we go back to the time of the change of government in 1999, the Labor Party in opposition had made a great play of attacking the former Minister for Planning on the grounds that he had made alterations to the urban growth boundary. The Labor Party promised that it would establish permanent and enduring urban growth boundaries, and after several years it in fact brought forward legislation which it claimed would do that, which it claimed would draw a line around the Melbourne urban area that would be permanent and ongoing and would provide a definite limit to the future growth of Melbourne. It ignored the warnings from this side of the house as to the likely consequences of that approach — namely, that the time would soon come when there would be enormous pressure for urban growth because of shortages in housing availability.

Those warnings were ignored and for years the government failed to act to make available within Victoria the supplies of land that are necessary to ensure appropriate housing affordability. As a consequence we have seen rents skyrocket, we have seen large increases in home prices and we have seen young couples struggling to raise the funds to buy a home. We have also seen Labor try to focus the entire effort and direction of future planning in Melbourne on rapidly increasing urban density, in particular its push for inappropriate and ill-considered high-rise, high-density developments.

Eventually even the Labor Party came to realise that its attempt to bottle up Melbourne in every direction and to ignore the available supplies of appropriate land for urban growth and for further housing and development was not going to work, and it belatedly revised those plans and came up with a revision to its original Melbourne 2030 strategy entitled Melbourne @ 5 Million. It sought to make various extensions to the urban growth boundary (UGB) and a number of measures related to that.

Firstly we had issues before this house relating to the government's attempt to impose on existing landowners an enormously unfair and inefficient tax — the GAIC (growth areas infrastructure contribution) — and we have seen the extended negotiations to try to at least arrive at a measure that would temper the worst features of that impost. We have seen an agreement reached that would facilitate expansions of the urban growth boundary. Then when it looked as though matters had been resolved and there was a way forward — for the time being at least until a coalition government could be elected and make the necessary changes to the GAIC regime — the government tried another stunt. It tried to bundle into planning scheme amendment VC67, to ratify expansion of the urban growth boundary, other provisions, in particular clause 12, which would further its agenda for imposing high-rise, high-density development on established suburbs. This ratification was needed because of the

mechanisms that the Labor Party itself had inserted into the Planning and Environment Act as part of its pledge that it would draw a firm and definite line around the future boundaries of Melbourne.

Instead of proceeding with a planning scheme amendment that would deal with the urban growth issues on which the basis of going forward had been reached, the government tried to coerce the non-government parties into going along with its alternative agenda as well. However that is an agenda to which our side of the house is implacably opposed. It is an agenda of the willy-nilly imposition of inappropriate high-rise, high-density development on established suburbs that would destroy the quality of life of residents of those suburbs, dramatically alter the built form of Melbourne and impose inappropriate and unsuitable developments. Of course members on our side of the house would not have a bar of that.

We had made clear to the government all along that our view was that expansion of the urban growth boundary was appropriate. Under the provisions Labor inserted in the Planning and Environment Act, the Parliament's decision is an all-or-nothing decision and Parliament does not have the capacity to amend a resolution to ratify a planning scheme amendment which relates to the urban growth boundary expansion. However, our side of the house was willing to go along with a ratification of the urban growth boundary changes the Labor Party proposed. However, we were not prepared to go along with clause 12, which would have given even more scope to the government to impose its policy of high-rise, high-density development on established suburbs.

The government had to be dragged kicking and screaming to accept that its attempt to coerce the Parliament was not going to work and that if it wanted a way forward it had to accept that these two issues had to be split and it had to remove clause 12 from its proposal. We have seen the flipping and flopping from the Minister for Planning on this matter. On 24 June he told ABC radio that:

> This is an all or nothing document. If the opposition don't want to accept it in its entirety … basically that stymies housing development and growth in this state …

This is one of a series of claims that have been made by the Minister for Planning that have proved to be fallacious, including his claim that the UGB would never again move in his lifetime. Then we had the minister go out and deliver a speech to sections of the planning industry, repeatedly attacking the coalition despite claiming that he wanted to take the politics out of planning. Clearly from the perspective of our side of the house it is starkly obvious that one cannot believe just about anything the planning minister says. He said he would zone residents out of the UGB and he did not. He said the UGB would never move again, and then he flip-flopped and said it would. He said there would be no GAIC plan B, and then there was a GAIC plan B. Then he said planning scheme amendment VC67 was all or nothing but eventually backed down on that, either of his own volition or because his arm was twisted by his colleagues, who forced him to accept what was needed in order to go forward.

At long last the minister has brought forward to this house proposed planning scheme amendment VC68, which omits clause 12, and seeks ratification of this amendment. Regrettably that does not mean the government has abandoned its attempt to impose inappropriate high-rise, high-density development on established suburbs. The government has made clear that it is going to proceed with another planning scheme amendment to attempt to do that. If the government does what it has foreshadowed, certainly our side of politics will continue to oppose that. We will move in the other place to disallow that planning scheme amendment, and we will seek to enlist the support of the other parties to disallow that planning scheme amendment.

It is not just our side of politics that recognises the folly of the government's policy in relation to high-rise, high-density development; there are many on the other side of the house who recognise those problems, and some of them have been prepared to speak out on them, albeit in a circumspect manner given their positions. In particular I pay tribute to the member for Brunswick, who is a very sincere, hardworking and diligent member of this house. We may have from time to time had passionate disagreements on policy grounds, but his sincerity cannot be doubted. He has expressed his concern to local media that Brunswick residents have had to put up with what he has referred to as zealot officers who want towers everywhere. He was referring to officers of Moreland City Council, but what is clear is that he is referring to officers who are simply trying to adhere to the planning policies of the Labor government. So there is at least one Labor backbencher who has been prepared to speak out on this issue, and there may well be others who are making that point within their party's internal deliberations, and I certainly hope they will join the opposition in standing up publicly to defend their suburbs.

Right across the inner northern suburbs of Melbourne residents are aghast at what is being done with some developments which are imposing totally inappropriate projects on their communities. It is not only the

northern suburbs of Melbourne that are under threat; every suburb of Melbourne is under threat. In my own part of the world we have seen that happen with the Minister for Planning approving a 30-unit development on two ordinary size housing blocks. We have seen a proposal for a 38-storey tower in Box Hill, a decision on which has now been deferred until after the election. The minister has referred the matter to a working group. That working group is not led by the local council and the local community; it is a working group led by government bureaucrats who operate behind closed doors.

It is clear that the government has not given up on its attempt to impose high-rise, high-density development across the suburbs, but it has at least backed off on that attempt in the ratification motion that it now brings before the house. Opposition members call on the government to see sense and back off altogether, although I fear that that is not what is going to happen. The minister seems to be redoubling his efforts to impose high-rise, high-density development. He has been talking about giving VicUrban a mandate to build high-rise, high-density towers, and he has reinforced the direction that was foreshadowed in a draft of the Planning and Environment Act, out in the community, of new compulsory acquisition powers for the government. In a recent speech the minister indicated that the government's ability to build high-rise, high-density towers in existing suburbs was about, as he put it, overcoming some of the considerable obstacles relating to land acquisition. This seems to be code for government compulsory acquisition of existing homes and other premises in order to proceed with high-density development. That is something to which our side of the house is implacably opposed.

As I said earlier, this is a motion that at least for the time being deletes the provisions of clause 12 from the planning scheme amendment. As I also said earlier, under Labor's legislation the opposition parties, and indeed the chamber as a whole, are not able to amend the ratification motion to seek to achieve changes to the urban growth boundary specifications or indeed other aspects of the package that we might otherwise like to see. The only option that we have is to either allow this ratification to proceed or to oppose it.

As I have indicated, the position of the opposition parties in this debate has been the one position that has been consistent throughout. We have been willing to accept a development levy as long it is fairly and equitably designed and does not impose an unfair and inefficient burden on existing landowners. We have been prepared to go along with expansion of the urban growth boundary so that there will be supplies of land available within Melbourne that hopefully will help keep a lid on the rising cost of housing and contribute to keeping the price of houses and the level of rents below what they would otherwise be.

For those reasons opposition members will not be opposing this ratification motion; however, I reiterate, lest there be any doubt on the part of the government, that we will continue to vigorously oppose the government's policy of imposing high-rise, high-density development on established suburbs.

Mr MORRIS (Mornington) — I rise to speak briefly on this motion. The member for Box Hill has put very clearly that this is an all-or-nothing motion — we either accept it or reject it, but we cannot amend it. He also talked about clause 12, but that is a discussion for another day. Unfortunately the advice that we cannot amend this motion is entirely accurate, and it is a completely unfortunate outcome which has been arrived at because of the actions of the government and its failure to negotiate on this issue. It has come about because of the government's decision to play short-term politics with an issue that will have an effect on Victoria for years to come.

In making that short-term decision to play green wedge politics the government has made it impossible to achieve a shared vision. This issue has been running for a long time. When the Minister for Housing moved the motion before lunch today he referred to 'extraordinary consultation — I think those were the words he used — and we certainly have had extraordinary consultation. We have had the sort of consultation we have seen in other places and we have come to expect for planning matters: an outcome has been determined and the consultation occurs in order to provide justification for the final decision. There is lots of listening; there is no change. It is not genuine consultation; it is simply going through the process, so we are stuck with what is there.

The government has refused to negotiate and refused to consider alternate arrangements such as whether the boundary is in the right place, which means that projects such as the Bunyip food bowl are compromised. This project has the support of seven councils in the south-east and the support of Melbourne Water, South East Water, Southern Rural Water, but its successful completion requires the protection of the rich agricultural land in the lower Bunyip basin. If you link that rich agricultural land with class A recycled water from the eastern treatment plant, then you have an excellent opportunity to increase food production in the south-east. As I said, it is widely supported. I know a number of government members, particularly the members in the other place, are well acquainted with

the proposal, yet the government has refused to consider burying this scheme to allow that project to proceed.

The expansion in the south-east of the Casey urban area is strongly opposed by the City of Casey, but that is not because it is opposed to growth. It has an excellent record in handling, facilitating and managing growth; it is very good at it. In this case the City of Casey did not support an extension of the urban growth boundary because, as it has made very clear, the infrastructure is simply not there and is unlikely to be there for a very long time. Infrastructure in that area is unplanned and unbudgeted, and will once again lag way behind the release of the land.

The government has taken steps to protect grasslands in the west of the metropolitan area, and those are certainly steps I welcome, but I put it to the house that this is a complete and utter policy failure, where we lose prime agricultural land very close to the metropolitan area. In the words of the old real estate people, they are not making it any more. In times of climate change we are going to have less and less prime agricultural land. This is good land close to a reliable long-term water source, and because of this government's policy we are going to lose it.

The government has devised this process. It is the government's legislation that forces the matter to be dealt with in this way. It has refused to deal with the matter objectively. It has refused to deal with the matter in a genuinely consultative way. The government is effectively treating the Victorian people with utter contempt. It is effectively holding a gun to the collective heads of all Victorians.

The choice is to either accept this bad option or run the very real risk of causing chaos in the Victorian economy by freezing the urban growth boundary completely. That is the choice that the government has forced, and unfortunately that is the choice that we have to make. There are very many reasons why this is a bad bargain, but it is the best bargain that could be achieved. Unfortunately the Labor Party has decided that it is prepared to play Russian roulette with the state, and that is not a situation that we can support.

Mr WYNNE (Minister for Housing) — We have had a worthwhile debate on this important amendment. From the point of view of the government, the amendment that we have brought into the house is a compromised amendment; clause 12 has been deleted. That of course has been subject to significant debate, and we will consider those matters that pertain to clause 12 in a timely fashion.

This motion brings certainty in relation to the urban growth boundary itself, certainty in terms of major transport and infrastructure projects, and certainty for the development industry. Most importantly — and obviously I say this in a biased way — from the point of view of housing it gives a clear and unambiguous direction forward for maintaining this state's competitive edge as the most affordable state for housing on the eastern seaboard of Australia.

In that context I commend the work that has been undertaken by the Minister for Planning in negotiating the proposed outcome that is contained in this motion. It is crucial that we provide certainty and predictability to the development industry and also to those families who are seeking the security of affordable housing going forward. The passing of this amendment will provide real security to those families, and I commend it to the house.

Motion agreed to.

MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL

Statement of compatibility

Mr BATCHELOR (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Mineral Resources Amendment (Sustainable Development) Bill 2010.

In my opinion, the Mineral Resources Amendment (Sustainable Development) Bill 2010, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill makes amendments to the Mineral Resources (Sustainable Development) Act 1990 and the Victorian Energy Efficiency Target Act 2007. In the case of the Mineral Resources (Sustainable Development) Act 1990, the purpose of the amendments is to:

provide for two new types of licences (prospecting licences and retention licences);

to require mining licence applications and applications for retention licences to describe the mineral resources to which they will relate;

to provide for a new procedure for the endorsement of work plans and variations to approved work plans before they are approved;

clarify the purpose of the act;

repeal redundant provisions; and

improve the operation of the act generally.

In the case of the Victorian Energy Efficiency Target Act 2007, the purpose of the amendments is to further provide for how an assignment of the right to create energy efficiency certificates may be made.

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

Section 13 — privacy

Section 13(a) of the charter protects a person's right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will not be unlawful if it is permitted by law, certain and appropriately circumscribed. Any interference will not be arbitrary if the restrictions it imposes are reasonable in the particular circumstances and are in accordance with the provisions, aims and objectives of the charter.

I note that the majority of licence-holders will be corporations, and that only persons have human rights (section 6(1) of the charter). Nevertheless, an individual could be a licensee.

Clause 28 (new section 112A) provides that the minister may require the holder of a retention licence to re-evaluate the economic viability of mining a mineral to which the licence relates and to report to the minister on the results of that re-evaluation. In my view, this clause does not engage a licensee's privacy interest because it relates to the economic viability of mining for the relevant mineral rather than the economic viability of the licensee's business. However, to the extent a person's privacy interest may be engaged, I consider that the requirement is reasonable in a regulated industry such as the mining industry and no issue of incompatibility with the privacy right in the charter arises.

Section 20 — property

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public and are formulated precisely.

A number of clauses in the bill engage the right to property, in terms of affecting rights under licences approved under the act.

Clause 11(2) and (3) (new section 25(1)(ba) and (c)) allows a minister to grant a prospecting licence to a party who is not the holder of the exploration or retention licence in respect of that area where the licence was first registered more than two years before the application and the minister has waived the need for the licence-holder's consent under section 25A of the principal act. However, the processes under section 25A of the principal act require that, in order for a licence-holder's consent to be waived, consideration be given to whether granting the application for the prospecting licence would significantly interfere with work being carried out (or proposed to be carried out) by the licence-holder, would be unfair to the licence-holder or whether a waiver would in any other way be inappropriate.

Clause 21 (new sections 38A(2)(2A) and 38A(2)(2B)) provides that on the seventh anniversary of the initial registration of an exploration licence, the minister must, unless he or she decides otherwise, cancel the licence in relation to at least a further 20 per cent of the total number of graticular sections and, on the 10th anniversary of an initial exploration licence, at least a further 10 per cent. The new provisions follow on from sections 38A(1) and (2) of the principal act which provide for 25 per cent of the licence to be cancelled on the second anniversary of the licence and a furthersome of our most vulnerable children 35 per cent on the fourth anniversary. Section 38A(3) of the principal act provides that the areas in relation to which a licence is to be cancelled are those identified by the licensee in a notice to the minister at least 30 days before the relevant anniversary or, in the absence of such a notice, those selected by the minister. These cancellations are consistent with the purpose of ensuring that land which has been allocated for exploration and that is not being efficiently worked is made available for competitive reallocation. In that regard, I note that under section 15(6)(ba) and (c) of the principal act, an applicant for a licence (including an exploration licence) must satisfy the minister that they genuinely intend to do work and that they have an appropriate work program in order to be granted such a licence.

Clause 22 provides that the minister may cancel a licence where the minister is satisfied that the holder of a mining licence has not carried out mining on land covered by the licence for a continuous period of two years (new section 38(1)(b)(iiia)), or where, in the case of a retention licence, mining of the mineral resource would not be economically viable (new section 38(1)(b)((viia) and (viib)) or the licensee has failed to comply with a requirement of new section 112A in relation to re-evaluation of the economic viability of a proposed operation (new section 38(1)(b)(viic)). Again, in my view, it is relevant that under section 15(6)(ba) and (c) of the principal act, an applicant for a licence (including an exploration licence) must satisfy the minister that they genuinely intend to do work. While under new clause 15(6A) an applicant for a retention licence will not have to satisfy the minister that the applicant genuinely intends to do work if the minister considers it unnecessary or inappropriate in the circumstances, new clauses 15(6B) and 15(6C) require that an applicant for a retention licence satisfy the minister that the described mineral resources in the application are already being mined under a mining licence or that there is a reasonable prospect the relevant mineral will be commercially viable to mine in the future. In any event, before cancellation under this section, the minister must give notice of the intention to cancel the licence and invite the licensee to give reasons why the licence should not be cancelled.

Any deprivation of property that occurs as a result of these provisions will take place under powers conferred by legislation, in accordance with the law, and only where necessary to ensure efficient ground turnover by making ground allocated for exploration that is not being efficiently worked available for competitive reallocation. I note that any decision by the minister is potentially subject to review by the courts.

In my view, these provisions are not incompatible with the property right in the charter.

Section 19 — right to culture

Section 19(1) provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with others, to enjoy their culture. Section 19(2) provides that Aboriginal peoples must not be denied the right with other members of the community to, among other things, maintain their distinctive spiritual, material and economic relationship with land and waters. A critical aspect of protecting the cultural rights in section 19(2) is to ensure that Aboriginal peoples can effectively participate in, and benefit from, decision-making processes which balance their rights with other rights and interests (*Mahuika et al v. New Zealand*, communication no. 547/1993: New Zealand 27/10/00, UN doc CCPR/C/70/D 547/1993).

I have considered whether the creation of new licence types is inconsistent with the cultural rights of Aboriginal persons protected under section 19(2) of the charter.

As noted above, clause 8 of the bill (new sections 14B and 14C) creates two new types of licence: prospecting licences and retention licences. Clause 9 amends section 15(1) of the principal act to permit the granting of those new licences. Neither of these licence types extends the range of permissible activities for a licensee in respect of land subject to an exploration or mining licence under the principal act. The holder of a prospecting licence is authorised to prospect, explore and mine land covered by the licence; the holder of a retention licence is authorised to explore and carry out work to establish the economic viability of the described mineral resource in the licence area. Similarly, neither licence extends the types of land in respect of which a licence may be granted under the principal act.

I do not consider that these amendments limit the cultural rights of Aboriginal persons.

Section 5A of the principal act provides that the granting of licences, permits, rights or any authorities under the act, as well as the undertaking of exploration, searching or mining, must be in a way that is not inconsistent with the Native Title Act 1993 (cth) and the Land Titles Validation Act 1994.

Section 6 of the principal act provides that land in respect of which an ongoing protection declaration is in force under the Aboriginal Heritage Act 2006 cannot be subject to a licence or other authority under the act.

Under section 18 of the principal act, the minister must notify any person or body nominated by the minister responsible for administering the Aboriginal Heritage Act 2006 and any registered Aboriginal party (within the meaning of the Aboriginal Heritage Act 2006) for the area to which the application relates, before granting a licence. Any such person is entitled to object to the licence being granted under section 24 of the principal act and to have their objection heard in a procedurally fair manner.

Further, once a licence has been granted, a work plan required under a mining licence must include a community engagement plan for consulting with the community (section 40(3) of the principal act). This plan must be approved before mining activities commence. Sections 39A and 77K of the principal act respectively require licensees and holders of an extractive industry work authority to consult with the community throughout the period of the licence by sharing with the community information about any activities authorised by the licence that may affect the community; and giving members of the community a reasonable opportunity to express their views about those activities.

Further, under section 45(1)(a)(xi) and (xii) of the principal act, a licensee must not do any work within 100 metres laterally of any Aboriginal place within the meaning of the Aboriginal Heritage Act 2006 that is recorded in the Victorian Aboriginal Heritage Register or land in respect of which an ongoing protection declaration is in force under the Aboriginal Heritage Act.

Accordingly, in my view, no issue of incompatibility with Aboriginal cultural rights arises.

Section 24 — fair hearing

Section 24(1) protects the right of a person charged with a criminal offence or a party to a civil proceeding to have the charge or proceeding determined by a competent, independent, and impartial court or tribunal after a fair and public hearing. In *Kracke v. Mental Health Review Board & Ors* (General) [2009] VCAT 646, Bell J. held that the right to a fair hearing in section 24 of the charter is not limited to judicial proceedings but can include administrative proceedings. His Honour observed that whether the right applies to administrative proceedings falls to be assessed on a case-by-case basis. In Kracke, Bell J. noted that, in assessing compliance with the right, regard may be had to the whole decision-making process, including reviews and appeals.

I have considered the effect of the following clauses on the fair hearing right: clauses 21, 22, and 28. In each case, I consider that the procedures provided for in the bill and the principal act, including the rights of appeal or review that are available, are appropriate to the nature of the particular interests that are at stake. In my opinion, there are no incompatibilities with section 24 of the charter.

Conclusion

I consider that the bill is compatible with the charter.

Peter Batchelor, MP
Minister for Energy and Resources

Second reading

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

That this bill be now read a second time.

The Brumby government is pleased to introduce legislation today that will ensure that Victoria's mineral resources are:

managed sustainably and responsibly;

continue to contribute to the state's economy; and

continue to contribute to employment within regional communities.

This bill contains amendments that form part of the first stage of the Mineral Resources (Sustainable

Development) Act 1990 (MRSDA) review. As part of the first stage, this bill addresses administrative reform, one of the objectives being to ensure that there is a healthy balance between the retention of licences by proponents and turnover of these licences to investors in order to ensure that mining goals are being met.

Issues of greater complexity which require more research and more consultation with experts, industry and other government agencies will be reserved for the second stage of the review scheduled for late 2011 and early 2012.

This bill will provide industry with a clear signal that Victoria is committed to ensuring a modern regulatory framework. It will also provide the community with clarity and certainty, particularly in relation to the operation of compensation provisions and consent provisions.

I now turn to the key provisions of the bill.

Purpose of the MRSDA

This bill amends the purpose of the MRSDA to reflect the importance of mineral exploration in promoting a sustainable minerals sector.

Licensing and ground turnover

The state has an interest in ensuring that the licensing system encourages the development of the state's mineral resources and a viable mining industry.

At present, there are two licence types:

(a) an exploration licence; and

(b) a mining licence.

An exploration licence gives the exclusive right to explore for the resource and apply for a mining licence. A mining licence gives the right to mine and take ownership of the minerals which are owned by the state until extracted.

Currently, there is no limit on the number of renewals of exploration licences, with some licences being over 20 years old. This bill will place a limit on the number of renewals on exploration and it will strengthen the relinquishment requirements attached to exploration licences. This will improve competition and encourage new investment in the industry.

The bill will also ensure that the identification of a mineral resource be a precondition for the granting of a mining licence. This is in line with practices in some other states such as Western Australia.

The bill provides for two new licences:

(a) a retention licence; and

(b) a prospecting licence.

A retention licence will apply where a mineral resource has been identified but is not currently commercially viable to mine. It will enable the holder to undertake certain activities. This includes intensive exploration, economic and other studies and research and development, targeting the definition of a feasible mining and/or processing venture. A retention licence will also provide the holder with the right to apply for a mining licence when the holder is ready to mine.

A prospecting licence will provide greater clarity on the right of small-scale prospectors and miners but will ensure a healthy turnover of ground. Holders of prospecting licences will be granted a prospecting licence for a relatively short term — up to five years. Prospecting licences will not require identification of a mineral resource. The licence will not be renewable but the holder will have the right to apply for a retention licence or mining licence.

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

This bill also makes amendments to broaden the range of conditions which the minister may impose on a licence. This will include technology and project development milestones.

Compensation and consent

In order to improve clarity of the compensation provisions in the MRSDA, the bill allows landowners and miners more freedom to make private compensation arrangements and to distinguish the grounds for on-site and off-site compensation.

Consent provisions will be amended to provide that consent for low-impact exploration (limited to hand-held tools) on private land need not be in writing. This will allow for informed verbal consent from the landowner if it is preferred by both parties. This will remove a land access barrier that has been identified by industry.

The bill will allow for consent to be verbal, however, the authority holder will be required to inform the landowner of their rights — including the right to have

written consent or to refuse consent — prior to consent being given.

Statutory endorsement of work plans

The bill provides for the inclusion of statutory endorsement of mining and extractive work plans. The statutory endorsement will give statutory recognition to the current administrative practice of work plan endorsement. This will be a major benefit to industry as it will provide for streamlined approvals by reducing or eliminating duplication of referrals to other agencies.

In the current non-statutory endorsement process, the Department of Primary Industries (DPI) refers the draft work plan to other agencies for input and sign off. When agreement is reached on the acceptability of the work plan, it is then endorsed by DPI. A duplication of referrals occurs at the planning permit stage when a local council re-refers the planning permit application to agencies to which non-statutory referrals have already been made, and with which agreement has already been reached by the endorsement process. Statutory endorsement will ensure this duplication of referrals is avoided.

Miner's rights and tourist fossicking authorities

This bill will retain the miner's right and tourist fossicking authorities in their current form. However, to reduce the administrative burden for members of the public, the bill will introduce the option for miner's rights and tourist fossicking authorities to increase the term for which a miner's right and tourist fossicking authority can be granted. This will be from 2 years to 10 years.

Fit and proper person

The bill provides clarity on the grounds for which a person is to be considered as 'fit and proper'. This will ensure transparency and understanding of the operation of the provision. The bill will also extend the operation of the fit and proper person provisions to 'associates of the applicant'. This will aid in ensuring that rights to publicly owned resources are allocated to appropriate persons.

Licence rentals

The bill provides that rentals should be paid on all licence types, not just mining licences, and that rentals should be payable from registration of the licence, rather than from registration of the work authority. This will ensure an appropriate level of cost recovery for administrative activities.

Repeal of the Mining and Environment Advisory Committee

The bill repeals part 4 of the MRSDA, which deals with the Mining and Environment Advisory Committee. The Mining and Environment Advisory Committee has not met in over a decade and has not been a fully functioning committee.

Royalties

The bill makes amendments to ensure greater clarity be provided in the MRSDA on the calculation method for coal royalties. This is to ensure that the calculation of royalties (which is based on 'net wet specific energy' of brown coal) is done using consistent and accurate methodology, and is consistent with the current requirement that the net wet specific energy of coal is to be measured in a manner that represents coal at, or close to, the point of mining.

It is important to note that this bill does not address royalty rates and exemptions as part of the first stage of amendments to the MRSDA.

Other amendments

The bill amends the Victorian Energy Efficiency Target Act 2007. The amendment will give persons accredited for the purpose of the greenhouse gas abatement scheme established under that act and who are engaged in certain prescribed activities greater flexibility as to how they satisfy the requirements for creating abatement certificates.

Conclusion

In introducing this bill, the government is determined in improving the efficiency and effectiveness of the Mineral Resources (Sustainable Development) Act 1990 and regulations governing minerals and extractive industries. This bill seeks to ensure the responsible and sustainable use of Victoria's resources for the benefit of all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr O'BRIEN (Malvern).

Debate adjourned until Wednesday, 11 August.

LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL

Statement of compatibility

Mr WYNNE (Minister for Local Government) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Local Government and Planning Legislation Amendment Bill 2010.

In my opinion, the Local Government and Planning Legislation Amendment Bill 2010, as introduced into the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The purpose of the Local Government and Planning Legislation Amendment Bill 2010 (the bill) is to:

amend the Local Government Act 1989 (the LG act) to improve governance and democratic processes in local government, including improvements to conflict of interest laws and amendments to the timing and conduct of electoral representation reviews;

amend the City of Melbourne Act 2001 (the Melbourne act) to enable the council to enter into environmental upgrade agreements and levy associated charges;

amend the Planning and Environment Act 1987 to make miscellaneous amendments relating to development assessment committees;

make consequential amendments to the Crown Land (Reserves) Act 1978 and the Environment Protection Act 1970; and

repeal the Local Government (Consequential Provisions) Act 1989.

Provisions that engage human rights

Provisions in the bill that engage human rights protected under the Charter of Human Rights and Responsibilities (the charter) include:

limits on council publications during elections;

various amendments to conflict of interest;

removal of a defence to prosecution; and

altered disclosures in ordinary returns.

Council publications during elections

Clause 5 of the bill proposes to substitute a new section 55D in the LG act.

The existing provision prohibits a council from printing, publishing or distributing electoral matter during an election period for a council election, or for authorising such actions.

Following concerns that the existing provision is unenforceable because it contains no penalties or other consequences for a breach, the bill proposes to introduce a process to certify council publications during elections and to impose penalties on councillors or council staff who breach the provision.

The amendment to section 55D may be perceived as engaging the right to freedom of expression under section 15 of the charter because it prohibits a councillor or a member of council staff from authorising, printing, publishing or distributing electoral material during an election period using council resources or on behalf of the council.

This amendment will not limit the right to freedom of expression. It only prevents the improper use of the council or council resources for printing, publishing or distributing material that is intended or likely to affect voting in an election. Such actions are rightfully prohibited, as they involve the use of public resources for private or partisan purposes.

The amendment does not limit the freedom of expression of a councillor or a member of staff when not using council resources or acting on behalf of the council.

Conflict of interest

Part 2 of the bill includes a number of amendments relating to conflict of interest that might be perceived as engaging:

the right to privacy under section 13 of the charter;

the right to freedom of expression under section 15 of the charter; or

the right to participate in public life under section 18 of the charter.

The conflict of interest provisions in the LG act require a councillor, a member of a council special committee or a member of council staff who has a conflict of interest, to disclose the conflict of interest and to not participate in the decision on the matter.

Amendments in this bill to the conflict of interest provisions in the LG act include:

changing the definition of the gift disclosure threshold, for the purpose of defining an indirect interest from $200 to $500;

excluding gifts, other than election campaign donations, that were received more than 12 months before the person became a councillor, committee member or member of council staff;

specifying that where a person has a controlling interest in a company that has a direct interest, the person is also regarded as having a direct interest;

altering the definition of an assembly of councillors, when a councillor must disclose a conflict of interest; and

extending the application of the conflict of interest rules for council staff to include the exercise of statutory powers of the chief executive officer.

The conflict of interest provisions engage the right to privacy in section 13 of the charter. Section 13(a) of the charter protects a person's right not to have his or her privacy, family, home or correspondence interfered with in a manner that is unlawful or arbitrary. An interference with privacy will not be unlawful if it is permitted by law, certain and appropriately circumscribed. An interference will not be arbitrary if the restrictions on privacy it imposes are reasonable in the particular circumstances and are in accordance with the provisions, aims and objectives of the charter.

The interference with privacy is lawful and is not arbitrary. It ensures a level of transparency for decision making by officials who are required to act in the public interest and must be clearly seen to be avoiding situations where they have personal or private interests. Further, a councillor who has a conflict of interest in a matter to be considered at a public council meeting may disclose the details of their conflicting interest to the chief executive officer in writing before the meeting to avoid having to disclose those details in a public forum.

The conflict of interest provisions also engage the right to take part in public life as set out in section 18 of the charter as they may prevent a councillor from participating in the decision-making process. While the conflict of interest provisions engage the right under section 18 of the charter, in my view the limitation is reasonable and demonstrably justified in a free and democratic society under section 7(2) of the charter, for the reasons discussed below:

(a) the nature of the right being limited

Section 18 protects rights in relation to political participation in Victoria. The conduct of public affairs is a broad concept, which embraces the exercise of governmental power by state and municipal government.

(b) the importance of the purpose of the limitation

The bill requires a councillor, a member of a council special committee or a member of council staff who has a conflict of interest, to disclose the conflict of interest and to not participate in the decision on the matter. The intent of the conflict of interest rules is to ensure that people involved in public life in local government do not exercise public duties in matters where they have a private or personal interest. This is consistent with public expectations and with reasonable standards of probity.

(c) the nature and extent of the limitation

The conflict of interest provisions operate in clear and defined circumstances. A councillor is only required to abstain from participation in decision making if they satisfy one of the criteria set out in the existing act or clauses 10, 11, 12 or 13 of the bill.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and the purpose of preventing conflicts of interest, and ensuring impartiality, transparency and accountability in local government.

(e) any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means reasonably available to achieve the intended purposes.

The conflict of interest provisions also engage the right to freedom of expression in section 15 of the charter as they prohibit a person with a conflict of interest from participating in the discussion of a matter in a council, special committee or assembly of councillors meeting. The right is not limited however, because such discussions form part of the decision-making process and any limitation on a person's participation in the process is justifiable for the reasons outlined above. Further, the amendments do not restrict a person with a conflict of interest from freely expressing their views as a private citizen.

No knowledge defence

Clause 15 of the bill repeals section 79A of the LG act, which provides that it is a defence to a prosecution if the person can prove they did not know they had a conflict of interest in the matter. Clause 9 inserts a related provision in section 77A, which exempts a person from having a conflict of interest if he or she does not know, and would not reasonably be expected to know, the circumstances that give rise to the conflict of interest.

This promotes the right, under section 25 of the charter, to be presumed innocent in criminal proceedings until proven guilty according to law. These amendments do not limit the right to be presumed innocent. Rather, they remove an existing limitation which can place an onus of proof on the defendant.

Register of interests

Clause 20 of the bill amends the types of interests that must be disclosed in an ordinary return by a councillor, member of a special committee or a nominated council officer. It will specifically only require the disclosure of gifts that exceed the gift disclosure threshold of $500 and which were not received as hospitality when attending an event or function in an official capacity.

This amendment may be regarded as engaging the right to privacy and reputation under section 13 of the charter by requiring the disclosure of gifts received in a private capacity. (Ordinary returns may be examined by any member of the public following a written request to the chief executive officer.)

The amendment does not unreasonably limit the right to privacy. It is not an arbitrary interference, as the nature and circumstances of the disclosure are clearly set out in the LG act and these disclosures are required to ensure a standard of transparency and accountability that the community expects of people who hold public office.

Environmental upgrade charges

Clause 35 of the bill inserts new provisions in the Melbourne act, including inserting a power for the Melbourne City Council to levy an environmental upgrade charge to recover funds advanced by a lending body for the purpose of funding environmental upgrades.

This provision engages property rights under section 20 of the charter. Section 20 states that a person must not be deprived of his or her property other than in accordance with the law. However, the right is not limited by the bill because any deprivation of property is in accordance with the law and is not arbitrary. The legislation specifically provides that the council may only levy the charge in accordance with an environmental upgrade agreement to which the property owner consents as a primary party. It also prohibits the council from levying an environmental upgrade charge unless any occupiers who would be required to pay part of the charge have consented in writing to the levying of the charge. As such, a charge is not arbitrary as it may only be levied with the consent of the owners and occupiers who would be required to pay the charge and any charge will be imposed in accordance with the law.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not unreasonably limit human rights in ways that cannot be fully justified in a free and democratic society.

Richard Wynne, MP
Minister for Local Government

Second reading

Mr WYNNE (Minister for Local Government) — I move:

That this bill be now read a second time.

This bill makes a range of amendments to acts dealing with the operation and activities of local councils.

It amends the Local Government Act 1989, the City of Melbourne Act 2001 and the Planning and Environment Act 1987. It also makes consequential amendments to the Crown Land (Reserves) Act 1978 and the Environment Protection Act 1970, as well as repealing the Local Government (Consequential Provisions) Act 1989.

Part 2 of the bill makes amendments to the Local Government Act 1989. This includes a number of refinements to the conflict of interest rules that the Parliament approved in 2008.

The 2008 amendments made extensive changes to how conflicts of interest were defined and managed within local government. This represented a major raising of the standards of conduct expected of people in public office within local government.

Local councillors face potential conflict of interest situations much more frequently than anyone else in public life. However, councils have responded positively to the changes and have participated actively in consultation processes as part of the recent review of the conflict of interest arrangements.

This bill deals with a number of practical issues raised in the review while retaining and extending the important framework established in 2008.

It is proposed to amend the way gifts are defined for the purpose of conflicts of interest. Gifts will only include gifts from a single source that have an aggregate value of $500 or more. This threshold will also apply to election campaign donations and to disclosures in ordinary returns.

Gifts, other than election campaign donations, that were received more than 12 months before a person became a councillor, member of a special committee or a member of council staff will be exempt. Reasonable hospitality, received when attending a function or event in an official capacity, will also be exempt.

An amendment to the definition of ‘direct interest’ will ensure that, where a person holds a controlling interest in a company, any direct interests of that company are regarded as direct interests of the person.

A shift in the treatment of residential amenity will mean that a councillor will no longer have a conflict of interest only because the residential amenity of his or her relative is affected. However, a councillor will still have a conflict of interest if the relative’s property value is affected or if the councillor’s own residential amenity is likely to be altered.

The nature of exemptions from conflicting duties will be clarified. A councillor or council officer will not be considered to have a conflict of interest because of a conflicting duty if the relevant duty is only a position held as a representative of the council on another organisation and as long as there is no remuneration for that position.

The definition of an ‘assembly of councillors’, where councillors are required to disclose conflicts of interest, will be refined. It will include advisory committees and planned or scheduled meetings that include at least half the councillors and a member of council staff that consider matters that are likely to be the subject of a council decision or action.

The bill also proposes that records of assemblies of councillors be reported to council meetings and incorporated in council minutes. This provides more transparency and will allow any errors in the record to be corrected.

The conflict of interest rules applying to council staff will be amended so that they apply to the exercise of responsibilities of the chief executive officer. This will

mean, for example, that staffing decisions would become subject to conflict of interest.

Two pre-2008 requirements are proposed to be removed by this bill. Firstly, a longstanding requirement for a councillor to disclose a conflict of interest in a matter when he or she will not be attending the relevant meeting is being removed. This provision is unnecessary. This change does not alter the need for a councillor to disclose the conflict of interest at any meeting where the councillor is present or to make relevant disclosures in primary and ordinary returns.

The other pre-2008 requirement is one that states that it is a defence in a conflict-of-interest prosecution if the defendant can prove that he or she did not know of the conflict of interest. This is inconsistent with the right to be presumed innocent under the Charter of Human Rights and Responsibilities because it places the onus of proof on the defence. The provision will be replaced by a general exemption where a person does not know and could not be reasonably expected to know the circumstances giving rise to the conflict of interest.

Part 2 of the bill also makes changes to the timing of electoral representation reviews.

All councils that are required to have electoral representation reviews have had their electoral structures independently reviewed by the Victorian Electoral Commission between 2003 and 2008. It is now considered that comprehensive reviews of electoral structures are required less often unless particular circumstances warrant otherwise.

Consultation with the local government sector generally supported increasing the maximum time between full reviews from every second election cycle to every third election cycle.

In introducing this change the bill also provides that, in the event that the number of voters in any wards vary from the average by more than 10 per cent in two successive election cycles, a full electoral representation review must be conducted. Existing provisions already allow for subdivision reviews if minor boundary changes are required between full electoral representation reviews.

It is anticipated that transitional arrangements, to move from two-term reviews to three-term reviews, will result in some councils having their next electoral representation review after two elections since their last review and other councils after three elections since their last review.

The bill also alters the process for initiating an electoral representation review. In future, the Victorian Electoral Commission must conduct all reviews and must give the council at least 60 days notice before commencing a review of the council's electoral structure.

The bill also amends the requirements relating to council publications during council elections. In future, the council will only be allowed to print, publish or distribute specified material during the 32-day election period if the material has been certified by the chief executive officer as not containing prohibited electoral matter. The act will include penalties of up to 60 penalty units for councillors and officers who breach this provision.

The bill also includes a change to the definition of a 'senior officer'. The remuneration threshold, used to define which staff are senior officers, will be indexed annually to increases in the remuneration of executives under the Public Administration Act 2004.

Provision is also made to address a concern that councillors may have conflicts of interest when dealing with their own WorkCover arrangements as a result of amendments to the Accident Compensation Act 1985. The bill will amend the Local Government Act 1989 to clarify that council WorkCover responsibilities, in respect of councillors, are administrative responsibilities of the chief executive officer.

Part 3 of the bill inserts a new part 4B in the City of Melbourne Act 2001.

The purpose of the amendments to the City of Melbourne Act 2001 is to allow the council to use its rating powers to help secure private lending to building owners that will fund environmental upgrades of commercial buildings in the city.

This amendment will significantly assist the expansion of the Melbourne City Council's 1200 Buildings program.

The amendments will specifically allow the council to enter into 'environmental upgrade agreements' with lending institutions and building owners that will result in lending institutions advancing funds to building owners to pay for environmental improvements to buildings that have been assessed and approved by the council through the Sustainable Melbourne Fund.

Funds advanced to the building owner under the agreement will be recovered by the council, on behalf of the lending institution, through an environmental upgrade charge levied on the property. This will provide a greater level of security for the lending

institution because any unpaid charges become a charge on the land that is subject to penalty interest rates and can be recovered, if necessary, on the sale of the land.

The new arrangement will also enable the tenants to contribute to the costs of environmental upgrades. Standard commercial leases provide for tenants to pay outgoings, such as energy costs and council charges. Subject to the agreement of the affected tenants, they will contribute to the repayment of the environmental upgrade charges while receiving compensating benefits in the form of reduced energy costs and improved working conditions.

The amendments will allow the council to delegate its powers to approve environmental upgrade agreements to the chief executive officer, subject to any conditions the council wishes. The chief executive officer must, however, ensure that quarterly financial statements provided to the council include details of all new and outstanding environmental upgrade charges.

By supporting the expansion of the 1200 Buildings program, these amendments will assist in creating additional investment and employment in the city while improving building design, reducing energy consumption and reducing greenhouse gases.

Part 4 of the bill makes amendments to the Planning and Environment Act 1987 to facilitate the operation of development assessment committees.

The Planning Legislation Amendment Act 2009 was passed by both houses in 2009 in accordance with the decision of the Dispute Resolution Committee. This decision included agreement that only a limited number of development assessment committees could be established and that the Minister for Planning could not use powers under section 20 of the Planning and Environment Act 1987 to exempt the minister or the council from public consultation to introduce planning controls that defined the areas where development assessment committees could make decisions.

Since the passing of the Planning Legislation Amendment Act 2009, a number of technical issues have been identified that limit the ability to effectively define areas where development assessment committees would make decisions.

In order to address these technical issues, the bill renames and amends a number of definitions. This includes specifying a 'DAC activity centre area' as a contiguous area in a planning scheme, and subject to a planning scheme amendment, as the areas where development assessment committees would operate, and amendments to the suburbs identified as 'relevant activity areas' to ensure consistency with suburb names under the Geographic Place Names Act 1998.

Part 5 of the bill makes consequential amendments to the Crown Land (Reserves) 1978 and to the Environment Protection Act 1970. It also repeals the Local Government (Consequential Provisions) Act 1989 which becomes a spent act.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 11 August.

JURIES AMENDMENT (REFORM) BILL

Second reading

Debate resumed from 24 June; motion of Mr HULLS (Attorney-General).

Opposition amendment circulated by Mr CLARK (Box Hill) pursuant to standing orders.

Mr CLARK (Box Hill) — The Juries Amendment (Reform) Bill 2010 is a bill that has a limited number of purposes. It seeks to reduce the categories of occupations that render a person ineligible for jury service and the period of ineligibility after ceasing employment in one of those occupations. It also seeks to provide for the payment of juror remuneration and allowances from a standing appropriation from the Consolidated Fund. In particular, the bill removes the current exclusion from entitlement to serve on a jury of Australian lawyers, who are persons who are formally admitted to the practice of law. The bill seeks to replace that exclusion with an exclusion of persons who are Australian legal practitioners — in other words, persons who hold current practising certificates. The exclusion of those persons is proposed to be while they hold a current practicing certificate and for a period of five years afterwards.

More generally the bill proposes to reduce the period of ineligibility for jury service following the holding of various specified offices from a 10-year period to a 5-year period. The bill provides that the specified offices which render a person ineligible for jury service include all departmental secretary roles and the roles of legal services commissioner and member of the Legal Services Board.

The bill also makes ineligible for serving on a jury persons undertaking practical legal training for the

duration of their training. It makes ineligible people who have what the bill refers to as a close connection to a legal practice in the course of their employment or voluntary work, and that exclusion again applies for the duration of their engagement. That exclusion applies to those involved with private practices, government practices or corporate counsel. This part of the bill replaces the current exclusion, which is of all persons employed in connection with a legal practice by a person admitted to legal practice. The bill makes ineligible for jury service employees of the legal services commissioner for the duration of their employment.

As I said, it also provides for the payment of juror remuneration and allowances from a standing appropriation from the Consolidated Fund. That replaces the current mechanism of payment through annual appropriation from the Department of Justice budget. The last of these provisions is one we on this side of the house are perfectly comfortable with. In practical terms it probably makes little difference, but it ensures that there is on the record a clear source of funding for juror remuneration and allowances.

In relation to the remaining provisions of the bill, the government's broad justification is that it seeks to expand the number of persons who are eligible to serve on juries. However, it is noticeable that while the government is expanding the numbers who are eligible to serve on juries in various directions, there is one strange narrowing of the eligibility, which relates to secretaries of government departments.

Up until now it has been the secretaries of the departments of justice, health and human services who have been excluded from eligibility, presumably because those departments are involved in a considerable amount of litigation. However, that has now been extended to cover all departmental secretaries, and the question has to be asked whether there is a good policy reason for doing that, or whether it is simply for the government's convenience in that it does not want departmental secretaries being called away for jury service or the departmental secretaries have lobbied to be excluded from jury service because they do not want to undertake that obligation.

Clearly if the latter is the motive, it would be most inappropriate and inconsistent with both government policy and the general principle which has held sway in Westminster systems for many years — that is, that as far as possible every citizen should play their part in being available for jury service unless there is a particular good reason to the contrary.

In recent times there has been made public a set of criteria which the government has established for itself for the assessment of policy initiatives such as those contained in the bill. It is a set of criteria which is quite distinct from the criteria laid down in documents such as *Growing Victoria Together*, which have been couched in broad and grand-sounding phrases setting very long-term and nebulous objectives against which it is very difficult to assess whether a government is succeeding or failing. However, courtesy of the Deputy Premier, a set of much more specific criteria for government performance has recently been released, and it is instructive to examine how this bill stacks up against those criteria.

The first of those criteria is that the government should complete its key agenda. Measured against that criterion this bill is a distinct failure. There is nothing key about the content of the bill, and in contrast there are many crucial issues relating to reform of the jury system which appear to be incomplete and to have been left off what should be the government's key agenda. I refer in particular to the various recommendations of the Victorian Law Reform Commission in its report on juries of May 2009, which raised a wide range of issues which ought to be addressed and considered. While our side of the house does not necessarily agree with everything in the VLRC report, we believe it has put forward a range of proposals which seem to have considerable merit and which deserve attention.

They include, for example — and most importantly of all — ensuring that juries have presented to them in a much better way than happens at present the case on which they are being asked to adjudicate. By and large we are still proceeding with juries in the way that has been done for hundreds of years: jury members are expected to listen to evidence and argument presented orally and then to make up their minds. That may well have been perfectly appropriate in past times when trials were of much shorter duration, levels of literacy in the community were much lower, the availability of written documentation was much less than it is now and no-one had even thought of the potential for audio or visual means of conveying information. However, in modern times it has become clear that juries are being overwhelmed by the flood of information that is descending on them as trials become longer and more complex.

The Victorian Law Reform Commission put forward proposals such as giving jurors at the commencement of a trial a document, referred to as an outline of charges, setting out the elements of the offences and the alternative offences involved, which would provide the jury members with a benchmark document against

which they could assimilate and assess the information that was being provided to them in the course of the trial. The commission also recommended that in summing up judges be permitted to use a document called a jury guide, which would be a document setting out a series of questions the jury ought to consider in its verdict, and that this document should be compiled progressively as the trial advanced.

The commission raised issues such as the obligation of a judge to direct on matters not raised by counsel. It considered evidentiary directions in general. It considered issues relating to consciousness of guilt and how a jury should be directed about that. It considered how a jury should be directed about identification evidence, about evidence of delayed complaint, of propensity and of issue identification. It also discussed the extent to which a counsel needed to assist in the process of directing a jury and the skills training that may be required to improve the operation of jury directions. All of these, I would have thought, should have been on the government's key agenda of things that it sought to complete during the life of the current Parliament, but none of those matters are addressed in the bill before the house.

The next item in the test that the government set for itself is that it should introduce nothing new in the form of policy. Clearly there is a pretty big tick for this bill in that respect; it is hardly groundbreaking in terms of new policy. The second limb of that test was that nothing new should be introduced unless necessary; in other words, there should be a political response. Clearly this bill is completely off the radar in terms of addressing issues that are of concern to citizens of Victoria who want to know what their government is going to do to make the streets of this state safer and to ensure that the courts operate effectively to uphold justice in a timely manner and protect the community through imposing appropriate sentencing. That aspect is totally absent from the bill before us.

The next criterion that the government has set for itself is that it be better at politics and that it involve third parties and broaden its constituency. A debateable question is the extent to which this bill is going to broaden the government's constituency or appeal to third parties. I am not sure how many third parties are going to be wildly enthusiastic about the idea of having lawyers serving on juries.

Another criterion the government has set for itself is to address inner city issues, which one must presume is code for the government addressing the threat that it may face from the Greens party. Again, I am not sure how this bill is going to play in inner urban areas.

The government has also set for itself the criterion that it must sell the message. That is a manifest failure by the Attorney-General in relation to this bill. He has comprehensively failed to demonstrate any good reason as to why the traditional role of juries should be compromised by his proposal that past lawyers should be eligible to serve on juries.

The next criterion the government has set for itself is that it should define the choice. I have to say the government has been successful in that respect, because Victorians will face a clear choice between a government which thinks it is a good thing for lawyers to serve on juries and coalition parties which think that is not a wise way to go.

The government has also set the criterion that it should have its eye on the horizon. In that respect this bill is a failure, because it is not anticipating the emerging issues that this community is likely to face in terms of continuing and increased pressures to ensure that our justice system operates equitably and effectively.

The first of the remaining two aspects of the government's agenda for itself is that it should identify the cheese. I must say many people are at a loss to see exactly what the government is on about with that criterion or to see what cheese the government might have been seeking to identify and incorporate in this bill.

The last criterion that the government has set for itself is that it should anticipate the opposition. On that score the government is a total failure, because the Attorney-General has certainly not anticipated an opposition policy of putting lawyers on juries. I can assure the house that is not something that is on our agenda or is likely to be on our agenda in future.

In terms of meeting the tests that the Attorney-General has set for his and the government's performance, there is a very mixed result in relation to this bill, and the overall assessment has to be a fail. When we look to the particular issue that I have identified — that is, lawyers serving on juries — the case for it seems flimsy indeed.

The government's argument seems to be that it will be a useful addition to the jury pool to have people who in the past have held practising certificates serving on juries, that it will increase the numbers and therefore it is worth doing.

An honourable member interjected.

Mr CLARK — But I think the government has not addressed the nature of what a jury is intended to be, which is a group of laypersons not professionally

involved in the law who, as the honourable member for Williamstown says by interjection, are representatives of the community and are selected to sit on a jury on that basis.

The member for Williamstown may well also say lawyers are members of the community and therefore they should sit on juries. One may equally well say departmental secretaries are members of the community, but they are excluded from sitting on juries, and a range of other people are excluded from sitting on juries, as I said earlier on, in cases where there is a good reason to exclude them. For reasons of tact, the current act in general terms divides people who are excluded into those who are excluded for matters such as having committed criminal offences and those who are excluded because they fall into various occupational groups. But the bottom line is the same: those persons are excluded, and in each instance there is a good reason for that.

In relation to putting lawyers on juries — and you have to remember that if the bill goes ahead there will be people who are admitted to the practice of law but who do not hold a practising certificate who will be serving on juries — you have to ask yourself, 'Is this the way we expect a jury to operate?'. What is likely to happen in the jury room if you have someone sitting around a jury table who puts up their hand and says, 'I happen to be a lawyer. Let me tell you how it all really works'? You can expect that there will be a natural tendency amongst the other members of the jury to defer to the apparent or assumed expertise of the person concerned, and there will be a risk that those persons will come to dominate and skew the jury deliberations and perhaps make the non-legal members of the jury feel less confident as to how they will operate.

None of these things seem to be desirable consequences of the government's measure, and there seems to be no justifiable offsetting reason to outweigh those concerns. Of course in that respect I should declare a potential conflict of interest, because I am admitted to practise as a barrister and solicitor and therefore qualify as an Australian lawyer, but I have not held a practising certificate for many years. At present, if I were to leave Parliament, I would not be eligible to serve on a jury, but if this bill were to pass, I would be eligible. I must say, speaking personally, I have always regretted that prior to being admitted to practise I never had the opportunity and privilege to serve on a jury, although other persons may have different attitudes to that. But the attitudes of the individuals are not what is important; the public policy considerations are.

I could say, with tongue in cheek, that as a lawyer I might be presumed to think that lawyers are capable of running most aspects of society better than anybody else and that if more aspects of society were left in the capable hands of lawyers, society would operate a lot better than it currently does. But I suspect there would be a lot of non-lawyers in the community who would not agree with that view.

Mr R. Smith interjected.

Mr CLARK — Including the member for Warrandyte! I must say that in discussion with senior representatives of the legal profession just recently I did not receive any demur from them to that conclusion. Indeed one of them made what I think was a very astute observation that the problems could be particularly acute in the case of retired lawyers who were serving on juries. There has been no appropriate case made by the government for this amendment, and there is every reason to be concerned about it potentially undercutting the operation of juries.

There is a further concern that we in opposition have in relation to the change to the definition of eligibility for persons who work in legal practices. As I said earlier, at the present time the exclusion is of all persons employed in connection with a legal practice by a person admitted to legal practice, which basically means anybody who works in a lawyer's office. The bill seeks to replace that with a provision that renders ineligible only those people who have a close connection to a legal practice in the course of his or her employment or engagement, whether on a paid or voluntary basis, as is set out in clause 4(8) of the bill.

The objective of the government here is understandable, and it is certainly not as black and white as it is in the case of disqualifying lawyers. The argument in favour of this provision is that if you have got somebody working in a legal office as an accounts clerk, messenger or receptionist, then it is perhaps not appropriate to disqualify them from legal practice because they are not intimately involved with the law in their work and they would not be seen to have an adverse effect on a jury. However, there are two aspects here that need attention. The first is whether that proposition is correct — that someone who works in a lawyer's office as a receptionist, for example, would not be in a position to have an inappropriate influence on a jury. That question is a matter of judgement. The second is a further practical issue, which is how one goes about defining in a practical sense and a day-to-day sense what is a close connection to a legal practice.

At the moment the rules are pretty clear: if you work in a lawyer's office, you are ineligible. In future you may or you may not be ineligible if you work in a lawyer's office, and those administering jury pool arrangements are going to have to come to some decision on that matter on a case-by-case basis. The question is how that decision is going to be made in a consistent and effective manner and in a manner that does not involve a lot of detailed questioning of a potential juror. I put that issue on the table. I certainly hope it is one that will be addressed by government speakers and by the Attorney-General in the course of the debate, because it would be unfortunate if we were to tie the jury system up in knots with those sorts of issues.

I requested at the outset that a proposed amendment to this bill be circulated. The amendment is a straightforward one, and that is to delete clause 4(2). That is the provision that changes the current exclusion of lawyers admitted to practise from serving on juries to a provision that excludes only legal practitioners. The effect of the amendment would be to reinstate the current position in that respect so that persons who are admitted to practise are excluded from serving on juries. The reasons for that are those I have indicated during the course of the debate. Subject to that amendment being accepted and to the government's response on issues that I have raised as to how the proposed 'close connection' test is going to operate, the bill is not one that the opposition opposes. However, as I indicated, there is a long list of far more pressing issues relating to juries that could and should have been addressed by the government, particularly those identified by the Victorian Law Reform Commission.

Ms THOMSON (Footscray) — I rise to support the Juries Amendment (Reform) Bill 2010. In doing so I want to put on the record the basis on which this bill appears before the house. The bill follows a public discussion paper entitled *Jury Service Eligibility*, which was released in November 2009. Twenty-five submissions were received in response to the discussion paper. Face-to-face meetings occurred with key stakeholders, including representatives from the Law Institute of Victoria, the Victorian Bar, Victoria Police, the Director of Public Prosecutions and the juries commissioner. I want to put on the record that the juries commissioner supports the reforms outlined in this bill.

This is not a complex bill, as the member for Box Hill has indicated. It is not one of those major reforms that the Attorney-General is renowned for — and earlier today we heard the Premier present the second-reading speech for such a bill. However, the bill is nevertheless an important piece of legislation, because what it will do is enable up to 28 000 Victorians to participate in jury service. We know that the court system works best when the pool of jurors is wide and varied, and this is very important. This legislation will go some way to opening up opportunities for those who in the past have not been able to serve on juries to do so.

I will deal with the point raised by the member for Box Hill in relation to those who work within legal practices but who themselves are not legal practitioners. The legislation is quite clear as to the way in which that will work. Anyone who is doing administrative work within a law firm will now be eligible under this legislation to serve on a jury. The current situation is that they cannot. Anyone who is participating in giving legal advice or who is a litigation lawyer will still not be able to serve on a jury. That is the distinction. It seems to me not to be a fair and reasonable distinction that someone who for their job in a doctor's surgery, a dentist's clinic or a corporation is performing an administrative role can serve on a jury but one who is performing such a role in a legal firm cannot. That is absurd; they should be able to serve on a jury, and that is what this piece of legislation enables to occur.

I also want to talk a little bit about why we believe lawyers should be able to participate if they are not practising and have not been practising for five years. The reality of the situation now is you can be a person who has a law degree, has done articles and has been admitted to the bar but has never practised — who has never gone out there and done the job — and you are not eligible to serve on a jury. Yet if you got your law degree and did your articles but did not get yourself admitted to the bar, you could serve on a jury. That seems absurd, too. The qualifications are there. The way you would address the law, the way you would think about the law and the way you would probably approach being on a jury would be the same, no different. Then we have those who have not been practising the law for very long periods of time, and in many instances were practitioners of the law for much shorter periods of time than they have actually not been practitioners, and we are saying, 'You cannot serve on a jury' — yet a doctor can and a dentist can.

Mr Nardella interjected.

Ms THOMSON — A politician cannot, but after five years, ex-politicians can. I have served on two juries — one for armed robbery and the other a case for murder. They were incredible experiences that I am glad I had the opportunity to undertake before becoming a member of Parliament.

Mr Nardella — Did you convict them?

Ms THOMSON — No. I advise the member for Melton that we did not convict them. We did not do that. They were found innocent in both cases, but it was important for me to be able to see firsthand what happens in a jury room after the case has been heard, and the jury has to consider the matters that have come before it in deciding whether a person is guilty or innocent.

I can tell the house from my firsthand experience how important it is to have a diverse range of people around that table to seriously consider the evidence before them and make a judgement based only on the evidence that is before them. I would have thought that, as part of that diversity, having someone sitting on a jury who may once have practised the law but has not done so for a minimum of five years would not change a juror's mind if they believed the evidence told them a certain thing.

There are a lot of opinionated people in a jury room once the evidence has been heard; they all have strong opinions as to guilt or innocence and they re-argue the evidence out — in my case not only re-argue out but go back to the judge and ask for clarification on some of the evidence that was presented.

So people take very seriously, particularly in relation to very serious crimes, their jobs as jury members, and I do not believe we should underestimate the fact that the general public — people other than those who are legally trained — have a capacity to logically go through evidence and make a decision. I do not believe it is the case that a lawyer would unduly influence a jury in a certain direction, and I certainly do not believe that is the case from my experience of participating in two juries and hearing evidence on what were very serious crimes.

I have faith that we have got the balance right. I believe we have got the balance right because we also have the support of the juries commissioner. I believe we have got the balance right in ensuring that we are getting more people participating in the jury system and making our justice system more representative of the people in the broader community. I believe this bill does that.

Is it earth-shattering legislation? No, it is not, because every other state is going in this direction. Every other state is legislating in exactly the same way. So, no, the government does not support the amendment that has been circulated by the member for Box Hill. We believe we are in step with what is happening nationally. We believe it is a balanced approach to opening up the jury system to having more participants — up to 28 000 more participants — in the jury system, and that has to be a good outcome.

The part of the legislation relating to the way jurors are paid both their allowances and their expenses is also a change, and having that paid out of the Consolidated Fund makes very good sense.

I commend this bill to the house. I believe it is heading in the right direction. I think having more people participating in our legal system and our juries is a good thing, not a bad thing, because our juries must represent our broader population, and our broader population does include lawyers. Some people might think that is unfortunate. Some people might have their own view of lawyers, but having said that, they are still members of our community, and I think that after five years of non-practising they also would understand the role that they need to play as one member of a jury of 12 — or whatever that number might be — and not the dominant member. I do have faith that each member of a jury has the capability of assessing and evaluating the evidence before them and making a fair decision based on that evidence that is to the benefit of the person who is before the court and those who may or may not be the victims of a crime. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Juries Amendment (Reform) Bill. I will be supporting the amendment put forward to the house by the member for Box Hill. One of the difficulties I see with the current bill is what happens in a country legal practice, in particular in relation to the staff in that practice. Although they might not have been directly involved in the case, country practices in small country town are such that there are often no secrets. Someone may have only typed a letter involved in a case, but the concern is that over time that would be enough for someone to say on appeal that the jury got it wrong because there was something that was known. That is the concern.

Justice needs to be done and needs to be seen to be done, but it has to be afforded the ability to be done, and if we are introducing a risk where a trial can be voided or terminated, we are going to have go through a very expensive process again. So I think the member for Box Hill is wise in his counsel on this matter, and I particularly support that view in relation to country areas where practices are small. One would normally think that in large practices, yes, there would be isolation of the workers within those practices, but in country practices there is no isolation.

I return to the main purpose of this particular bill, which is to reduce the categories of occupations that render a

person ineligible for jury service and the period of ineligibility after ceasing to work in one of those occupations and to provide for the payment of juror remuneration and allowances from standing appropriation from the Consolidated Fund.

There are a number of provisions in this bill. It removes the current exclusion of Australian lawyers, and that has been, I believe, very well dealt with by the member for Box Hill. The bill reduces the period of ineligibility for jury service for various specified officers from 10 to 5 years and makes it clear that such specified officers include all departmental secretaries, legal commissioners and members of the Legal Services Board. It makes persons who are undertaking practical legal training ineligible to serve on juries for the duration of their training, and it makes ineligible people who have a close connection to a legal practice in the course of their employment, including private practices, government practice or corporate counsel. This replaces the current exclusion of persons employed by a person admitted to legal practice in connection with the legal service. The bill makes ineligible employers of the legal services commissioner for the duration of their employment, and it also looks at making payments from the Consolidated Fund.

The bill makes the funding of payments of juror remuneration and allowances more secure by providing $3.3 million annually from the Consolidated Fund and also changes the eligibility status, as I said, of legal practitioners.

We inevitably come to that sore point that always comes up with people who have served on juries, and that is the rate of pay. I believe this will remain an issue, particularly in longer trials. I believe the minister is changing where the pay will come from, but there is no mention of any rate changes, so perhaps he can clear that up in his summing up.

Courts are places most people prefer to avoid but the Mildura court has the Court Network. I would like to spend some time talking about the Court Network, which is an organisation of volunteers who give their time to assist people at court. An appearance at court can be a confusing and frightening experience. Anyone can be involved with a court in many different ways, often not ways that are of their choosing. The person walking through the door could be someone who is there for jury duty or someone facing serious issues.

Volunteers involved in the Court Network give their time to help all comers to the court to get through the day. They have compassion and they can respect confidentiality and privacy, and they spend a day each week chatting with a range of people who represent all aspects of the community. They receive training to prepare them for the challenges of this volunteer work. They learn about the processes and protocols of the various courts, which in Mildura include the Magistrates, Koori, County, Coroners and Family courts. However, they are trained not to give advice, just to help people understand how the courts work. That is certainly something to be commended because, as I have said before, many people find an attendance at court very challenging.

I would like to pay tribute to a couple of those volunteers, in particular Jan Kennedy, who provided me with some information on this subject, and a long-term colleague, Win Swanton, who is involved with the Court Network. As I said, volunteers do not give legal advice; they just help with the myriad services and obligations in the court. The Mildura Court Network has operated for five years and it also offers assistance to the nearby Robinvale community. We owe these volunteers a great deal of thanks.

The member for Box Hill raised a number of concerns about the roles and responsibilities of those in the legal profession. I agree with his concerns, which are centred on the judgement of peers. The concern he raised about those with legal training unduly influencing juries is wise counsel and should be taken on board.

On the same theme, why should departmental secretaries be let off jury duty, especially if their department has no connection with the litigation? That question further supports my comments earlier about country practices. We then have to somehow come up with a definition for ‘close connection’ in terms of rendering staff in certain offices ineligible. That will be something that will have to be defined and it will be defined in an expansive way, as it always is in the legal system, by precedent and argument.

The Nationals will be supporting the amendment circulated by the member for Box Hill and not opposing this bill, but we believe the practice of having lawyers on juries is a risk to the nature of juries and carries a risk of mistrial.

Mr NOONAN (Williamstown) — I rise to speak in support of the Juries Amendment (Reform) Bill. As outlined by other speakers, this bill has three key objectives. The first is to amend the Juries Act 2000 to increase community representation on juries; the second is to maintain the independence and impartiality of juries; and the third is to make a technical amendment to the principal act to make funding for juror remuneration and allowances more secure.

It is difficult to talk about this bill without returning to the origins of the Juries Act 2000. The original Juries Bill was introduced to the Parliament in the late 1990s by a former Attorney-General, Jan Wade, who was a member of the then Kennett government. The bill was the result of many years of work, research and consultation by the Law Reform Committee which culminated in its 1996 report on jury service in Victoria. Whilst it is probably unfair to sum up a report in a sentence or two, I think it is fair to conclude that the committee's report made it clear that there was a continuing need for juries to be more representative of the community.

As history will show, there was a change of government in the state of Victoria in 1999 — on 18 September 1999 to be precise — which meant that the new Attorney-General and current member for Niddrie was to second read the Juries Bill on 16 December 1999. In outlining the principles behind the 2000 act the Attorney-General said:

> It is fundamental in this state that the question of whether a person is guilty of a serious criminal offence is determined by a jury of his or her peers.

He also said:

> Trial by jury is essential if the criminal justice system is to remain comprehensible and accountable to the community it exists to serve. Jury service allows citizens to directly participate in our system of criminal justice. It is also important that parties bringing civil actions in the County and Supreme courts should have the opportunity to have the issues determined by a jury

Finally, the Attorney-General said:

> Juries should be more representative of the community.

To that end, the original piece of legislation in 2000 paved the way for all persons over the age of 18 on the electoral roll to be included on the jury roll unless they were disqualified or ineligible. Instead of having a situation where many classes of persons were automatically excluded from jury service, the reforms in 2000 meant that the majority of people in those classes of persons would have to establish a good reason to be excused from jury service. The result of those fundamental reforms was to spread the obligation of jury service more equitably amongst the community.

The amendments proposed in this bill build on the significant reforms to the jury system established by the Juries Act 2000. As the member for Footscray indicated late last year, the Department of Justice released a draft discussion paper entitled *Jury Service Eligibility*. In his foreword to the discussion paper the Attorney-General said that the community had a 'duty to perform in the administration of justice'. He then posed a couple of searching questions, those being:

> Why is it … that the opportunity to perform that duty — to participate in this particular function of civic life — remains off limits to some? Why is it that the full breadth and experience of the population cannot be applied to the task?

The discussion paper provided a very clear context and background for the eligibility for jury service and examined current law and policy around specific occupational exclusions from juries. As I understand it, there were 25 submissions received in response to the discussion paper. There were also a range of face-to-face meetings between key stakeholders and the department, including representatives of the Law Institute of Victoria, the Victorian Bar, Victoria Police, the Director of Public Prosecutions and the juries commissioner. At present jury selection is carried out by randomly drawing names from the Victorian electoral roll.

Each year in Victoria about 165 000 people are contacted by the juries commissioner with questionnaires seeking information to determine a person's eligibility for jury service. Of these, about 66 000 or about 40 per cent, are excused from jury service for various reasons, including ill health, excessive travel requirements, financial hardship, self-employment and conscientious objection. There are an estimated further 2700 people who are ruled ineligible based on their occupation.

Jury representation is open to all but a small section of the Victorian adult population. Those excluded are, or were within the previous 10 years, engaged in occupations or positions of public office which are listed in schedule 2 of the Juries Act 2000. These groups currently include — as has been well canvassed in this debate — lawyers and their employees, police officers and others working in law enforcement administration, judges and a range of senior public servants. In total there are currently 42 000 people, or 1.3 per cent of the adult population in Victoria, who are currently ineligible for jury service due to their employment.

To reduce the number of Victorians ineligible to participate in jury service this bill proposes to introduce two basic changes: firstly, to reduce the occupational groups which are ineligible for service; and secondly, to reduce the period of ineligibility from 10 years to 5 years. According to the Attorney-General's second-reading speech for this bill, it is estimated that those two changes will result in an additional 28 000 Victorians becoming eligible for jury service.

One of the key occupational groups to be impacted by this bill is the legal profession. If this bill passes through Parliament in its present form, lawyers will become eligible for jury service if they are non-practising or have not engaged in legal practice in the last five years, as will people working in the legal profession without a close connection to legal practice. This could include people in simple administrative roles. The current Juries Act renders ineligible any person if they are employed by a lawyer in connection with legal practice. These are two common-sense changes, which I might add have been supported by the juries commissioner.

I should point out that I listened closely to the member for Box Hill's contribution to this debate and failed to hear him cite any organisation within the legal profession or outside the legal profession that has indicated its lack of support for the changes proposed in this particular bill. In fact these changes should address a lack of clarity that is currently experienced by the legal profession as to who is or who is not ineligible for jury service — issues that I understand were raised during the consultation phase with the Law Institute of Victoria and the Victorian Bar.

As I mentioned earlier in my contribution on this bill, the period of ineligibility for jury service will be halved from 10 years to 5 years. Presently all the occupational groups listed in schedule 2 of the Juries Act are ineligible for jury service for 10 years. This means, for example, that a current member of Parliament would be ineligible to be selected for jury service for 10 years after leaving the Parliament. The simple proposition in this bill is that that ineligibility period will be halved to just five years. As I understand it, this would bring Victoria into line with other jurisdictions, although New South Wales has an ineligibility period of just three years.

Other reforms proposed within this bill will act to strengthen the independence and impartiality of juries by expanding ineligibility status to all secretaries of government departments, as well as to the legal services commissioner, the Legal Services Board and its staff. The bill makes a technical amendment to provide that juror remuneration and allowances be paid by special appropriation from the Consolidated Fund rather than from departmental funding.

In conclusion, this bill really strikes a balance in that it ensures the broadest possible representation on juries whilst protecting and strengthening impartiality. Good juries should be broadly representative of any community they serve. The reforms proposed by this bill follow similar reforms designed to broaden participation already in place in a number of states around Australia — in fact the vast number of states around Australia — as well as other jurisdictions such as the UK and the USA.

The reforms very clearly respond to the Attorney-General's questions about why specific functions remain off limits to some by increasing the eligibility pool. I want to place on record my thanks to the Department of Justice for its work on these reforms and acknowledge those organisations and individuals who had input into the formulation of this bill. Finally, let me also acknowledge the Attorney-General for introducing yet another positive reform to the legal system and for continuing to strengthen the administration of justice in this state. I very much commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Juries Amendment (Reform) Bill 2010. The purpose of the Juries Amendment (Reform) Bill 2010 is to provide for increased community representation on juries by reducing the categories of occupation which render a person ineligible for jury service and reducing the period during which a person is ineligible for jury service after ceasing work in any of those occupations. It is also about allowing the remuneration and allowances for jury service to be paid out of the Consolidated Fund.

As Australian citizens there are three occasions when we may be called upon to serve our country: one, during times of conflict when men and women are called to help with war efforts in various capacities; two, when an election is called and we are asked to exercise our democratic right to choose our representatives; and three, when we are asked to serve in jury duty to deliver justice. Being called to jury duty is seen by the majority as an honour and a privilege. Indeed when my husband was called to serve on a jury I remember his keenness to do it. I also remember his disappointment when he was not actually chosen to serve on that jury. This has been expressed to me several times by people in my electorate who have also been called to serve on juries. They really do take it seriously and treat it as an honour.

When serving on a jury the juror is one of 12 people where every vote is vital, particularly in criminal cases. Jury duty rarely takes a long time, with the exception, of course, of particularly long trials, so once the process is explained prospective jurors are generally quite willing to play their role in ensuring justice is served. However, being called up for jury duty can cause some people problems in their professional and personal lives.

Empanelled jurors are usually required each weekday between 10.00 a.m. and 4.15 p.m., although those hours of attendance may vary. For example, with people in professions on constant deadlines or where they are employed for specialist expertise it can be very difficult for both employers and employees and the self-employed to manage their work commitments when civic responsibilities must temporarily become the priority. Appointments often need to be rescheduled or cancelled, deadlines need to be pushed out and other employees have to pick up the slack, and personal timetables need to be reorganised.

It is acknowledged that broad community participation in the jury system is important as it brings the values and perspectives of the community into the decision-making process of the courts. In other words, it humanises the legal system and ensures that our justice system remains fair and balanced. Under the Juries Act 2000 the categories of persons eligible for jury duty were expanded to include doctors, dentists, pharmacists, teachers and local government office-holders, although they retain the right to be excused.

Presently, under the Juries Act 2000, members of occupational groups such as judges, lawyers, employees of lawyers, police officers and certain public servants are not eligible to serve on juries. This bill seeks to include some but not all of these occupations. The bill provides that lawyers who have not practised in the last five years will become eligible for jury service. This has been halved from 10 years. The bill also fixes an anomaly that rendered all employees of lawyers ineligible for jury service irrespective of their connection to the legal practice. Therefore, as an example, administrative and human resources staff working in law firms will now become eligible for selection. In the second-reading speech the Attorney-General says this change will increase the jury pool by up to 28 000 people. While I understand the amendment from the standpoint of wanting to make the jury pool of human experience as diverse as possible, if the minister's primary justification for the amendment is to increase the number of people available for jury duty I believe this justification is very weak. The need for an increase of numbers in this pool is debatable, given that many people will never be called up for jury duty in their lifetime even though they are eligible.

The primary rationale underlying the exemption of certain occupations is to protect the accused against the potential of a jury chosen or influenced by the state, which prosecutes offences. Not only is a jury's independence from government crucial to commanding public confidence in the criminal justice system, but there is also the requirement of a fair trial recognised by international law.

Another rationale for the exclusion of certain occupations is to preserve the jury's status as a lay tribunal. There is variance between Australian jurisdictions about the duration of ineligibility for judicial officers, lawyers and police. In New South Wales, Queensland and Western Australia permanent rules apply on the basis of a current or former occupation. In the Northern Territory and Tasmania exclusions apply for 10 years, whereas in the Australian Capital Territory and South Australia the exemption only applies while the person holds the position deemed ineligible. In 2004 amendments were made to the Jurors Act 1974 in England which made all occupations previously ineligible for jury duty eligible. In the United States of America jury service by police, lawyers and judges is a routine occurrence. I would hate to see Victoria follow that lead.

The question that needs to be posed is whether there is still a potential after five years for a former prosecutor to be perceived as more likely to make a determination in favour of the state and against the accused. I would argue that you do not forget your training and experiences in a job after five years, particularly when you have been prosecuting people for barbarous acts beyond the comprehension of an average person. If our experiences shape us, they also shape our decisions. I believe there is still a margin for prejudice after five years.

The bill also provides that juror remuneration and allowances be paid by special appropriation from the Consolidated Fund in the amount of $3.3 million annually. This figure does not represent an increase in what is paid to jurors. The amendment will have no impact on the state's finances because, as the Attorney-General stated, annual appropriation funding for the Department of Justice will be reduced by the same amount as the special appropriation.

I think we need to look at the costs that are borne by the people who are serving in juries. The fees are currently $38 per day for the first six days of service, and $76 per day thereafter. This requires employers to make up employees' pay. There is a cost to the people serving on the jury and the cost of transport into the city, whether it is driving and then parking fees or by public transport. If such people need to travel from my electorate — from somewhere like Wandin North — it is a 40-kilometre journey into town, and 40 kilometres out, which adds 2 hours a day to their time, so I think we have to continually look at the costs that are imposed on small business and individuals.

As I said when I started my contribution, I think the majority of people are honoured to serve on juries and see it as a privilege and carry it out to the best of their ability.

Debate adjourned on motion of Ms BEATTIE (Yuroke).

Debate adjourned until later this day.

FIREARMS AND OTHER ACTS AMENDMENT BILL

Second reading

Debate resumed from 24 June; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr RYAN (Leader of The Nationals) — It is a pleasure to join the debate on the Firearms and Other Acts Amendment Bill. The second-reading speech indicates that this legislation makes what are termed a series of technical amendments to the primary act. Often that is code for there being something in a bill that we need to be particularly careful about, but having considered the terms of this bill carefully it seems to me that in the general sense there are issues within the bill that are of a technical nature, and accordingly the opposition does not oppose the content of this legislation.

The bill makes a series of changes to the Firearms Act. First and foremost the bill makes residence in Victoria a precondition of holding a firearms licence of any kind within Victoria. This applies to all firearms licences, including junior, collector and ammunition licences. Exemptions are provided to individuals who are not ordinarily resident in Victoria, but people who need a firearms licence for work purposes. Those people may be required to provide to the chief commissioner adequate evidence that a licence is needed for their work. I have regard to the provisions within clause 3 of the bill which deal with this issue of what is termed 'work purposes in Victoria'. That provision reads that 'work purposes in Victoria':

> … in relation to the requirement to hold a firearm licence, means that the applicant or the holder of the licence, as the case may be —
>
> (a) is required under a contract of employment or a contract for services to hold a Victorian firearm licence; or
>
> (b) in the normal course of conducting a business is required to hold a Victorian firearm licence.";

This is an issue that will no doubt be of significance in the context of the cross-border anomalies that so often occur on the borders between Victoria and New South Wales and/or South Australia, but more particularly the former.

Probably since Federation we have been struck — many would say cursed — by the complications that arise between jurisdictions simply because, in the sense of Victoria and New South Wales, we have a ribbon of water which divides the two states. In the modern world an enormous amount of work has been done to harmonise legislation across these different jurisdictions in a way that means we do not have a separation of requirements for being able to qualify for whatever particular forms of occupation may be under consideration from time to time.

Coincidentally, I have just come from a discussion with the Law Institute of Victoria about a range of matters. We were speaking there about matters that are occurring in the context of that profession and trying to get over this issue of different jurisdictions having different qualification requirements to achieve what is ultimately the same end. What we do not want arising out of the terms of the operation of this legislation is a situation of complications arising over the practical movement of people in a work sense across the border to Victoria. Therefore one would hope that in the exercise of discretion available to the police in the area in particular that deals with firearms that we can avoid the position where we have these conflicts arising. I would hope that the interpretation of the legislation is done in the broader rather than the narrower context and that we therefore ensure that the spirit of the legislation is given effect in the manner intended.

The various technical provisions concerning cancelling and renewing licences for non-Victorian residents, the amount of time which must lapse in order for an individual to reapply for a licence and the provisions allowing current licence-holders to adjust to the changes are all matters that are dealt with in clauses 12, 13, 14, 15, 16 and 25 of the bill. New section 57B, to be inserted by clause 18, outlines that during a state of emergency the Victorian Chief Commissioner of Police can permit a person to possess, carry or use a firearm in Victoria if they have an equivalent firearm licence from another state.

Another element which is relevant to this issue of firearms is the exemption provided to health workers from offences surrounding the possession of firearms in circumstances where their work duties require possession or confiscation of a firearm for the purpose of patient safety. This provision is intended to deal with

the situation where, by accident rather than design, a person who is a health worker comes into possession of a firearm and would otherwise risk being subject to provisions under the principal act which could ironically see that worker charged with an offence.

For example, if a person who is carrying a firearm for whatever reason collapses in the street, it might be that a health worker attends the scene, addresses to the needs of the person who requires assistance and in the course of doing so comes into possession of a pistol. This of course would come as a complete surprise to the person lending assistance, but would mean that nominally at least that health worker would be exposed to the provisions of the legislation. If the legislation were to be interpreted strictly, this could mean the worker being charged. This provision ensures that an exemption applies so that no such consequences will flow from an event of that nature.

The next element around the licensing issue is that the bill removes the definition and regulation of imitation firearms from the Firearms Act and regulates them under the Control of Weapons Act as prohibited weapons. The intention is that if these weapons come in under the Control of Weapons Act, there will then be a capacity for the person who is the owner of the weapon to apply for an exemption under the legislation. Accordingly, those imitation firearms will be regulated in a manner which is regarded as being more appropriate to contemporary needs than is the case at the moment.

As members would know, there are other elements pertinent to this point contained in the legislation. This bill removes the definition of an imitation firearm, which is defined as a device which looks like and could be mistaken for an operable firearm but is not designed to discharge a shot by way of compressed air or gas, such as, for example, a paintball gun. The bill takes this definition out of the Firearms Act and places it under the Control of Weapons Act as a prohibited weapon.

The fourth area that is dealt with in relation to the licensing provisions concerns the offence of possession of a firearm without a serial number. This is outlined in new section 134C of the principal act to be substituted by clause 23. The bill provides that if the firearm does not have a valid serial number, the absence of that serial number is considered proof that the firearm is unregistered unless evidence that it is registered can be provided. This relates to the provisions in new section 8A to be inserted by clause 4 of the bill.

In that sense it is an issue of onus of proof. The person concerned is going to have to be able to establish that the firearm is appropriately registered albeit the serial number is not present. It was previously stipulated in the Firearms Act that it is an offence to possess a firearm on which the serial number has been illegally altered, defaced or removed, and that appears in current section 134C. The bill qualifies that offence by inserting 'without reasonable excuse' and provides that reasonable grounds for belief that the firearm did have a serial number is considered a defence for the accused. Mind you, they would want to be able to make the case successfully because the penalty remains at 240 penalty units, which is about $25 000, and carries with it the option of four years imprisonment. There are issues that flow from not complying with that particular provision.

The fifth and final element of this issue regarding licensing is to do with interstate target shoots. The bill provides that participation in a target shooting event which takes place in a different state or territory is now able to be counted towards the number of target shooting matches required to hold a target shooting licence as outlined in the Firearms Act 1996. The second-reading speech reflects the fact that those who enjoy and participate in target shooting have been calling for this change for long time, and we welcome the fact that it is contained within this legislation.

There are then amendments to the Control of Weapons of Sale. He was a man ahead of his time. He was a brilliant athlete and a superb cyclist who achieved much by way of the competition in which he was involved when he engaged in that sport. More particularly, and in the context of this discussion, he was an environmentalist well before that term was in the general use it is today and in the sense of many of the aspects of the term before any of that became common currency. The expressions 'environmentalist' and 'the environment' are part of the lexicon now, but in the days of Herb Guyatt that was not the case. This was a man well ahead of his time because he had a great regard for nature, for the environment generally and for the need to ensure that all appropriate action was taken to preserve and to grow the natural attributes of the region around Sale and district.

The Victorian Field and Game Association in its original iteration was established in 1958 by a group of people, but its establishment was substantially driven by Herb Guyatt. It was around that time also that Jack Smith's Lake was developed as one of the first, if not the first, state game reserves in Victoria. A lot of that work was undertaken by the fledgling organisation, again with the drive and the guidance of Herb Guyatt. As the organisation evolved Herb was involved in ensuring that it continued to prosper, and around Sale to this day there are many locations where Herb was

directly and personally responsible for planting different trees and grasses and where natural facilities were developed on behalf of and by a man who was utterly and completely committed to the issues surrounding the environment. He had great respect for natural assets, and he made a magnificent contribution to the development of Sale and district.

I also freely express a bias in that his widow, Joan Guyatt, is a very close family friend of the Ryan clan. Indeed having gone this far I will say — and when Joan reads this she will be blushing — Joan has acted as a sort of third grandmother to the Ryan clan over the years. She has babysat our children, and we recently had the great pleasure of attending her 85th birthday. All of that aside, I return to the bill.

The Victorian Field and Game Association, which enjoyed its 50th anniversary only a couple of years ago, has made and continues to make a magnificent contribution to environmental issues in the state of Victoria. Gary Howard, who lives in Sale and whose uncle was Herb Guyatt, is now one of the driving forces behind the Victorian Field and Game Association from our local perspective, and of course there are many others who are well known to the members of the house who have worked with and are members of what I think is an organisation that does a great job on behalf of the people of Victoria.

I also emphasise that there is often a misunderstanding in the community at large about the way in which this association and many other sporting groups which have a particular interest in shooting are making a contribution to the state of Victoria. I appreciate that issues around duck shooting, for example, are sometimes contentious. Sometimes in relation to these organisations which involve shooters who are licensed to go duck hunting I think there is a misunderstanding in the public eye that that is the sole activity in which they engage. The reality is that they all contribute in different ways to the maintenance and development of community assets, particularly those which have a natural basis to them, and I commend them for doing so.

I appreciate that each year, almost by rote, the annual conference of the state Labor Party passes a motion that we should ban duck shooting in Victoria. The Nationals of course have long been committed to the fact that duck shooting should continue in Victoria, and that is also coalition policy. I appreciate it is also the policy of the Labor Party, which is now in government, but I must say I worry about the fact that were all things otherwise equal and in the face of the resolution which invariably is passed each year at the state Labor conference, things might well be different. One would hope it is not so.

I think the discussion in this legislation offers the opportunity for members to give proper recognition to Field and Game Australia, the Sporting Shooters Association of Australia and the many other entities of that ilk. Whether they are shooting in the sense of game or whether they are involved in target shooting, I think for the very vast number of those who participate the practical fact is that these are extremely responsible people pursuing a sport which is their great love, doing it in a way which is completely appropriate and, in addition, making a great contribution to the maintenance of the environment of our state in a large variety of ways because of the volunteer effort they contribute.

That said, I reiterate that the coalition does not oppose the content of this legislation. It makes changes to the principal act to which I have referred and I would hope we will see in times to come that particularly the provisions about the licensing of those who are resident in Victoria and the issues around what might otherwise be border anomalies can be resolved in a matter that does justice to the basic spirit of the principal act and the legislation now before the house.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Firearms and Other Acts Amendment Bill. Yesterday in speaking on another bill, I was accused by the Deputy Leader of the Opposition as seeing things in black and white terms, as in everything that we do is good and everything that they on the other side do or have done is bad. In listening to the speech just given by the Leader of The Nationals, I found there was quite a bit in there that we could agree with. There are shades of grey, and so I ask the Deputy Leader of the Opposition to note that. However, I think it is a shame that when members of the opposition speak on bills they cannot actually say that they support them; they will say that they do not oppose the bill but they cannot say that they support it.

That aside, the bill before the house makes technical amendments to Victoria's firearms regulatory scheme, which arises out of national agreements. I support that as I believe the many stakeholders and responsible members of our firearms community do also. The bill also makes some amendments to the Graffiti Prevention Act and the Transport (Compliance and Miscellaneous) Act. It also amends the Liquor Control Reform Act to allow banning notices and exclusion orders to be issued in relation to the offence of behaving in a disorderly manner.

I will return to the parts of the bill that amend the Firearms Act and the Control of Weapons Act. The bill requires residence in Victoria as a precondition of obtaining a firearms licence and removes imitation firearms from the Firearms Act and places their regulation in the Control of Weapons Act as prohibited weapons. It amends the relevant offences in relation to a firearm with an illegible or defaced serial number and creates a new power to allow the Chief Commissioner of Police to permit interstate persons to use a firearm in Victoria in the event of an emergency or a natural disaster. We particularly saw that that was necessary in the aftermath of the Black Saturday fires.

The bill amends the Firearms Act 1996 to confer power on the Chief Commissioner of Police to permit the use and possession of firearms by persons from interstate for a limited period of up to three months. This was particularly designed in light of the experience following the Black Saturday fires. In the aftermath of the fires it was necessary to allow firearms users from interstate into Victoria to assist in wildlife and stock destruction. This power is limited to situations where there is an emergency or a natural disaster.

I would like to thank those from interstate who offered such assistance. It was a sad fact of those terrible fires that there was much destruction of native wildlife and stock. I would also like to place on record my appreciation of the fantastic volunteers of our many wildlife agencies, and many of them are volunteer bodies locally in my electorate or from further afield. I know that their specialty has been dealing with the care of our native wildlife, but sadly there was such destruction of our native wildlife. I remember meeting a lot of those great volunteers in the days immediately following Black Saturday and I found that unfortunately most of what they were doing involved assisting in the euthanasia or treatment of domestic animals.

On a lighter note, someone who specialises in the care of marsupials told me that she found herself applying treatment to the bottom of a rooster. It was one of the few lighter moments in the days following the fires. I really commend those people because I know they saw some pretty terrible things. They are used to dealing with wildlife, but this was much more than anyone could cope with. I do not think they necessarily thought they were going to be dealing with some of our own race who sadly had departed.

The Leader of The Nationals made some other comments that I feel the need to correct. I think he very much has a view to the election on the horizon, and he tried to misrepresent the position of the Labor Party in relation to duck shooting. He made some comments about supposed motions opposing duck shooting being passed at Australian Labor Party state conferences and being Labor Party policy. As someone who has been a delegate for most of the last 20 years, I think I am in a much better position to say what is Labor Party policy than the Leader of The Nationals. I do not recall ever seeing him at any of those conferences. We are a party that does not shy away from debate in any way, shape or form. We have certainly had some hearty and healthy debates on the floor of conferences, but it is certainly not Labor Party policy to ban duck shooting in this state.

I take great pride in the good and productive relationships we have with the firearms community in this state. We have important dialogue with the Combined Firearms Council of Victoria, and we treat that community with respect. I know the community does an enormous amount of work in my area — Field and Game Australia in particular — in looking after wildlife habitat and particularly bird habitat. I have had many great visits to the range in Epping, and I have had some great discussions with members of that club. I am sure they know that my position is quite clear, and they do not believe the Leader of The Nationals in the way he has misrepresented our position.

I have competed in the politicians annual clay target shoot, which is a great event run towards the end of the year by Field and Game Australia. The Nationals have probably got — —

Dr Sykes — The member for Benalla was part of the winning of the team if you remember.

Ms GREEN — The member for Benalla is trying to say he was part of this year's winning team. I have to correct the record, because I think that for four out of the last six years the Labor team has been victorious, and that was indeed the case in the current year. I know the member for Benalla might want to rewrite history, but we are the current trophy-holders. It is a great event, and it promotes a great deal of good, healthy discussion with the responsible firearms community in this state.

I caution the Leader of The Nationals against playing politics and misrepresenting the position of the Labor Party and Labor members. We are great supporters of the responsible firearms community in this state, and as I mentioned before, it made fantastic efforts in supporting the community following the terrible events of Black Saturday, and many of that community were affected. I have numerous licensed firearms-holders in my electorate who are very passionate about the environment. Sometimes it is people from the inner city

who have a complete misunderstanding of the situation and who portray responsible shooters as rednecks. I am absolutely opposed to that view, because they play a very good role in dealing with the problem of pests and animals that have been brought into this country. They are great protectors of our indigenous species, including our bird life.

This is another great piece of legislation. We do not shy away from legislating in this area and having responsible and mature discussions with the firearms community. I urge other speakers from The Nationals not to misrepresent the Labor Party's position in these areas. We have a good record, and I commend the bill to the house.

Mr TILLEY (Benambra) — I rise today to make a brief contribution to the debate on the Firearms and Other Acts Amendment Bill. As the Leader of The Nationals, who is also the member for Gippsland South and the shadow Minister for Police and Emergency Services, has already outlined, the coalition does not oppose the bill. I would like to record my thanks to the officers of the department who provided the briefing on this bill.

Principally the bill amends the Firearms Act 1996 to make residence in Victoria a precondition of holding any form of Victorian firearms licence. While such a residency condition may sound obvious, on face value such a requirement could have a significant impact on residents of border towns. In my electorate of Benambra the problems caused by cross-border anomalies are a constant source of frustration, expense and delay for businesses and householders alike. I know my parliamentary colleagues whose electorates run along both the Murray River and down the South Australian border are all too aware of such concerns in relation to these matters and too many other matters which arise due to inconsistencies in laws state by state.

It has been described to me that the residency requirement is desired by Victoria Police to assist them in ensuring compliance with weapons and ammunition storage being maintained. Obviously at present the state jurisdictional limitations on the authority of Victoria Police make it impossible for Victoria Police to enforce storage and handling requirements of those Victorian licence-holders who do not normally reside in the state.

Clause 6 confers upon the Chief Commissioner of Police the power to grant firearms licences to non-Victorian residents if they can adequately prove they need a firearms licence for work purposes in Victoria. Further, I note that the term 'work purposes' is broadly defined. Obviously in border areas industries such as agriculture and professions such as veterinarians will be the most impacted upon by any such change. More specifically in relation to the Benambra electorate, it is not uncommon for someone who officially resides in Albury in New South Wales to also own productive farm land in Victoria. While I do see the need to ensure there is an ability for Victoria Police to audit all firearms licence-holders, I sincerely hope that any such changes to licensing residency requirements will not further burden those problems in our border regions. Further, I hope that if those affected by these changes do apply for the work purposes exemptions to the residency requirements, there is a simple, common-sense process to follow instead of one of the convoluted bureaucratic processes which this government has become renowned for.

Further, the bill amends the Firearms Act 1996 to exempt health workers from offences surrounding the possession of firearms in circumstances where their work duties require possession or confiscation of a firearm for the purpose of patient safety. I have mentioned a few times that before entering Parliament I was a member of Victoria Police, and I can remember attending a number of jobs where emergency service workers and health officers in our hospitals found themselves in situations where a patient was in possession of a weapon. It sounds daunting; however, providing such an exemption is the correct thing to do.

The bill makes several other amendments, such as removing the definition and regulation of imitation firearms from the Firearms Act 1996 and inserting them into the Control of Weapons Act 1990 as prohibited weapons. It also makes it an offence to possess a firearm on which there is no serial number without having a reasonable excuse for doing so. I am pleased, and I know many keen sporting shooters would like the work of the member for Kew to be recognised — and I am glad to see him in the chamber this afternoon — as the bill will allow participation in interstate target shoots to be recognised for Victorian licensing purposes.

Part 4 of the bill relates to extending the power of authorised officers on public transport to seize graffiti implements which are plainly visible or partially covered. While authorised officers are empowered to monitor compliance with public transport ticketing requirements and under the bill will further be empowered to seize graffiti implements with reasonable force, they are not sworn members of Victoria Police or Victoria Police protective services officers and therefore do not have the accompanying rigorous training and grounding in the gravity of search and seizure powers. While there can be no doubt that the

increased means to stem the flow of graffiti attacks on and around Melbourne's public transport system is laudable, I trust that the government will ensure that any such authorised officers will be properly aware of the limitations of their powers so that illegal searches are not conducted.

During the course of consultation on the bill with stakeholders, in particular with the Sporting Shooters Association of Australia, the Combined Firearms Council of Victoria, the Victorian Farmers Federation and the field and game organisation, a number of concerns were raised with me in relation to interstate licence recognition requirements and firearms acquisition permits for those who move to Victoria. However, that is work for a later time. There are some difficulties in relation to the transition across state borders, the taking up of residency and compliance issues.

Earlier in my contribution I touched on cross-border anomalies, which are an issue that time after time greatly affects my electorate on all fronts and in respect of many areas of legislation. In particular I would like to briefly touch on the licensing requirements for private security personnel. This is a separate issue, but at present there are many differences between New South Wales and Victorian regulations in relation to the carrying and use of firearms. I hope this situation can be looked into in the not-too-distant future. It imposes enormous costs on local businesses along the border, and a large sum of money is involved to ensure compliance on both sides of the river.

Undoubtedly this bill contains some sensible amendments. However, I would like to see the government guarantee that it will not unfairly increase the regulatory burden on border residents and that any authorised officer's training will be rigorous enough to ensure that illegal searches are not performed on Victorians.

In conclusion, by and large this bill will tighten up a number of anomalies that have confronted people over many years. Nevertheless I am very proud to have an association with the Sporting Shooters Association of Australia. I am a shooter and an owner of registered firearms, complying in relation to all of them with the legislative requirements of the state of Victoria. As I have previously mentioned in debate, as a member of Victoria Police I frequently conducted inspections in relation to licensed and properly registered firearms right around the border districts, and I can say wholeheartedly that licensed shooters who pursue legitimate shooting pursuits are particularly good, ethical people. On not one occasion where I was required to conduct an inspection did I have to pursue any court action. I am a strong supporter of legitimate shooting pursuits in the state of Victoria and anywhere, particularly when it comes to the wild dogs that affect our primary producers. I enjoy every opportunity I get out there to knock a dog off, because this government does not seem to be able to eradicate the issue of wild dogs. In closing, the coalition does not oppose this bill.

Mr SCOTT (Preston) — It gives me pleasure to rise to support the Firearms and Other Acts Amendment Bill 2010. As has been stated by other speakers, this is an act to amend the Firearms Act 1996, the Control of Weapons Act 1990, the Graffiti Prevention Act 2007, the Transport Act 1983 and the Liquor Control Reform Act 1998. This subject is reasonably close to my heart for a simple and tragic reason. I grew up in Clifton Hill, and I remember well the Hoddle Street massacre, which you could hear from the family home where I was residing. In saying that, however, I am a supporter of a regulated environment where gun usage is controlled by regulations and of a legislative and regulatory framework that allows the legitimate use of firearms in the state. I support this bill.

As has been stated previously, there are amendments in this bill to require residency in Victoria as a precondition of obtaining a firearm licence, with exceptions provided for work purposes. There is the removal from the Firearms Act 1996 of provisions relating to imitation firearms, and there are provisions for their regulation as prohibited weapons in the Control of Weapons Act 1990. There is an amendment to the relevant offence in relation to firearms with defaced or unreadable serial numbers. There is the creation of a new power to allow the Chief Commissioner of Police to permit interstate persons to use a firearm in Victoria when there is an emergency or natural disaster.

I would like to note also the exemption from offences provided for health workers when they come into possession of a firearm or a prohibited weapon in the course of their duties. This is a very sensible amendment that arises from situations where doctors, nurses or ambulance officers or others in conducting their duties may be required to assist a person who is in possession of a firearm and to handle that firearm in that circumstance. I think that is a very sensible exemption to provide the basis on which health workers can conduct their important work without coming a cropper in relation to the firearm regulations of this state. There is recognition of participation in interstate shooting matches for the purposes of the participation requirements that accompany a handgun licence. There are also technical amendments regarding the Chief

Commissioner of Police with respect to licence variation, cancellation and the period during which a new licence cannot be obtained.

I would also like to touch upon the amendments to the Graffiti Prevention Act 2007 and the Transport Act 1983 in terms of the empowerment of authorised transport officers to seize graffiti implements from persons present on transport property who are suspected of having committed or of being about to commit a graffiti offence.

I am a person who regards graffiti to be senseless destruction of public and private property. I do not regard it as an art which we should be celebrating but as what are often mindless and egotistical acts which destroy public places and common and private property, often essentially for the self-aggrandisement of persons who regard their own self-worth as being more important than the rights of others in the community. So I am not a supporter of mindless graffiti and I support laws which provide regulation and prevent acts of vandalism. That is how I view most graffiti — as acts of vandalism. We need sensible and rational responses by Parliament to the problems caused by graffiti and vandalism in the community.

There is also an amendment to allow for consent to be given by an owner or occupier of a private dwelling to cover the removal of graffiti from a property on multiple occasions or until consent is withdrawn. One of the most pernicious elements of graffiti and other vandalism is the repeated vandalism and graffiti of premises. The bill includes a provision which allows for the removal of graffiti on multiple occasions until consent is withdrawn. It is a sensible amendment which will allow the cleaning of graffiti in the most efficient way in the circumstances. It will assist in the fight against, as I said, the destruction of public and private property by those who selfishly regard their own self-aggrandisement as being more important than the community or private interest.

The bill also amends the Liquor Control Reform Act 1998 to allow banning notices and exclusion orders to be issued in relation to the defence of behaving in a disorderly manner.

I understand this bill has been subject to reasonably wide consultation and that it has broad community support. That includes, in relation to the firearms amendments, support from the Victorian Firearms Consultative Committee and Victoria Police; and, in relation to the graffiti amendments, support from the Department of Transport, Victoria Police and the Metro asset protection unit.

As I stated earlier, although I am passionate about the need for firearms regulation, particularly in view of the events that occurred during my adolescence when I lived in Clifton Hill, I acknowledge that there are many, many constituents in my electorate and across Victoria who are responsible users of firearms, who participate in a legal manner and whose activities in the community pose no threat to others when conducted within the law. But I am still a firm believer in the regulation of firearms, particularly the control of military-style and paramilitary-style weapons, to protect individuals in the community.

This is a necessary balancing act between the rights of persons to enjoy their sporting and recreational activities and the necessity to protect the community, particularly from deranged and sometimes mentally ill and sometimes, frankly, simply antisocial persons who have committed the most heinous crimes against the community. I think in Victoria we are achieving a good balance. But there is never a perfect balance, and I am sure further legislation dealing with firearms regulation will be brought into this Parliament in the future, and that will always be the case in such a contentious area that needs careful consideration by any Parliament. I commend the bill to the house.

Mr McINTOSH (Kew) — The Firearms and Other Acts Amendment Bill does a number of things that many speakers have touched upon. Certainly there is a variation in relation to firearms licences that can be obtained by a primary Victorian resident. I should say that Victorian residency is a precondition to obtaining a licence. Some exemptions are provided to individuals in relation to cross-border anomalies, including people who come into Victoria who need a firearms licence for work purposes.

There are also what I consider to be very sensible amendments to provide exemptions for health workers from certain firearms offences. Most particularly, as we were told by way of explanation during a briefing, this was provided to cover medical professionals — doctors, nurses and indeed I note midwives are also included in this — who are involved in emergency situations, such as an accident or otherwise. It enables them to take possession of a gun in the case where someone is severely injured and has to be treated. Accordingly the police would then deal with the gun in the normal way. Again it begs the question of why someone would actually have a gun on their person in the car, and, as we were briefed by departmental representatives, no doubt that would lead to significant police inquires.

I think it is a sensible amendment. I understand emergency services such as the State Emergency Service and the Country Fire Authority were also contacted in relation to this matter, but they did not seek a specific exemption for themselves as apparently it is not an issue for them.

There are also amendments to deal with imitation firearms. Their regulation will now be moved into the control of weapons legislation, which includes knives and things, if you like, but essentially there is a significant difference between imitation and replica guns. Imitation guns are those guns that do not fire or discharge any bullet or projectile whatsoever, and they are only used by groups that are conducting re-creations of military events or particular services or otherwise. They will now be dealt with in the control of weapons legislation as prohibited weapons. That means that provided that the Chief Commissioner of Police provides a licence, they will be able to carry those imitation weapons.

Most importantly in relation to that matter, we are told that the reason this is being done is that it is an easier licensing process, and while there have to be significant integrity tests or the usual tests to prove the integrity of the person, those tests and the hurdles to get over are not quite as significant as they are for firearms. Perhaps it is something that the various groups sought and it may make their lives a little bit easier in carrying on their activities.

There are also amendments in relation to the control of weapons legislation not only to include imitation guns but also to allow health professionals exemptions for the handling of prohibited weapons, controlled weapons and dangerous articles in the course of medical professionals' duties. There are also amendments to the Graffiti Prevention Act. Perhaps the most significant is to enable authorised transport officers to seize graffiti implements but not to conduct any form of search.

The matter of significance that I want to touch on is the issue relating to participation in recognised shoots for the purpose of maintaining a handgun licence. On 21 August 2008 I raised in the adjournment debate a matter that had been raised with me by a number of firearms groups. There was a significant anomaly in relation to the ability to use handguns in Victoria and to maintain your recognised shoots for the purposes of demonstrating a need for a handgun. From recollection, for a particular type of handgun a person had to participate in six recognised shoots a year. There was an issue about the significant onus that is put on the secretary of the club to provide that record, and there were also anomalies in the way the licensing services division of Victoria Police applied the rules.

But the biggest issue I raised on that occasion was the inability of people's shoots conducted interstate to be recognised in Victoria for the purposes of demonstrating a need to have a handgun, which is a fundamental criterion for maintaining a licence and indeed possession of a handgun. The issue that I raised on that occasion was based upon representations that had been made to me. I was informed that if you went interstate you could shoot at the national championships in New South Wales, for example, and that would not be recognised. The amendments provided in the bill pick up on the concerns I raised in the house on 21 August 2008 and enable the recognised shoots undertaken in other states and territories around Australia to be used for the purposes of maintaining handgun licences.

One of the examples that I gave at the time was the case of a woman, Angie Darby, an Australian Olympic modern pentathlete who was then, at that very time, representing Australia at the Beijing Olympics. Interestingly enough, notwithstanding the fact that she spends a lot of time overseas competing in other recognised international events, those shoots were not recognised by the current Victorian regime, and that put an enormous onus on her to come back to Victoria to conduct the required six shoots, notwithstanding that she may be travelling around the world and participating in those events elsewhere, including the Olympic Games at that particular time.

The most important thing is that we all celebrate Australian Olympic athletes from swimmers to gymnasts to runners to rowers to hockey players, but that we also celebrate, and have celebrated in the past, enormous success by Olympic athletes who have participated in shooting events at the Olympics, not only gold medal winners but all athletes. It is a matter of enormous celebration in this country, but these competitions could not be recognised under the current regime.

It appears to me that under the current regime there is a provision for interstate and territory-recognised events — things the chief commissioner accepts as recognised events. I accept that precondition — it cannot just be any shoot organised by some bodgie mob; it has to be a recognised shoot — but I would have thought there would be a provision to recognise the Olympic Games, the world championships or similar events. I have been told by the department that that is a work in progress because of the difficulties of getting proper accreditation in relation to the matter.

I think it is a benefit that we have a significant change to recognise these interstate activities, but the most important thing is that we need to look at the issue of ability of our athletes to compete at international events. Something like the Olympic Games and the world championships would fall into that category, but we need to move in that direction to enable proper use of handguns for athletes and that people who participate in shooting events around the world are recognised under this regime. With those remarks, the opposition does not oppose this legislation.

Mr LIM (Clayton) — I am pleased to be joining the debate on this particular bill. I rise to support the Firearms and Other Acts Amendment Bill 2010, which provides amendments to a range of acts including the Firearms Act 1996.

There are three major amendments to acts outlined here. The first major amendment concerns the Firearms Act 1996 and the Control of Weapons Act 1990. To ensure Victoria is a safe place and to provide a sense of security in the community, the system of possessing firearms needs to be revamped — there is no doubt about that. The first of the prerequisites to legally obtain a firearms licence in Victoria is residency in this state. This is very important.

Because of the nature of their work, some people in the health sector may require possession of certain types of firearms during the course of their duties. Such people will be exempted from the offence of possession of a firearm as such. Another similar exemption is for shooting games organised interstate. Participants in games of this nature may need to carry firearms to compete. Therefore one of the requirements for obtaining a handgun license will be the need to participate in legitimate shooting games.

People visiting Victoria for the purpose of working in the firearms community may apply for licenses provided that they are residents of other states and the nature of their work genuinely requires the possession of firearms. An example of this occurred during the Black Saturday bushfires where personnel from interstate possessing firearms travelled to Victoria to assist in wildlife destruction during the natural disaster. The Chief Commissioner of Police will have the power to revoke such a licence if the person no longer resides in Victoria, which will make police work addressing the community's firearms concerns more efficient.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Munt**) — Order! There will be no communication between the gallery and the members.

Mr LIM — It is common knowledge that there are certain types of imitation weapons on the market which have been proved to be intimidating and dangerous to people. Such imitation weapons will no longer be tolerated and will be regulated as prohibited weapons under the Control of Weapons Act 1990 in lieu of their existing inclusion in the Firearms Act 1996. This amendment is consistent with the federal regulations. In Victoria the Chief Commissioner of Police is responsible for firearms licence variation, the time period in which a licence cannot be obtained and the cancellation of such a licence. Technical amendments will be made accordingly under the bill.

The second set of key amendments, which are very important, are those that address the Graffiti Prevention Act 2007 and the Transport Act 1983. Graffiti has long been one of the challenges to our community, along with maintaining a pleasant living environment in Australia and Victoria. It would be remiss of me not to mention that there is no graffiti in Singapore, and to a certain extent this is also the case in China. We know what they are doing up there. It would be remiss of me also not to say that we have been treating graffiti offenders very leniently. These offenders take the community for granted and are creating havoc in public places and also in our transport system. It is amazing that they would not do that to their own home, their own room or to their body. It is very annoying that these people get away with all this. Private property should be off-limits, and even public places should be off-limits to graffiti. Graffiti should not be tolerated anywhere.

When I had the honour to travel to Taipei in Taiwan with the member for Box Hill two years ago I was amazed that the whole city was graffiti free. So there we have an example of how a city can be graffiti free. This set of amendments will to a certain degree help owner-occupiers of property so that they have a permit to remove all graffiti from their site for a time or until such a permit is withdrawn.

Binge drinking and being under the influence of alcohol can cause disorderly behaviour in public and can lead to intimidation and harm to others, thus an important amendment outlined in this bill is to the Liquor Control Reform Act 1998. This set of amendments will authorise banning notices and exclusion orders to be imposed on those who commit the offence of behaving in a disorderly manner. I think it is an understatement to say that we have a problem out there with people who

have no respect for others, let alone respect for themselves, and who are perpetrating this rather disgraceful behaviour.

In conclusion, the amendments contained in the bill will set clearer guidelines in Victoria for firearm regulatory mechanisms and make graffiti prevention more effective, and the bill has been found to be compatible with the human rights charter. As such, I commend the bill to the house.

Mr R. SMITH (Warrandyte) — I rise to speak on the Firearms and Other Acts Amendment Bill 2010, which amends a number of acts, including the Firearms Act 1996, the Control of Weapons Act 1990, the Graffiti Prevention Act 2007, the Transport Act 1983 and the Liquor Control Reform Act 1998.

I want to begin by addressing some matters raised with me by a constituent of mine following a consultation he had with the Victorian Hound Hunters; he has issues with regard to section 23 of the bill, which substitutes section 134C of the principal act. My constituent raised the issue of it now being an offence to possess a firearm with no serial number. He asked questions such as what happens if the serial number is damaged due to the firearm being dropped and what happens if the serial number becomes illegible due to time, wear or rust. And he raised the issue that some manufacturers did not until recently have serial numbers at all. He said that some respectable companies such as Holland and Holland, which I am told makes some very expensive firearms, until recently did not have serial numbers on its weapons. The clause says in subsection (1) that:

> A person must not, without reasonable excuse, possess a firearm on which there is no serial number.

On behalf of my constituent I just hope that with common sense the words 'without reasonable excuse' as stated in substituted section 134C(1) will cover the eventualities raised by my constituent. He has also queried whether the issuing of firearm permits could have been addressed in the amending bill. My constituent says that he believes this process could have been streamlined by allowing those who are members of approved firearms associations and also those who already own three or more firearms to present themselves at the local police station for approval, as was the practice some time ago. His reasoning behind this — and I will read the email that he sent to me — is:

> The reasoning of our suggestions is that firearms owners have already been approved by police as suitable people to own firearms, so why should this judgement be further challenged unduly by people who have no personal contact with the applicant? It would also mean that if you already own three or more firearms, then you are already deemed a suitable person to own firearms, and this process to purchase is further streamlined.

He goes on to say:

> Going back to the old permit-to-purchase system would allow a greater interaction between police officers and members of their communities, which is something that community leaders are constantly seeking.

I just raise this as an issue that the shooting fraternity is looking at.

The bill also makes an amendment to the Graffiti Prevention Act 2007 which enables authorised transport officers to seize implements or substances as defined in section 3 of the act that are used to mark graffiti. In principle, this seems reasonable. However, clause 30 of the bill inserts new section 17A(1), which says:

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

The words 'reasonable force' can be argued as being reasonably subjective. It is a trend that we have seen over time that this government has increasingly delegated more and more powers to its authorised officers, and if this is the way we are going to go, we must ensure that our delegated officers and our authorised officers are well enough equipped or have the training to deal with issues that may entail the use of reasonable force.

The bill also amends the Liquor Control Reform Act and allows for an exclusion notice or banning notice to be issued for the offence of behaving in a disorderly manner.

In the second-reading speech the Minister for Police and Emergency Services stated that this measure is part of a suite of measures to address weapon-related violence and public order concerns, and the government knows that for a number of years the opposition and indeed many Victorians have been calling for these issues of violence on our streets to be addressed. In the face of the repeated defence that Victoria is the safest state in the country, we have seen the government partake in numerous failed attempts to quell violence — Hummers on the street, time-out zones and things of that nature, to name a few. At the 11th hour, with an election just a few months away, the government has realised how electorally unpopular its denial of the situation has become. Finally, after the coalition announced its commitment to recruit a record number of police, which received enormous public support, the government realised it had lost control of

the situation and was forced to copy the coalition's policy, so I am pleased to say that the coalition has led the way on this issue. The government has been too adamant in its denial of the problem for Victorians to be anything other than cynical towards the government's response, and I am pleased that we are at the forefront of this. That being said, I do not oppose the bill.

Mr BROOKS (Bundoora) — There are a number of members who want to make a contribution on this important bill — the Firearms and Other Acts Amendment Bill — so I will be brief. I fully support this bill and in particular the amendments that it makes to the Graffiti Prevention Act 2007 and the Transport (Compliance and Miscellaneous) Act of 1983 in that it gives authorised officers the power to seize a graffiti implement from a person. If there is one thing that people in my electorate despise it is graffiti being sprayed on public infrastructure and sometimes on people's front fences. People in my community want authorised transport officers and police to take action to stop people from graffitiing on public property and private property, so I fully support this bill.

I want to make a point that I am fully supportive of the amendments that this bill makes to the firearms regulatory scheme, and in particular the way that it improves the operation of that scheme. A number of speakers have previously mentioned that.

I want to make a quick mention of a constituent of mine, Mr John Caven, who is the conservation officer of Field and Game Australia. He has done a fantastic job working on the environment and building up environmental projects that that group is involved with. The government has a good relationship with people like John from responsible shooting associations. He works very hard to involve young people in conservation work, which obviously means that they are not out doing things like graffiti, so I fully support people like John, responsible shooting organisations and the measures contained in this bill.

Mr KOTSIRAS (Bulleen) — I wish to make a very brief contribution. The purpose of the bill is to make residence in Victoria a precondition of holding a firearms licence of any kind in Victoria.

There are a number of Victorians from culturally and linguistically diverse backgrounds who hold firearms licences, so it is incumbent on this government to make sure that these new laws are communicated through the media to all Victorians, regardless of their background, to make sure they understand the new laws. I would hate to think that there are firearms holders who do not read the newspaper or listen to the radio because of their limited use of English and who are unaware of this legislation, so I would hope that the government provides this information in different languages and in the ethnic media as well.

Mr LANGUILLER (Derrimut) — I strongly support the Firearms and Other Acts Amendment Bill 2010 but will only speak briefly on it. This bill will deal with the Firearms Act of 1996, the Control of Weapons Act 1990 and the Graffiti Prevention Act of 2007.

The bill makes a number of important technical amendments to Victoria's firearms regulatory scheme. In addition the bill makes some important amendments in relation to the prevention of graffiti and the mechanisms relating to the cleaning of graffiti from properties that have been attacked. Finally, the bill will add a recently created offence to those offences under the liquor legislation that triggers the application of banning notices and exclusion orders. I thank my colleagues for making provision for me and others to make very brief but important contributions.

Mr BURGESS (Hastings) — I thank all other speakers for allowing me the opportunity to speak briefly on this bill. Coming originally from a border town, Tocumwal, I can only express the concern that there needs to be a great deal of public and common sense used when talking about people who live in border towns and who use firearms. Clearly you could live in Tocumwal and have to use your firearm around the river, and that could be either side of the river, and if common sense is used, that should be very useful.

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

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 24 June; motion of Mr HELPER (Minister for Agriculture).

Mr WALSH (Swan Hill) — It is a pleasure to make a contribution on behalf of the coalition to the debate on the Primary Industries Legislation Amendment Bill. This bill amends four different pieces of legislation: the Catchment and Land Protection Act 1994 (CALP act), the Livestock Disease Control Act 1994, the Primary

Industries Legislation Amendment Act 2009 and the Veterinary Practice Act 1997.

I will deal firstly with the changes to the CALP act. The principal changes to that act are to require the secretary to take all reasonable steps to control restricted pest animals on any land in the state, which is a duty in addition to the secretary's other powers to take all reasonable steps to eradicate state-prohibited weeds from all land and take all reasonable steps to eradicate regionally prohibited weeds on roadsides and on Crown land. I will come back to those issues later.

In talking about taking reasonable steps to control weeds on Crown land I refer to the Auditor-General's report entitled *Control of Invasive Plants and Animals in Victoria's Parks*, published in May 2010. I will quote from that report.

In his conclusion the Auditor-General said:

> Governance arrangements for the control of invasive species across the state are complicated and not well coordinated. There is no single point of focus for oversight or for the responsibility of success or failure.
>
> How well Parks Victoria manages the invasive plant and animal threat in national and state parks is generally unclear. Its planning is not robust, its data is inadequate and increasingly out of date, and its park management plans are also outdated and lack sufficient detail. In addition, monitoring and evaluation of invasive species management activities is inconsistent.

He goes on later to say:

> Given the scale of the problem —

and we all know the problem of invasive weeds in this state —

> if these organisational issues and resource constraints are not addressed, invasive species will continue to pose a major and likely growing threat to Victorian parks.

He goes on further to say:

> There are no detailed outcomes that the Department of Sustainability and Environment (DSE) expects PV (Parks Victoria) to achieve nor is there a performance framework to assess how effective PV has been in managing invasive species.
>
> Around 75 per cent of all plant data and 57 per cent of animal data is over 10 years old, while around 30 per cent of plant and animal data is over 20 years old.

Again we have this issue that Parks Victoria is not doing a good job of managing invasive plants or animals.

In his findings the Auditor-General also says:

> In recent years, there has been an increasing reliance on short-term initiative funding, with PV reducing the proportion of recurrent funding it spends on invasive species. This represents a mismatch between funding certainty and the necessarily long-term nature of control programs. The way that PV allocates resources is also complicated, lacks transparency and is not well understood by staff in parks.
>
> …
>
> There are no park management plans or documents that provide park level detail on threat priorities, the actions to manage these threats or sets out who is responsible for implementing and action. Nearly half of the plans are over a decade old and do not address new and emerging threats — a key element of the current biosecurity approach.

If we look at the purpose of this bill it is interesting to note that the secretary of the department is charged with handling these issues, and in May 2010 the Victorian Auditor-General gave the department a very poor report card on that issue.

One of the unresolved issues about weeds that must be mentioned in relation to this legislation is who is responsible for weeds and pest animals on roadsides. We are amending the Catchment and Land Protection Act 1994 to make some other changes, but that act actually set out quite clearly that the adjoining land-holder was responsible for weeds and pest animals on roadsides. However, this government introduced the Road Management Act 2004 to solve another issue about nonfeasance, and in doing that it set up this complicated situation that no-one has resolved yet about who should be responsible for pest animals and weeds on roadsides.

There have been several legal opinions sought on this particular issue, but no-one has actually tested those opinions. This current government, the Brumby government, allocated some money to local government to control weeds and pest animals on roadsides. Some councils accepted that money; some councils actually refused to take that money because they believed that if they took the money — —

Mr Helper interjected.

Mr WALSH — I am talking about pest plants and weeds, Minister. If a local government actually accepted that money, it would then be accepting responsibility, and local governments did not want to accept responsibility by default for pest plants and animals on roadsides. The state government then changed the situation and gave the money out as interim funding so that local governments could then take some of that money without accepting responsibility.

It is a very vexed issue, and it is interesting that the Minister for Agriculture is at the table. In November 2009, to try to resolve this particular issue, the minister actually set up the roadside pest working group to work with the Municipal Association of Victoria, councils and the department to resolve who was actually responsible for pest plants and animals on roadsides. The minister set this body up in November 2009. We are now at the end of July 2010. That working group has not officially been established. There are no terms of reference for that committee. No chairperson has been appointed to that committee, and at this stage there is no date set for its first meeting. From November 2009 to the end of July 2010 this very important issue for local government and for the adjoining land-holders as to who is responsible for pest plants and animals on roadsides has not progressed any further.

At the time a number of people who were cynics — and I am not a cynic; I have absolute faith that the minister was really trying to achieve something — said they were setting up this committee to postpone this issue to after the 2010 election. Unfortunately I am afraid those cynics are being proved right, because this issue has been pushed out so that there is no conclusion and so that the minister and the government do not have to make a particular decision on this issue. It is very unfortunate that the minister has not done anything to resolve this issue.

One of the things that we need to be very vigilant about, as is talked about in the act, is the control of new weeds. We all know the problem that has been created by a weed called serrated tussock, which is one of the worst pasture-invasive weeds here in Victoria. It is reported that it causes about $50 million worth of lost productivity and weed control costs here in Victoria. There is a worse weed that nearly got away in Victoria only a few years ago. It is called Mexican feather grass. Mexican feather grass was first detected in Victorian plant nurseries during December 1988. Four thousand plants were found to have been sold at several store chains in 2004, and again in 2008 the Bunnings store chain was found to be selling that particular plant. It was only because there were some very vigilant Department of Primary Industries (DPI) staff in a Bunnings store who recognised that particular plant that the whistle was blown and a campaign was launched to make sure those plants were all found.

Mr Helper — Good staff.

Mr WALSH — It is.

Mr Crutchfield — That is a rare compliment from you.

The ACTING SPEAKER (**Mrs Fyffe**) — The member is out of his seat, and interjections are disorderly.

Mr WALSH — The member for South Barwon raises an issue that I actually had in my notes. It is very much a compliment to the DPI that its staff members were vigilant and recognised that particular plant and that it then had a campaign to find those plants and get them back. The Bunnings store was actually taken to court and fined. If you think about the water restrictions we have had, it is understandable that people are looking for low-water plants for their gardens, and some of these pest plants are being sold. We need to remain forever vigilant so that we do not have those sorts of plants coming here. If Mexican feather grass had actually gotten away, it would have had the capacity to spread further than serrated tussock and invade up to 14 million hectares of Australia, with a far greater cost than serrated tussock.

The key issue in this bill is not just the responsibility of the department to control pest plants; it now includes pest animals, and it requires the same degree of focus and vigour from the department. One of the questions I would ask is if the department is actually well enough resourced to pick up this extra responsibility. We have seen declining budgets for the department, and this is a most serious issue.

The minister in his second-reading speech talked about a particular pest animal called the red-eared slider turtle that has been found in waterways around Melbourne. People might ask, ‘What is the red-eared slider turtle?’.

Mr Helper — Have you seen one?

Mr WALSH — I have not seen one, but it is a native of the United States, and the red-eared slider turtle has been nominated as one of the world’s 100 worst invaders by the World Conservation Union. It is considered a major threat to biodiversity; it is aggressive and will out-compete native species for food and space in our waterways. This particular pest is here in Melbourne at the moment. It was originally found near Sydney. It was actually introduced by people who brought it in to have in fish tanks — as people quite often do; they have particular animals as pets. Someone then decides they do not want a pet, and they put it out into the wild.

The red-eared slider turtle is a very aggressive animal, and its presence threatens to cause damage to biodiversity in Victoria. My understanding is that the inclusion of pest animals in this legislation has been due to the red-eared slider turtle. However, there are

plenty of other examples of pest animals that have caused a lot of trouble. It is a pity that this legislation did not exist and people were not more vigilant when someone introduced rabbits into Australia over a century ago, because we all know what trouble rabbits have caused to Australia.

In Australia there are quite a few other pest animals, including foxes. One good aspect of the fox control program is that the coalition has announced its policy to introduce a full bounty for the hunting of foxes, which is vastly different from the government's former program called Foxlotto, where you fill in a form and say you have shot a few foxes, and then you go into the draw for some sort of prize. A full bounty for the hunting of foxes is a very important step forward for the control of pest animals.

Mr Crutchfield interjected.

Mr WALSH — There are foxes in Collins Street; there is no doubt there are foxes in Collins Street.

The ACTING SPEAKER (**Mrs Fyffe**) — Order! The member for South Barwon is interjecting while out of his place.

Mr WALSH — Clause 8 of the bill provides that people will have to take reasonable precautions when moving a vehicle from land onto roads or from roads onto land to make sure they do not spread particular weeds. We all know how in our own parts of Victoria many weeds have spread. In my area it is the spread of bindii that is of concern. I do not want to cast aspersions on the staff of Goulburn-Murray Water, but bindii seems to appear in places where Goulburn-Murray Water staff turn around in their vehicles when they travel to different places to perform their duties. The weed seems to appear in those places. This bill puts in place and changes some of the definitions around this issue. The definitions of things that can cause the spread of weeds include not only grain but also stone, gravel, soil and plant material. We would all know of places around country Victoria where gravel pit sites are infested with weeds. Often you see a road that has recently been made where Paterson's curse has suddenly appeared along the side of the road because it has travelled to that site with the gravel.

Clauses 9 and 10 make changes to the Catchment and Land Protection Act and the way authorised officers perform their duties. Clause 9 provides that if an authorised officer believes there is a restricted pest animal on a particular property, that officer does not need a search warrant to investigate the matter.

Clause 10 provides that an authorised officer can take photographs as evidence and sets out how they are to go about proving particular cases.

Clause 12 of the bill relates to what samples authorised officers can take when executing a warrant. If they find something else that they want to take a sample of that is not described in the warrant they have, they can take samples of that particular material.

The bill also makes changes to the Livestock Disease Control Act. As with weeds and pest animals, the identification and control of livestock diseases is also critical in Australia. It is critical to our food supply and to the protection of our export markets. One shudders to think what would happen to Australia as a food exporter if foot-and-mouth disease were found in Australia. I commend the relevant authorities who do a lot of great work on making sure we do not have those sorts of diseases in Australia.

Clause 18 sets out in detail how vendor declarations are to be provided by the sellers of livestock, given to the transporters of livestock if the sellers are not going to be at the point of sale, then given to the agents or the saleyard operators and finally to the purchasers of that livestock. That provision has been inserted in the legislation, whereas previously it was only done by regulation.

One of the things that was pointed out at the briefing we were given on this matter is that people now need to keep copies of the vendor declarations for three years. At the briefing I was told that is a vast improvement, because previously they were supposed to be kept for seven years. It is good to see a change being made that simplifies the system for people. I give full compliments to the department and to the minister for making a change that will reduce hassles for people who experience that particular problem.

Clauses 19 and 20, and particularly clause 21, are about the requirement for a livestock owner to have what is called a property identification code (PIC). PICs have been in use for quite a while in the livestock industry, but this legislation provides that saleyards and sale agents will also have PICs.

The bill also makes some changes to what I consider to be a critical industry for Victoria — that is, the bee or apiary industry. I think the apiary industry is one of the unsung heroes of agriculture in Victoria because many crops in Victoria would not be productive if bees did not ensure that crops were pollinated.

Clause 30 of the bill changes the name of the Bees Compensation Fund to the Honey Bee Compensation

and Industry Development Fund. Formerly the Bees Compensation Fund could only make payments if there was not a disease outbreak in the apiary industry. The change provides that money in the fund can be used for development projects in the industry. The bill changes the way the fund is structured and allows money in the fund to be spent on industry development programs. The legislation provides that the fund has to maintain a capital base of $300 000, but any funds that come in over and above that or any interest above $300 000 that is earnt on the fund can be spent on industry development.

I sought some advice from people in the apiary industry on what they thought about this issue. Both Bob McDonald from Castlemaine, the president of the VFF (Victorian Farmers Federation) Beekeepers Branch and Lis Blandamer, the manager of the horticulture group in the VFF, wrote back to say they are quite happy about these changes to the Bees Compensation Fund.

Every time I talk to people in the apiary industry the key issue I keep hearing about is access to suitable sites for beekeeping. Apiary is a very important industry. In my electorate there are thousands of acres of almond trees, and bees are absolutely critical for almond pollination to make sure there is an almond crop every year. Beekeepers like to be able to locate their hives on Crown land and public land so that they can feed their bees and get them into a healthy working condition for the almond industry. Pollinating almonds is very hard work for bees.

I had the pleasure a number of years ago of opening a beekeepers conference. As I sat there and listened to how the keepers managed their bees, I realised that it is effectively no different from any other livestock industry. Apiarists provide supplementary feeding for bees to make sure that when they are moved to work in the almond industry they are well fed. Bees are fed particular types of feed blocks to get them healthy and ready to go. Every time I talk to people in the apiary industry I hear that they want access to the sites they used to have access to and which the DSE and Parks Victoria are now denying them.

I think it was last year that the Minister for Environment and Climate Change set up a review to see whether those old sites could be made available again. I am afraid it has been a sham process. The beekeepers did a lot of work detailing the specific sites they used to use. The minister and the department have effectively ruled the majority of those out, so the beekeepers are again very disappointed with how this government is treating them as an industry. We know how important they are — —

Dr Napthine — Especially after the big bushfires.

Mr WALSH — That is very true. After the bushfires a lot of their sites were lost, at least until the forest regenerates, and they have not been able to go back into the sites they used to use.

The last major change to the Livestock Disease Control Act is the changes to the composition of the cattle industry and the sheep and goat industry funds. At first blush you wonder why they are doing this, but when you look at the Livestock Disease Control Act 1994 you see that it prescribes the membership of the advisory committees for the Cattle Compensation Fund and the Sheep and Goat Compensation Fund and talks about various positions within the Victorian Farmers Federation, such as the pastoral group president and the president of the association of stud breeders, stock agents and so on. That part of the legislation is now redundant because the VFF has had a major restructure of what was its pastoral group, which is now called the livestock group. The particular positions that are named in the legislation are now redundant and this bill sets up a process whereby industry groups will make nominations to the minister of people to go onto the advisory committees of those funds.

The only reservation I have with that is that I understand the regulations to enable this to happen will not be put in place until next year, although a way has been found to keep the committees functioning. As I have said numerous times when I have spoken on pieces of legislation in this place, we debate legislation and pass legislation but then the regulations are made at some time in the future. I do not feel comfortable that we are in this case passing a clause which is what you would call enabling legislation. I think the job of this Parliament is to debate details of legislation and to have details in legislation. If legislation needs to be changed, it will come back to this place at some time in the future, but to say that we are effectively going to turn this Parliament into an enabling place where we pass legislation and everything else for the life of that legislation is done by regulations gets away from the way the Westminster system is supposed to work.

The other two pieces of legislation that this bill changes are the Primary Industries Legislation Amendment Act and the Veterinary Practice Act. The bill makes some minor changes to make sure that the recent legislation for the national recognition of veterinary registration — that is, the mutual recognition between states — is implemented and provides for how those registrations will actually work, how the fees will be charged and how the Veterinary Practitioners Registration Board of Victoria will work in implementing that national

recognition of veterinary registration scheme. I think this is a step forward. We have heard the member for Murray Valley in this place probably for the last 34 — —

Mr Jasper — Hear, hear!

Mr WALSH — The member for Murray Valley is here! We have heard the member for Murray Valley in this place during the last 34 years talking about cross-border issues. This issue of mutual recognition of vets between states is an important cross-border issue that is being resolved. For those of us who represent electorates on a border, in my case Swan Hill, it is good that a vet in Swan Hill can now practise in New South Wales without going through a very complicated process, and vice versa if a vet from Balranald, Moulamein or Deniliquin wants to practise in Victoria. You find those issues right along the border. I suppose the thing that the member for Murray Valley would say, if I can put words in his mouth, is that this is something that should have been done a long time ago and that there should be more of it, because there is a whole range of cross-border issues that those of us who live along the border — —

Mr Jasper interjected.

Mr WALSH — I was going to come to that, but thank you to the member for Murray Valley for reminding me that the Border Anomalies Committee is meeting in Swan Hill in September. I have talked to the press in my local area about this particular issue, and it is amazing how many people come in and say, 'What about fixing this?'. If you talk to plumbers, electricians or a whole heap of the tradies, you find they have to carry multiple registrations to work in both states.

The story I have used previously in this place concerns the Pickering Transport Group, formerly Lake Boga Transport, which has its depot 500 metres across the river from Swan Hill at Murray Downs. A couple of years ago the company had a B-double load of fuel on its own truck that it had brought out of Adelaide. The truck was legal in South Australia and legal in Victoria and it crossed the bridge at Murray Downs and got booked for overloading in the 500 metres going to the depot because the rules were different between South Australia, Victoria and New South Wales.

In summing up, the coalition does not oppose this piece of legislation. We welcome the change to include pest animals in the Catchment and Land Protection Act, with the caution to the minister that we would like to see his roadside weed committee actually meet at some stage. The fact that the roadside pest working group was set up in November 2009 and has still not met is a very vexed issue amongst local government and farmers that needs resolving. We have five months until the election. I am sure the minister at the table, the Minister for Agriculture, will put in a lot of effort to make sure that issue is resolved before the election.

I think the changes in the Livestock Disease Control Act are good to make sure that we keep rigour around the control of livestock diseases. The changes to the Bee Compensation Fund are welcomed by the bee industry. However, I again ask the minister to pass on to his colleague the Minister for Environment and Climate Change that the bee industry would like to again have access to those sites on public land that they used to have access to. Finally, as I said, the changes around the mutual recognition of veterinary registration between the states are welcome.

Mr HARDMAN (Seymour) — I rise to support the Primary Industries Legislation Amendment Bill 2010. I am pleased to note that the opposition is not opposing the bill. The purpose of the bill is to amend the Catchment and Land Protection Act 1994, the Livestock Disease Control Act 1994, the Primary Industries Legislation Amendment Act 2009 and the Veterinary Practice Act 1997.

The amendments to the CALP act provide for improvements to the management of noxious weeds and pest animals. That is a topic dear to the heart of every rural member of Parliament as weeds and pests can take up a great deal of time. Our constituents are keen to see as much improvement in this area as possible. They work on their land and spend a lot of time and a lot of money controlling weeds and pests, and there is nothing worse than a neighbour who does not look after their problems. Anything the government can do and the Department of Primary Industries (DPI) can do to strengthen controls on weeds and pests will be very much welcomed by land-holders not only in the Seymour electorate but across rural Victoria more generally.

We are improving the act because of the significant threat to the environment and agriculture. The estimated cost is about $1 billion in lost production and control costs each year — not only costs to the environment and to agriculture but general economic and social costs that go with that as people have to find the money to deal with those problems, and of course they cost government as well. As weeds and pests get away taxpayers have to fork out more money to try to control those problems.

Currently there is a gap in the legislation and essentially the DPI has to rely on an implied responsibility to control high-risk invasive animals. Basically this act largely aligns the control of pest animals with how we control weeds, so I think that will be very welcome.

The amendments support the landowners in this case — I spoke a bit about this before — who accept their responsibilities. They do control works and make a huge contribution to the protection and enhancement of the natural resource base, and I think that every time weeds and pests invade there is a large impact. Today we have been talking about the problem of locusts going forward and the impact on land-holders and perhaps the state's economy, which could be quite huge if we did not act.

I think the community should take comfort from the fact that with this bill the Department of Primary Industries and the minister are taking action to further strengthen the powers of the department to control pest animals. The impact on land-holders who meet their responsibilities by controlling invasive pests is not very high at all. I think that is a really important point — that is, a land-holder who is doing the right thing does not have to worry. There is no extra work or extra expense for them.

The provisions for weed hygiene in the CALP act are being improved by reinforcing the need for people transporting material which may contain weeds to ensure adequate preventive measures are taken to stop weeds spreading. That whole issue of biosecurity and pests and weeds is a really big issue. It was certainly one of the major concerns held by farmers when we were building the north–south pipeline and the Sugarloaf interconnector, apart, obviously, from their philosophical opposition to the project.

The new legislation will help prevent any incursion of restricted pest animals, as happened with rabbits and foxes, which are the bane of the life of every farmer in the state, but will particularly deal with other pests coming in from other states, such as the cane toad. I think having every power they have in legislation will make a real difference. I think all those great people who volunteer in our communities in Landcare groups and on larger committees like the catchment implementation committees, who actually spend a great deal of time and effort trying to control feral weeds and pests and improve our natural resource base, will be pleased by this legislation.

The appropriate bodies have been consulted about the amendments to the Livestock Disease Control Act 1994. The Livestock Industry Consultative Committee, the National Livestock Identification System Implementation Advisory Committee, the Cattle Compensation Advisory Committee, the Sheep and Goat Compensation Advisory Committee, the Swine Industry Projects Advisory Committee and the Apicultural Industry Advisory Committee have all been consulted in bringing forward this legislation, and it is pleasing to hear that there is support for this legislation amongst those bodies. Obviously it is best for government to have a consensus in moving forward and improving our response to the outbreak of disease in livestock, for example, or implementing further measures, as this bill also does, to prevent or control disease in livestock.

The bill also changes the constitution of the Cattle Compensation Advisory Committee and the Sheep and Goat Compensation Advisory Committee. The changes ensure that the industry representation is at the same level but it is not as specific in the legislation. The bill also makes certain information collected under the act available for purposes relating to emergency planning preparation, response and recovery. We saw in recent times under the weeds legislation we have that we were able to jump quickly on an invasive pest weed incursion into Victoria. Obviously if we can do the same thing for pest animals, as I said earlier on, we can perhaps prevent outbreaks of foxes and rabbits, which are the bane of the lives of our farming communities.

The amendments to the Primary Industries Legislation Amendment Act 2009 and the Veterinary Practice Act 1997 provide for the implementation of the national recognition of the veterinary registration scheme. The practical outcome, as the member for Swan Hill said, is that veterinary surgeons can now practise across borders. That is obviously fantastic for border communities, which do not live on the basis of a line. Just as people in our electorates or council areas do not live only in a council area, an electorate or a state, they live in a general community and a broader community of interest. The Australian Veterinary Association supports this legislation.

I will just touch on a final point raised by the member for Swan Hill, and that is the issue of the control of pest plants, weeds and animals on local roadsides. I think the important thing to note in this case is that this government, the Brumby government, has moved to resolve this particular issue, which again has been a big problem for land-holders for a very long period of time. As I said before, land-holders get very frustrated when their neighbours do not look after their own land. Of course there is nothing worse than somebody who is not looking after their land, whether it be the local council or a state government body with responsibility

for Crown land. It is certainly a complaint I receive on occasions, and I think what the member really needs to know is that the government is acting on this. We had a package to assist local councils to manage roadside weeds and pests, and in the past two years over $1 million has been provided in this area.

The member for Swan Hill talked about a steering committee which comprises representatives of the Municipal Association of Victoria, the Victorian Farmers Federation (VFF) and the Department of Primary Industries and which was established by the minister late last year to find a way forward. It is part of our way of dealing with the issue with a view to amending the Catchment and Land Protection Act in time to remove uncertainty about responsibility. But contrary to what he said things have been done, and I am advised that the Municipal Association of Victoria, the VFF and other members had a very productive meeting. The committee is chaired by a very eminent former executive director of Biosecurity Victoria, Peter Bailey, and all of us in this place who have worked with him know he will do a great job in managing this committee to find a way forward. When it comes down to it the government has acted. This has been a problem for a long time, and I wish the bill a very speedy passage.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Primary Industries Legislation Amendment Bill. At the outset I wish to declare that I am a registered veterinary surgeon in the state of Victoria, but I will not be commenting on the amendments to the Veterinary Practice Act.

I refer to part 2 of the bill, which includes amendments to the Catchment and Land Protection Act. I particularly refer to clause 4, which inserts a new provision that states:

> The Secretary must take all reasonable steps to control restricted pest animals on any land in the State.

I call on the government to take real action to control the explosion of foxes across western Victoria. Foxes cost our community across Australia almost $300 million annually. They are significant killers of young lambs and poultry, particularly free-range poultry. They also kill large numbers of our native animals, causing major environmental damage. Under Labor we have seen a complete failure of policy with respect to vermin and noxious weed control. In the lead-up to the state election in 2002 the Labor government introduced a statewide fox bounty. In that 12 months nearly 180 000 foxes were killed, which was a great step forward. It was a great program and a credit to the government. Unfortunately it lasted only 12 months, and the government walked away from it as soon as the election was over.

At the next election in 2006 the member for Bendigo West as the then Minister for Agriculture introduced Foxlotto, which was an absolute and utter disaster. In 2009 the current Minister for Agriculture introduced another version of Foxlotto called FoxStop. On 19 June 2009 the minister said in an article in the *Age* that in three months under the FoxStop program 3100 foxes had been killed, which is an average of 1000 a month. Under the bounty scheme, 180 000 were killed in 12 months, which is 15 000 a month — 15 times more effective. What we need is real action on foxes to control what is an absolute plague across western Victoria at the moment. We need to adopt the coalition's policy of immediately reintroducing a statewide fox bounty scheme to should work in conjunction with other fox control measures, including baiting, the destruction of dens and the removal of habitat. But to have anything less than a fox bounty program is a mickey mouse approach and ineffective — and this government has a track record of not delivering on proper fox control, which is causing devastation of our livestock industries and enormous damage to native animals across Victoria.

Similarly, Labor has failed rural Victoria with its repeated failure to control rabbits and noxious weeds, especially on Crown land. Indeed it is well known throughout country Victoria that Parks Victoria, the Department of Sustainability and Environment and Crown land are the neighbours from hell when it comes to vermin and noxious weeds. Guess what? The farmers who have said that for years under this government have got the Auditor-General backing them up. His report of May entitled *Control of Invasive Plants and Animals in Victoria's Parks* states:

> Governance arrangements for the control of invasive species across the state are complicated and not well coordinated. There is no single point of focus for oversight …

It further states that it is unclear how Parks Victoria manages the invasive plant and animal threat in national and state parks. It states:

> Its planning is not robust, its data is inadequate and increasingly out of date, and its park management plans are also outdated and lack sufficient detail.

It goes on to talk about a lack of monitoring and evaluation. The Auditor-General agrees with the farmers that this government needs to lift its game with respect to the control of foxes, rabbits and pests plants and animals.

I now refer to part 3 of the bill, which deals with amendments to the Livestock Disease Control Act. It provides for new provisions with respect to the unusual circumstances of disease or death in livestock, vendor declarations, identification and traceability of livestock and testing for livestock diseases. These are absolutely critical to our livestock industries. They are important to protect these industries from diseases that are not present in Victoria or in Australia and to respond quickly and appropriately where there is a major disease outbreak, whether it be of an exotic disease or of an endemic disease. We are reminded of the difficulties we can face with exotic diseases or livestock diseases by the devastation, cost and disruption caused by the equine influenza outbreak in 2007 and 2008.

In the *Weekly Times* of 7 July there is a report of another case of foot and mouth disease in Japan. The article states:

> A new case of foot and mouth disease was discovered in Japan on Monday.
>
> It follows an unprecedented FMD outbreak in Japan's Miyazaki region in April, which has so far resulted in 188 753 animals … being destroyed.

That area was one of the largest producers of beef for Japan, and it has been devastated by foot and mouth disease.

I draw the attention of the Minister for Agriculture — I trust he is listening — to the challenge of the hendra virus disease, which was first diagnosed in Queensland in 1994. Since that time there have been 11 outbreaks in Queensland and New South Wales causing the death of 34 horses and 4 humans. Indeed an information sheet for veterinarians from the Department of Primary Industries states that:

> The natural reservoir for hendra virus is the flying fox …
>
> The case fatality rate in both horses and humans is very high — about 50 per cent in humans and above 70 per cent in horses.

The information sheet states that bats throughout Australia, including in Victoria, are known to carry the virus.

In the horse notes of June put out by the Department of Primary Industries there is a piece by Dr Laura MacFarlane-Berry. It states:

> Flying foxes are the natural reservoir of hendra virus, an organism known to cause disease in both horses and humans with an extremely high fatality rate.

It states further:

> The presence of new flying fox (fruit bat) colonies in Victoria has brought about the need for another look at the hendra virus disease.

I ask the Minister for Agriculture and the Minister for Health what they have done about testing fruit bats in Victoria to see if they have the hendra virus. Indeed, the comments are that antibodies have been detected in fruit bats in Victoria. I ask the minister to tell the Victorian public whether the fruit bats in Victoria are carrying this very dangerous hendra virus. It is absolutely incumbent on the minister to do so if he is concerned about livestock diseases and the effect the virus could have on horses. This is a major killer of horses — and it can affect humans. It is fatal in both horses and humans. It is absolutely incumbent on the government to let the public know what testing has been done on the fruit bats in Victoria and the results of that testing so we are aware of what is happening.

Unfortunately this state Labor government has a poor track record in dealing with some of these disease situations. It failed our very valuable commercial wild catch abalone industry with a lack of an appropriate response to the ganglioneuritis virus outbreak in south-west Victoria, which has been devastating for that industry and has cost many jobs and millions upon millions of dollars. We simply cannot afford another slip-up. Clauses 29 and 30 contain amendments with respect to the Bees Compensation Fund which will allow the minister to hive off — excuse the pun — money from this fund for 'programs and projects for the improvement and development of the apicultural industry in Victoria'.

I make two points. First, we need to give the fund adequate money to pay compensation as required under the legislation. I know there is an amount of $300 000, but that must be indexed to meet the future needs of the industry. The other important point I make is that industry leaders in our bee industry must be directly and actively involved in the decision making concerning the allocation of this money which has been taken from their fund. These are their industry funds — it is the money they have contributed — and they need to be actively involved in deciding what priorities and programs this money should go to.

Finally I note that the bee industry, a very important industry in Victorian agriculture, has been treated badly during the 10 years of this Labor government. It has been continually shut out of more and more Crown land. There is a lack of access to suitable sites. When the bee industry was devastated by the loss of bee sites in the large megafires in the north-east and in the

Grampians in recent years, this government refused to provide access to alternate sites. There is an absolute need to be very vigilant in the bee industry and to have officers working to make sure the industry is protected from the potentially devastating effects of the varroa mite, an exotic pest which could potentially devastate this industry. The bee industry is a vital industry. It needs access to sites, and it needs proper involvement in the decision making to do with this fund.

Mr DONNELLAN (Narre Warren North) — It is an honour today to talk on the Primary Industries Legislation Amendment Bill 2010. The bill makes amendments to the Catchment and Land Protection Act 1994, the Livestock Disease Control Act 1994 and the Veterinary Practice Act 1997.

The Catchment and Land Protection Act provides the legislative framework for the management of invasive pests in Victoria. The cost of weeds and pests to the Victorian economy is substantial — estimated to be about $l billion annually — and imposes significant costs on the farming community along with devastating social impacts.

The rate of new pest incursions in Victoria due to globalisation, overseas travel and even interstate travel requires the strengthening of the current legislation. These amendments will formally allocate responsibility and legislative powers to control wild or escaped populations of restricted pest animals which could have a devastating impact on our state on both private and public land. The bill also allows for the alignment of departmental responsibilities and operational provisions in respect of the state's prohibited weeds and gives provision for emergency declarations by the minister of new pest animal species which pose a threat to Victoria.

The Livestock Disease Control Act will be further improved in the areas of surveillance, detection, prevention and control through the tightening of feeding pigs meat scraps, or swill feeding, lowering the risk of foot-and-mouth disease. Notification processes to the DPI (Department of Primary Industries) have also been strengthened.

The bill moves the national livestock identification system into the principal act to improve livestock traceability and puts in place a framework to accommodate testing outside registered veterinary diagnostic laboratories to ensure fast notification and reporting to DPI. The bill will allow for the release of disease notification and property identification information to a greater range of persons and agencies, therefore enhancing critical emergency response.

It also completes the legislative framework for the implementation in Victoria of national registration of veterinary practitioners and provides more flexibility to the function of the Veterinary Practitioners Registration Board of Victoria to establish competency in veterinary practice. I note that the Victorian branch of the Australian Veterinary Association has written to the minister indicating support for this bill — I think that was Dr Bill Harkin.

There currently is a gap in the legislation relating to responsibility for managing high-risk invasive animals which are not resident in Victoria or which are present in very low numbers. Currently the department relies on implied responsibility to control these animals in the wild. The amendments contained in the bill will support the vast majority of landowners who accept their responsibilities and who, by their control works, contribute to the protection and enhancement of the natural resource base. The amendments are relatively minor and essentially of a technical nature. In most cases they align the provisions relating to pest animals with those for weeds and have been created by mirroring provisions already in the legislation. The proposed amendments place no additional legislative responsibilities on landowners to manage weeds or pest animals on their land.

Weed hygiene provisions have been improved under these amendments, reinforcing the need for people transporting material which may contain weeds to ensure adequate preventive measures are taken to stop weeds spreading.

I note there has been wide consultation on this bill with the Livestock Industry Consultative Committee, the National Livestock Information System Implementation Advisory Committee, the Cattle Compensation Advisory Committee, the Sheep and Goat Compensation Advisory Committee, the Swine Industry Projects Advisory Committee and the Apicultural Industry Advisory Committee.

On the way into the house I asked the Deputy Leader of The Nationals what his thoughts were on this bill. I think what he said to me was that he wholeheartedly supported the bill. I think he was probably exaggerating a little bit, but it does appear the bill is being supported by both sides of the house. With that short contribution, I commend the bill to the house and wish it a speedy passage.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Primary Industries Legislation Amendment Bill and wish to indicate that I, along with my Liberal-National coalition colleagues, will not be

opposing the bill, because it addresses issues that are very near and dear to my heart. Often in this Parliament and in the wider community of Victoria we fail to appreciate the importance of primary industries to the wellbeing, in terms of economics and health, of all Victorians.

In case people do not get it, milk does not come from milk cartons; it comes from dairy cows. Meat does not come from a supermarket; it comes from beef cows and sheep. The farmers and veterinarians of Victoria and many other people associated with primary industries do one heck of a lot to provide food and fibre for the many people of Victoria. I have an interest as a farmer, as a veterinarian and now as an MP. I am a farmer by love, a veterinarian by training, and an MP by a momentary error of judgement.

If we can focus on the bill, as the member for South-West Coast touched on, clause 4 is a particularly important aspect of the bill in that it requires the secretary of the Department of Primary Industries to take all reasonable steps to control restricted pest animals on any land in the state. As the member for South-West Coast indicated, this government has failed miserably to do that. He discussed and highlighted the issues in relation to the incompetent failed fox control measures. Even when the government put in place a system that worked it did not keep it going. Clearly we need — as the Liberal-Nationals coalition has promised to do in government — the return of a fair dinkum fox control bounty as part of an integral approach to the control of foxes.

Similarly we have a need to control the responsibility of the government land managers to control weeds on government public property, of which I think there are about 7 million hectares. One parcel of land near to my property and very near to my heart is the dry lake bed of Lake Mokoan, where — since the water evaporated and thousands of Murray cod perished as a result of the negligence of the Department of Primary Industries and the Department of Sustainability and Environment — we now have a weed and pest-infested jungle that this government is yet to do anything about. That is in the context of this government, and specifically the Minister for Water, having allocated $3.25 million to fill in the inlet channel as an ultimate act of spite to prevent the recommissioning of Lake Mokoan in the future. That $3.25 million could have been much better spent on many other things in our area, including the control of the weeds and pests in the infested jungle that exists there at present.

If we turn to the amendments to the Livestock Disease Control Act we find there are a number of important clauses there that underpin the basis of controlling serious endemic and exotic diseases in Victoria. Clause 18 relates to the need for vendor declarations to accompany animals when they are sold or transported for sale. Those vendor declarations primarily provide information and assurance about product quality, particularly in relation to chemical contamination. As a farmer and beef producer I also find a vendor declaration applied to my circumstances particularly useful in relation to providing assurance on testing for bovine Johne's disease, which I shall return to discuss later.

Another integral part of the system of controlling livestock disease is the property identification code. This, implemented properly, enables whole-of-life traceability of animals, particularly cattle, pigs, sheep and goats. That is fundamental to providing the assurances that we need to maintain market access for the product which we export worldwide and which our customers demand of us, but it is also essential for the control of livestock diseases.

The plea that I make in this Parliament which should be extended and passed on to the federal government is that what we have in place is world's best practice. When we are considering importing product or allowing the importation of animal product from other countries we must ensure that those other countries have equivalent systems of whole-of-life traceability for their livestock, and in the case of the horticultural industry that they have equivalent control systems for products such as apples and pears, which are also the subject of risk assessments being done federally — and they are being challenged at a local level because we are not 100 per cent confident about the integrity of the process and not 100 per cent confident there is not some political trading off going on.

Clause 25 relates to the testing of animals. This is critical in terms of adequate information being provided with the submission of samples. I have just been through a process of having my cattle herd tested for Johne's disease to enable me to retain market access to export my cattle to Queensland, and I need to provide adequate information with the samples that go in so that there is a reliable whole-of-life traceability in relation to the test history of individual animals and my herd.

Similarly we have the need in that assurance program for our veterinary diagnostic laboratories to be up to scratch. Back in the 1990s when the member for South-West Coast and I were part of the veterinary team in the then Department of Agriculture, we had the Rolls Royce of veterinary field services and veterinary diagnostic services. For reasons that we had no control

over that service was dismantled, but many of the people from the service went on to set up their own private diagnostic laboratories. Locally we had David Paynter, formerly of the Benalla vetlab, who now has his own haematology lab in Benalla servicing customers Australia wide; we had Trish Veale setting up the parasitology lab; and just recently I have used the serology services of Noel Skilbeck, who was formerly in the Bairnsdale vetlab.

So we have in place a system that assures the quality of the diagnostic tests that have been done and we have in place many very capable people. I have mentioned some of their names, but also out of our vetlab system we had other significant names such Dick Rubira, Rob Rahaley, Mick Shiel and Judith Wilke — all people who have made a magnificent contribution to the veterinary profession.

Dr Napthine — And Ian Gill.

Dr SYKES — Yes, and Gilly.

Clause 26 also talks about the test methods, and without belabouring my point this is particularly important in relation to bovine Johne's disease, where there are issues with what we call false positives, or the test specificity, and issues with test sensitivity. I can assure the house, having just put my small beef herd through the Johne's disease testing program, if I had had a false positive, that could have cost me a setback of about $50 000 as a result of lab failings. It is critical that we have quality assurance in place. I am pleased to say that my herd came up check-test negative for the fourth time.

We move on to the issue of bees in clause 30. As other speakers have mentioned, apiary is a particularly important industry in terms of both honey production and the pollination of many horticultural crops. It is critical, with the onset of the locust plague and the combating of locusts, that we have alternative sites available for our bee producers. Linton Briggs of Glenrowan is one of the fathers or veterans of the bee industry, and it is absolutely critical that we look after that industry because bees make a very important contribution to our primary industry.

In conclusion I want to reiterate that the primary industries are the integral part of Victoria's economy and its wellbeing, and all we can do to protect them must be supported.

Ms DUNCAN (Macedon) — I rise in support of the Primary Industries Legislation Amendment Bill 2010, which amends a number of acts. It makes miscellaneous amendments to the Catchment and Land Protection Act 1994, the Livestock Disease Control Act 1994 and the Veterinary Practice Act 1997.

Before I go on to the details of the bill I would like to comment on some of the contributions made by previous speakers. I am glad to see that the member for Benalla is still in the chamber. He mentioned and seemed to suggest that the opposition parties, the Liberal-Nationals coalition, had a proud history of dealing with pest control and animal diseases. We know that is not the case.

We know that when in government the coalition privatised state veterinary laboratories right across the state. We know that many of them later closed. We know that this was one of the most poorly done and disastrous privatisations under the Kennett government and that it left a major problem for veterinary laboratory testing in Victoria for many years. We know the outcome of that was that there was not a lot of testing done across Victoria for many years. The member for Benalla must acknowledge this and also what it did to the cost of testing. Farmers would routinely have animals tested if they had one cow die because they could have that testing done locally. The member for Benalla knows what the coalition did to that whole testing regime. The member for Benalla cannot stand in this chamber and try to pretend that only a Liberal-Nationals coalition can do anything that is of benefit in controlling pests and weeds across this state. We know what the coalition did when it was in government.

Let us talk about foxes. The member for South-West Coast mentioned foxes and talked about the need for a fox bounty. Let us be reminded that it was only under this government that Victoria ever had a fox bounty or any other measures that encouraged community participation in fox control. As we know and as the member for South-West Coast knows, this was done in partnership with the support of organised shooting groups and farmers. The coalition can call this what it likes, but it is condemned by its own inaction and its own record on this matter. I am glad that the member for Benalla mentioned ovine Johne's disease because one of the first references — —

Dr Sykes interjected.

Ms DUNCAN — He says he mentioned bovine. I am mentioning ovine. One of the first references we did with the Environment and Natural Resources Committee when coming into government was to go across Victoria and talk to farmers who, several years earlier, had destroyed every sheep and lamb on their property following the ridiculous suggestion that

somehow Victoria could eradicate ovine Johne's disease, despite the fact it had never been eradicated anywhere in the world, to my knowledge. The disease is now well managed in this state, but the trauma that was done to farmers across Victoria, with the support of the Victorian Farmers Federation and The Nationals, is condemned to this day. If the VFF ever wanted to lose a bulk number of members, it would be through an exercise such as that done under the guise of eradicating ovine Johne's disease.

In regard to roadside weeds, it was said previously by the member for Swan Hill that the steering committee set up by the minister has not met. In fact he should know that it met several weeks ago. He also failed to mention, as he would, the coalition's confused policy position on this issue. Let us briefly go through some of the opposition's responses on this issue. One of the suggestions was to give councils $100 per kilometre per year to manage local roadside weeds and pests. This was so well thought out that apparently the proposal included the city of Melbourne — lanes around Melbourne that run past the Melbourne Club, for example. We know that many opposite would be very familiar with that particular section of Melbourne.

To control all the serrated tussock and foxes in city lanes around Melbourne, this first response by the coalition was to give the City of Melbourne $100 per kilometre per year. Even if we were to give them the benefit of the doubt and assume they meant only rural councils, this would still cost around $10 million to $12 million per year. A poorly costed program is the coalition's response to this issue. Recently we have had a second position put by another member who has said that there should be $50 per kilometre spent. We do not know who in the coalition we should believe in this regard, should the coalition ever form government.

I return to the bill. I will speak in support of this terrific bill. If the Liberal Party and The Nationals had done the great job they claim to have done, most of these amendments would not be required. Putting all jokes aside, we do know that the cost of weeds and pest animals across the Victorian economy is absolutely huge and has been estimated to be up to $1 billion annually. We also know there are other impacts besides monetary impacts in regard to managing pest animals and weeds across the state.

We know that DPI (Department of Primary Industries) does testing of a small number of known infestations in the interest of keeping Victoria free of these pests. Currently it must rely solely on an implied power to do this. This bill provides the department with formal powers. For example, we know that if any of these pest animals were to infest a private property — a dam, for example — DPI would have no power to enter the property or to take action. This bill provides the department with formal powers to enter land and manage infestations of restricted pest animals. This largely aligns department responsibilities and operational provisions with those that exist with respect to state-prohibited weeds.

The bill will also assist in protecting Victoria from new invasive pest animal species by providing for an emergency declaration of a new pest animal species which poses a threat to Victoria. The changes to the Livestock Disease Control Act 1994 will provide Victoria with the capacity to effectively detect and respond to disease threats faced by livestock industries. This bill further enhances these capabilities through several mechanisms. I will not go into the details of those. What we do know is that early detection of new and emerging diseases is important if they are to be understood and controlled. It is another reason why I would condemn the Liberal-Nationals coalition for allowing state laboratories to close and be privatised, because we know that has made this early detection testing — previously, certainly — much more difficult.

This bill makes provisions to require such events to be notified to DPI so that the cause can be further studied and dealt with. Livestock traceability is another key part in integrity and disease control. We have seen that and we see that now with the national livestock identification system. In our ovine Johne's inquiry we saw the importance of knowing where livestock — in that case, sheep — had come from and what properties they had been on. They then needed to be traced back to ensure — this was in the days of trying to eradicate this disease — that all animals or properties that had come into contact with these potentially diseased animals were identified.

This bill moves this requirement into the Livestock Disease Control Act to better underpin livestock traceability. The Livestock Disease Control Act regulates testing for notifiable diseases, including exotic diseases. There is no current framework in place to accommodate testing outside of a registered veterinary diagnostic laboratory.

This bill will allow the use of approved pen-side tests by trained and qualified persons. The bill will also ensure that adequate details and records are kept by the tester and that the results are notified to the DPI. Anthrax is a good example of such a disease, and we would improve community safety by avoiding exposure to this potentially lethal disease if it were tested for in this way. To test for notifiable diseases presently, a

laboratory is required to meet prescribed standards for registration. Some laboratories are quite small and do not perform enough production animal testing for them to justify entering into the National Australian Testing Authority accreditation yet may meet other requirements. This bill will allow the secretary of the department to approve these laboratories for registration on a case-by-case basis.

The bill also amends the Veterinary Practice Act 1997, which deals with the registration of veterinary practitioners. This bill will complete the legislative framework for the implementation in Victoria of the agreed model for the national registration of veterinary practitioners, an aspect of this bill that I am sure is supported by the member for Benalla. With those few comments, I commend the bill to the house.

Mr K. SMITH (Bass) — The Primary Industries Legislation Amendment Bill 2010 is an important bill. We are looking to focus a little bit on some of the fox pests, wild dogs and weeds; certainly that is the area I am going to be looking at. I am concerned about the amount of damage that has been done to our industry in Australia. Some $228 million worth of damage is done across Australia. In the sheep area alone about $17.5 million worth of stock is lost or so badly injured that it has to be put down. In some places around Victoria and Australia 30 per cent of all lambs are taken by foxes or wild dogs, and that is a huge cost to the industry in dollar terms.

We also have to look at the emotional strain experienced by farmers when they find anything up to a third of their flock of sheep devastated. It may well be their breeding stock that has been taken. It may well be just lambs, but the loss of every lamb is a huge cost to a farmer. We have to put a lot of this down to foxes and the damage that they do. I am very aware of the fox problems that exist because we have a lot of foxes down on Phillip Island, and an eradication plan has been run by the nature park down there for a number of years to get rid of all the foxes on the island. It has conducted a very interesting exercise. As the island is surrounded by water and there is only one way on and off the island, the nature park staff, in conjunction with the local council, put up some cameras so they could keep an eye on the number of foxes crossing over the bridge during the darkness, and they were able to pick them up as they went across the bridge.

There are also difficulties on the island because it is inhabited by a large number of people. There are a lot of farms there, whether they run cattle or sheep. There are also a lot of houses that have been built in that area, so even though the Sporting Shooters Association, the Victorian Field and Game Association and other like groups are in a position where they can go out and do some shooting, shooting around homes and around people and kids, particularly kids who are walking around in the paddocks, is extremely dangerous, so they have to be very careful.

The same applies for dropping baits. One of the difficulties is that once again there are a lot of domestic animals running around on Phillip Island. Even though the foxes can pick up the baits, the domestic animals can also, so there is always a bit of concern about that.

The fairy penguins on the island are of great concern to us. They are one of Australia's and Victoria's biggest tourist attractions, and the fact is that foxes are the biggest problem there is for the fairy penguins, or the little penguins, given the way the foxes get into the area where the penguins have their burrows. The burrows area is very well patrolled, I must say, by the rangers in the penguin parade area, but the foxes — sneaky little blighters that they are; killing machines that they are — get in and can quite easily devastate the penguin areas. We are also in a position where there are still wild dogs on the island. They are very much like foxes in that they are a problem. We have feral cats which are also a problem.

To get onto the other side of this piece of legislation, we also have weeds, whether they be roadside weeds or whether they be weeds that have been able to flourish because of a lack of control. We know farmers are careful on their land. Farmers do not need to have weeds there. Weeds are a cost to them as far as production is concerned, and there is a cost to them as far as getting rid of weeds goes. One of the most common complaints you will hear is about the neighbours from hell, usually state governments — and I do not care what state governments they are — with their national and state parks and the way that weeds are able to flourish. Noxious weeds in particular can move onto a farmer's land very quickly. When the wind blows, it can blow the seed from the state parks and Crown land onto farmers' land and they have very little control over it. Sometimes we also have farmers who neglect their farms, who do not really care if they have noxious weeds growing there. Ragwort and some of the other plants tend to flourish when land is neglected, but the Department of Primary Industries seems to have little control in speaking to those farmers and asking them to take some action to try to get rid of the weeds and the problems they are causing neighbouring farms.

We have another problem down in my area as far as a lot of the farmers are concerned, having spoken to a lot

of them, and that is where the pipeline is going from the desalination plant up to Melbourne. I think there are 84 kilometres of pipeline and there are 180 farms that it runs through. It crosses roads and so forth, and as they move from farm to farm the tracks on some of the machinery being used can move noxious weeds from one farm to another. That has happened. I know AquaSure, or the company that has been contracted by AquaSure to do the work, has tried to be careful in the way it has gone through. It has cleared land and made sure the topsoil has been left on the farmer's land and not gone to the next one, but of course as they move through, as I said before, the tracks of some of the big machinery and trucks that are moving through there can move weeds from one farm to another. I say to members in the house that it is a huge project, and there would be on a daily basis probably hundreds of trucks moving in and out of some of these areas, and that can quite easily spread weeds. I just hope that as time goes on we do not find farmers in a position where some of these noxious weeds have been moved from farm to farm and they lose control of the weeds in the area.

I will also comment briefly on the fact that the government itself brought in a fox bounty at one time. In 2002 it brought in a statewide fox bounty which was going to be a trial and was going to run for three months, and I think it ran for 12 months just after an election campaign or just before an election campaign. It was dropped after that period of time, but they knocked off 180 000 foxes in that time. That is a huge number, but in the lead-up to the next election the bounty was dropped after 12 months. In the lead-up to the next election in 2006, the then Minister for Agriculture, the present Minister for Police and Emergency Services, said that he was going to have a cash prize and new mobile bait trailers and they were going to catch all of these foxes and do all sorts of hard work in the fight against foxes. At the end of the day and after a short period of time they caught very few foxes.

The Minister for Agriculture, who is at the table, has Fox Stop, which he says is going to be a great program. He has allocated $400 000 over four years for it. That is not very much money; it is $100 000 a year.

The good thing is that the coalition includes members of The Nationals who have an understanding of the needs related to this serious threat to farming caused by foxes. We have allocated $4 million over the next four years to establish a fox and wild dog bounty. That is going to actually do something; that is $1 million a year for the next four years so that we are able get our shooters and our baiters to kill off some of these foxes that are devastating farmland around Victoria and causing severe stock losses. I can only say that it is a good program, and it will be good when it is implemented.

Mr LIM (Clayton) — I am very pleased to join the debate on the Primary Industries Legislation Amendment Bill. I note that the Minister for Agriculture, who is the minister responsible for the bill, has been listening attentively to the debate. With him in charge this bill will achieve its intended purpose and hopefully be implemented effectively and efficiently.

In rising to speak on this bill I say at the outset that it is common knowledge that Victoria is the largest agricultural product exporting state in Australia, and we should be very proud of that fact alone. We are not resource rich in terms of mineral and mining compared to Queensland or Western Australia, but when it comes to agriculture we are ahead of the pack, and we should be very proud of that.

It is extremely important to ensure that we are able to keep a clean and healthy environment so that our agricultural products can stand any test and hence continuously support the growth of our agricultural industries. The purpose of this bill is to improve the management and supervision levels of the relevant authorities as well as to enforce several acts. They are the Catchment and Land Protection Act 1994, known as the CALP act; the Livestock Disease Control Act 1994; and the Veterinary Practice Act 1997.

These days with the increasing number of overseas travellers and the expansion of international trade it has become more and more difficult for authorities to control and prevent the risk of new incoming pests or other things that might harm our agricultural industry. Therefore it goes without saying that when overseas travellers visiting our state are sprayed in the aeroplane before they are allowed to disembark they will not understand what the implications of that procedure are unless they are aware that as Victorians and as Australians we are very protective of the quality and integrity of our agricultural products in this country. Before it is too late we definitely need to introduce more integrated and advanced legislation to complete existing legislation so that we can maintain and enhance the world-class reputation of our agricultural industry in Victoria.

In view of time constraints I propose to wind down my contribution to the debate. As I mentioned earlier, with the minister at the table in charge, I believe the intent of the bill will be fulfilled under his leadership.

Debate adjourned on motion of Mrs POWELL (Shepparton).

Debate adjourned until later this day.

PLANT BIOSECURITY BILL

Statement of compatibility

Mr HELPER (Minister for Agriculture) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Plant Biosecurity Bill 2010.

In my opinion, the Plant Biosecurity Bill 2010, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill introduces a new legislative framework for regulating plant, pest and disease control and plant product description in order to improve responsiveness to biosecurity threats in Victoria, by:

preventing, monitoring, controlling and eradicating plant pests and diseases;

providing for the packaging, labelling and description of plants and plant products;

facilitating the movement of plants, plant products, used packages, used equipment and earth material within, into, and out of, Victoria; and

repealing the Plant Health and Plant Products Act 1995.

Human rights issues

Section 13 — right to privacy

Section 13(a) of the charter protects a person's right not to have his or her privacy, family, home or correspondence interfered with in a manner that is unlawful or arbitrary. An interference with privacy will not be unlawful if it is permitted by law, certain and appropriately circumscribed. Any interference will not be arbitrary if the restrictions it imposes are reasonable in the particular circumstances and are in accordance with the provisions, aims and objectives of the charter.

In my view, there is an important distinction between searches conducted in the context of criminal offending and searches conducted in a regulatory context. Regulatory searches generally have an instrumental focus connected with the need to provide incentives to comply with the relevant legislative framework.

Each of these search powers contains internal safeguards in the form of either a requirement that an inspector has reasonable grounds for believing that the documents are relevant to determining compliance with the bill or independent verification by a magistrate who must be satisfied of the relevance of the documents before issuing a warrant.

Entry and search of land and premises without warrant

Clause 76 provides for a power to enter and inspect premises at any reasonable time. To exercise the power under clause 76, the inspector must reasonably believe that the premises are being kept for the propagation, growing, sale, storage, delivery, treatment, packaging, or preparation for sale of any plants or plant products and entry is necessary to monitor for pests and diseases. It would create a significant burden on inspectors if they were required to obtain a warrant in respect of each premises such that it would risk frustrating the monitoring regime set up under the act or, alternatively, require commitment of significantly greater resources. In contrast, given the regulatory context within which the sale of plants and plant products occurs, owners and occupiers of premises are likely to have a lower expectation of privacy. The power does not extend to entering residential premises, where a greater expectation of privacy would arise (see *R v. Grayson* [1997] 1 NZLR 388, 407).

The Canadian case law supports the proposition that searches in a regulatory or administrative context may attract a lower standard of protection than searches in a criminal context reflecting the different interest in privacy in both contexts (see, for example: *Thomson Newspapers v. Canada* (1990) 67 DLR (4th) 568 (SCC); *R v. McKinlay Transport* (1990) 68 DLR (4th) 568 (SCC); *Comité Paritaire de l'Industrie de la Chemise v. Potash* (1994) 115 DLR (4th) 702 (SCC)). The entry and inspection power in clause 76 is restricted to monitoring for pests and diseases only. Further, when exercising the power under clause 76, an inspector must cause as little inconvenience as possible and must not remain on the land any longer than is reasonably necessary.

Clause 86 provides that an inspector, having found a disk or other device for the storage of information, may operate equipment at the premises to access the information. Usage of the equipment is limited to accessing the data stored on the device and does not permit any further search of the data stored on the equipment.

Clause 108 provides for a power to enter private property in a declared "control area" to apply bait or deal with baiting or other equipment in order to monitor, control or eradicate any pest or disease. A declared control area allows the Governor in Council to specify prohibitions, restrictions and/or requirements that are to operate in that area for the purpose of preventing the entry to or spread of pests or diseases within the control area (clause 19).

The powers of an inspector to enter private property, on notice, under clause 108 are confined to applying bait or installing, inspecting or retrieving any lure, bait, trap or any other equipment to monitor, control or eradicate any pest or disease. An inspector may exercise this power either on 24 hours notice to the occupier or with the occupier's consent but may only enter residential premises with the occupier's consent. The power must be exercised at a reasonable time and an inspector must cause as little inconvenience as possible and not remain on the premises for any longer than necessary when exercising it.

Clause 113 provides that, when exercising powers under the bill in relation to exotic pests and diseases, an inspector has

the power to enter and search any place, excluding residential premises, if the inspector believes entry is reasonably necessary to monitor for exotic pests and diseases. An exotic pest or disease is any organism, bacterium, fungus, virus et cetera that is not present in Victoria or is being controlled, contained or eradicated in Victoria. Following entry, inspectors may fumigate and disinfect plants, bee products and other items and exercise other powers relating to exotic pests and diseases. An inspector must inform the occupier that he or she is authorised to enter and inspect and give the occupier an opportunity to allow entry; cause as little inconvenience as possible and not remain on the premises for any longer than necessary.

In respect of the powers in clauses 108 and 113, it has been recognised in both the New Zealand and Canadian case law that a search without a warrant will be appropriate where the process of obtaining a warrant would have a disproportionate adverse effect. Powers of warrantless search have been accepted where there is an emergency or potentially dangerous situation (see K. Tronc et al, *Search and Seizure in Australia and New Zealand* (1996), 47–53), a serious threat to safety or property (*R v. Williams* [2007] 3 NZLR 207, at [20]), or where there is a risk to the safety of the public (*R v. Feeney* (1997) 115 CCC (3d) 129). In that regard, before the power in clause 108 can be exercised, an area has to be designated a control area and before the power in clause 113 can be exercised an inspector must reasonably believe that entry is necessary to monitor for exotic pests and diseases.

A key issue for those charged with monitoring, controlling or eradicating a pest or disease in the control area is the ability to respond quickly and effectively to the problem before the pest or disease spreads. The spread of a pest or disease within Victoria carries with it the risk of long-term damage to Victoria's biosecurity (including the marketability and commercial value of Victorian plants and plant products). This concern is heightened where exotic pests or diseases are involved. The carefully circumscribed powers in clauses 108 and 113 reflect an appropriate balance between protecting Victoria from biosecurity risks by seeking to monitor, control or eradicate a pest or disease in a control area — or an exotic pest or disease — and the individual occupier's reasonable expectation of privacy in relation to non-residential premises. Neither power entitles an inspector to enter and search residential premises without the owner or occupier's consent.

In my view, these clauses do not provide for arbitrary or unlawful interferences with privacy and are not, therefore, incompatible with section 13 of the charter.

Powers to stop and search vehicles

Clause 77 provides that an inspector may stop a vehicle that the inspector reasonably believes is being used to transport plants or plant products for the purposes of examining plants or plant products in the vehicle. Clause 114 provides that an inspector may stop, board, enter, search and detain any vehicle in the exercise of powers relating to exotic pests and diseases.

Given the importance of restricting the movement of plants and plant products and the risks associated with such transport if left unregulated, there is a significant interest in inspectors being able to stop and search vehicles for the limited purpose of examining plants or plant products in the vehicle. A person transporting plants or plant products is likely to be participating in a regulated activity and would have a lower expectation of privacy as a result. A search under clause 77 must be exercised at a reasonable time and only where an inspector reasonably believes or suspects the vehicle is being used to transport plants or plant products. The search power in clause 114 applies where an inspector is exercising his or her power under the act in respect of exotic pests and diseases. As discussed above, the spread of an exotic pest or disease within Victoria carries with it the risk of long-term damage to Victoria's biosecurity (including the marketability and commercial value of Victorian plants and plant products). These powers are crucial to ensuring that inspectors are able to prevent the spread of such exotic pests and diseases, and are not inconsistent with the right to privacy.

Further inspection powers

Clauses 80 and 82 provide that an inspector may inspect, count, examine or mark for identification any plant, plant product, used package, used equipment or earth material and that an inspector may take photographs or measurements or make sketches or recordings. Both powers are exercised by an inspector when determining compliance with the act and both powers can only be exercised at a reasonable time. The powers are necessary to enable an inspector to properly fulfil his or her monitoring functions under the act. The power to inspect is appropriately limited to specified items that are regulated for the purposes of the act. The power to take photographs, measurements or make sketches or recordings, while expressed more broadly, is particularly appropriate for inspectors who are required to inspect and identify plants, plant products and suspected pests given that it is unlikely they will always be in a position to identify a plant, plant product or pest with any certainty during an inspection. Such aids are likely to assist in the subsequent identification or confirmation of the type of plant, plant product or pest that the inspector has examined.

In my view, these clauses do not give rise to any incompatibility with the charter.

Search warrants

Clauses 89 and 90 permit searches of premises under warrant. Clause 94 provides for seizure of items obtained outside the scope of the warrant during a search under that warrant. It is possible that, in some cases, the seizure of items by an officer exercising a search power under warrant pursuant to clause 94 may engage the right to privacy. In my view, however, any interference with privacy authorised by this provision will be neither unlawful nor arbitrary. The statutory precondition of an independently issued warrant acts to prevent an unjustified exercise of the search power. The inspector must have reasonable grounds for believing that the evidence is of a kind which could have been included in the search warrant, and that there is a risk of concealment, loss or destruction of the relevant evidence. This risk would make it impracticable for an inspector to obtain a further warrant. There is a strong public interest in the investigation of regulatory offences of this nature, which have the potential for significant harm to biosecurity. Finally, I also note the discretion of a court under the Evidence Act 2008 to exclude unlawfully or improperly obtained evidence, which would include evidence obtained in breach of a charter right. Further, when executing a warrant, inspectors must, generally, announce their presence before entry and allow an occupier to allow entry before using force (clause 92), and give details of the warrant to the occupier (clause 93).

In my view, these clauses do not provide for arbitrary or unlawful interferences with privacy and are not, therefore, incompatible with section 13 of the charter.

Collection and inspection of personal information

Clause 15(6) provides that the secretary may maintain a database containing details of the properties in respect of which a property identification code has been issued. A property identification code is issued on application of the owner or occupier of a property where a prescribed plant is grown. By notifying the secretary, the owner or occupier voluntarily brings themselves within the regulatory framework of the act. Under that framework, the database is an important mechanism for effective monitoring of prescribed plants. Clause 15(7) provides that the database may only be perused for the purpose of administering the act and only by an inspector or person authorised in writing by the secretary.

Clause 49 provides that the secretary must keep a register of accredited persons. Accredited persons are also persons who have chosen to participate in a regulated industry. A person must not access the register unless the person is employed in the administration of the legislation and is authorised in writing by the secretary to access the register.

Clause 112 provides that an inspector may require the person having custody of any records relating to ratepayers to provide the inspector with a ratepayer's name, address or other contact details. The power to require this information can only be exercised by an inspector in relation to their official powers. It is a necessary power for ensuring the efficiency and effectiveness of the inspectors' functions.

In my view, these clauses do not give rise to any incompatibility with the charter.

Section 12 — freedom of movement; section 21 — liberty

I have considered whether requirements under clause 77 for a person to stop their vehicle or present their vehicle for inspection at a later time and place, or stop their vehicle or have it detained under clause 114, or stop at a road barrier under clauses 110 and 111, limit the right to freedom of movement. I consider that any restriction on a person's freedom of movement would be minimal, and would not amount to detention or deprivation of liberty so as to engage the right in section 21 of the charter. While a person would be required to stop their vehicle under both clauses, they would not otherwise be prevented from moving from the area. To the extent that the right to freedom of movement may be limited I consider that any such limitation would be a reasonable limitation for the purposes of section 7(2) of the charter and therefore compatible with the right.

Section 15 — freedom of expression

The right to freedom of expression in section 15 of the charter has been interpreted in some jurisdictions to include a right not to impart information. Section 15(3) of the charter provides that special duties and responsibilities are attached to the right to freedom of expression and that the right may be subject to lawful restrictions reasonably necessary for the protection of national security, public order, public health or public morality.

Clause 15(5) requires an owner or occupier of a property that has a property identification code to advise the secretary of any change in name, address or telephone number. Given that an owner or occupier voluntarily brings themselves within the regulatory framework of the act by growing a prescribed plant and having a property identification code, no issue of incompatibility with section 15 of the charter arises.

Clause 78 authorises an inspector to require a person to answer a question or take reasonable steps to provide information. An inspector must exercise this power at a reasonable time and for the purposes of determining compliance with the act. Failure to answer a question or take reasonable steps to provide information is punishable by a fine (clause 132). Harmful plant pests and diseases can impact upon the production and market access of Victoria's agricultural plants and products, and can also impact upon native flora and amenity plantings. Inspectors need to be fully informed of any plant biosecurity issue to undertake their statutory functions. To the extent that clause 78 imposes any restrictions upon freedom of expression, I consider they are reasonably necessary for the protection of public order and/or public health in terms of section 15(3) of the charter.

Clause 130 enables a court to make an adverse publicity order upon a conviction. An adverse publicity order may involve requiring an offender to publicise or notify the particulars of the offence, its consequences, the penalty imposed and any other related matter to a specified person or class of persons. This information is likely to already be on the public record as a consequence of judicial proceedings. The power gives further effect to the principle in section 24 of the charter that hearings should be public, but also provides a potential order to deter further offending, either by the individual concerned or more generally. However, the order can only be made by a court and therefore attracts all of the attendant safeguards for court proceedings, including a fair hearing. To the extent that the right to free expression is limited by such an order I consider it is reasonably necessary for the maintenance of public order. Similarly, any interference with the reputation of an individual would not be unlawful. Accordingly, the power is compatible with the right to free expression in section 15, and the right to reputation in section 13 of the charter.

Section 20 — right to property

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public and are formulated precisely.

A number of clauses in the bill potentially deprive a person of his or her property:

Clauses 19, 22, 23, 25, 26, 27, 35 and 45 authorise one or more of the Governor in Council, minister, secretary or an inspector to make orders or directions which have the effect of requiring the disposal and/or destruction of property regulated under the act including plants, plant products, plant vectors, used packages, used equipment, earth material, bees, honey, beeswax, honeycomb, beehives, or pollen. Clause 24 provides a power of seizure of plants or plant products.

Clauses 87, 89, 90, 94 and 96 authorise inspectors to seize documents or other items.

Clause 104 authorises an inspector to detain any package that does not comply with the requirements set out in the act.

Clauses 81, 105, 113(1)(d), and 115 authorise inspectors to take samples of certain items regulated under the Act where the inspector reasonably believes those items may be affected by a pest or disease.

In my view, each of these provisions contains sufficient safeguards such that no issue of incompatibility with the property right in the charter arises.

In that regard, it is relevant that each of these powers is formulated precisely. Inspectors must give copies of seized documents to the person they were seized from (clause 95); give notice of detention or seizure where plants or plant products are seized (clause 97); and then return of plants and plant products after examination if not affected by a pest or disease and not prohibited (clause 99); return packages detained under clause 104 within 48 hours; and return documents and other things as soon as they are no longer required or within three months (clause 106).

The purpose of the destruction and disposal powers in the bill are to ensure that pests and diseases and, in particular, exotic pests and diseases, are prevented from entering into Victoria and, if they do enter into Victoria, are not permitted to spread.

Finally, in terms of taking samples, in many if not all cases, the taking of samples may well amount to such a minimal interference with property that it may be incorrect to say that section 20 of the charter is engaged. Assuming it is engaged, however, any deprivation of property that occurs as a result of the amendment will take place under powers conferred by legislation, in accordance with the law, and only where necessary to deal with issues of plant biosecurity.

Section 24 — fair hearing

Section 24(1) protects the right of a person charged with a criminal offence or a party to a civil proceeding to have the charge or proceeding determined by a competent, independent, and impartial court or tribunal after a fair and public hearing.

In *Kracke v. Mental Health Review Board & Ors* (General) [2009] VCAT 646, Bell J. held that the right to a fair hearing in section 24 of the charter is not limited to judicial proceedings but can include administrative proceedings. His Honour observed that whether the right applies to administrative proceedings falls to be assessed on a case-by-case basis. In Kracke, Bell J. noted that, in assessing compliance with the right, regard may be had to the whole decision-making process, including reviews and appeals. While recognising the broader scope of section 24 in light of overseas jurisprudence, Bell J. said, at [417], that 'the term "proceeding", and also "party", suggest section 24(1) was intended to apply to persons and bodies who conduct proceedings with parties. To be a "civil proceeding", there would need to be a certain kind of procedure and means for identifying those parties'.

I have considered the effect of the following clauses on the fair hearing right: clauses 24, 25, 26, 27, 48, 50, 51, 58, 60 and 102. In each case, I consider that the procedures provided for in the bill, including the rights of appeal or review that are available, are appropriate to the nature of the particular interests that are at stake. In my opinion, there are no incompatibilities with section 24 of the charter.

Clause 137 intends to preclude any appeal in relation to, or review of, an action taken by the minister, secretary, an i or any other person that would stop, prevent or restrain that person from taking any action in relation to, or in consequence of, an outbreak or suspected outbreak of an exotic pest or disease within Victoria or within any other part of Australia. The provision is subject to a statement made under section 85 of the Constitution on the basis that the provision intends to deprive the Supreme Court of its jurisdiction. In my view, section 24 does not apply to the type of administrative decisions covered by clause 137. Therefore, the preclusion of appeal or review of such decisions does not engage section 24 of the charter. Even if the right is engaged, I consider any limitation is reasonable pursuant to section 7(2) of the charter.

Section 25(1) — presumption of innocence

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law.

Clause 132(1)(a) makes it an offence for persons to obstruct or hinder an inspector exercising the inspector's powers under the proposed act 'without reasonable excuse'. In my view, this provision does not transfer the burden of proof, because once the defendant has adduced or pointed to some evidence, the burden is on the prosecution to prove beyond reasonable doubt the absence of the exception raised. Furthermore, the burdens do not relate to essential elements of the offences and are only imposed on the accused to raise facts that support the existence of an exception, defence or excuse. Courts in other jurisdictions have generally taken the approach that an evidential onus on an accused to raise a defence does not limit the presumption of innocence. However, even if these provisions limit the right to be presumed innocent in section 25(1) of the charter, the limitation would be reasonable and justifiable under section 7(2). The defences and excuse provided relate to matters within the knowledge of the accused and, if the onus were placed on the prosecution, would involve the proof of a negative which would be very difficult.

Accordingly, I consider that this provision is compatible with section 25(1) of the charter.

Section 25(2)(k) — self-incrimination

Section 25(2)(k) of the charter protects the right of persons charged with a criminal offence not to be compelled to testify against themselves or to confess guilt. In Victoria, the failure to provide a protection against the use in criminal proceedings of evidence derived from compulsory questioning amounts to a limit upon the right against self-incrimination in section 25(2)(k) of the charter.

In the major crime decision, Chief Justice Warren held that the right is at least as broad as the privilege against self-incrimination protected by the common law, and applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid and held that the right extends to include both direct use and derivative use immunity (see *Re an application*

under the Major Crime (Investigative Powers) Act 2004 [2009] VSC 381). The Chief Justice did not rule out the possibility that a denial of derivative use immunity might be capable of justification in a regulatory context.

Clause 117 authorises an inspector to require a person to answer any question and produce for inspection any record or document for the purpose of preventing, controlling or eradicating an exotic pest or disease or any plant or plant product. Clause 118 expressly abrogates the privilege against self-incrimination by providing that the person cannot refuse to answer. However, if the person asserts the privilege, the answers are not admissible as evidence in criminal proceedings against that person. While the answers may not be used in criminal proceedings, it is possible that these answers will provide investigative clues to finding other evidence that incriminates the person. That evidence will be admissible in criminal proceedings, and it is intended that it be so.

Before requiring a person to answer a question or produce a document, an inspector must inform the person as to the effect of clause 118. That clause provides that a refusal or failure to furnish an answer, record, or document constitutes an offence under the proposed act and that the person cannot decline to answer any question or produce a document on the ground that the answer, record or document might tend to incriminate the person.

However, I am of the view that the limitation is reasonable under section 7(2) of the charter for the following reasons:

(a) The nature of the rights being limited

This has been outlined above. There are a number of rationales for the right against self-incrimination. These include that the state should not be able to compel an individual to assist it to prove that they have committed an offence, the concern about oppressive government conduct, the related concern about reliability of evidence, and the protection of privacy.

(b) The importance of the purpose of the limitation

The inspectors' questioning powers are important to ensure inspectors are able to obtain all relevant information where there is a need to prevent, control or eradicate an exotic pest or disease. The abrogation of the privilege is designed to protect the public interest in ensuring that inspectors have adequate powers to fulfil their functions of protecting Victoria against the spread of exotic pests and diseases.

It is possible that such powers will reveal the commission of a criminal offence and lead to the discovery of incriminating evidence. For example, answers to questions may lead to the discovery of an exotic plant or disease which, together with other evidence, reveals that the exotic plant was deliberately introduced by the person questioned. It is important that such offences be prosecuted. However, it would be extremely difficult to do so, if the actual exotic plant were not admissible in evidence.

(c) The nature and extent of the limitation

As outlined above, the provision compels a person to answer a question or produce a record or other document even if it may tend to incriminate that person. Before requiring a person to answer a question or produce a document, an inspector must inform the person as to the effect of clause 118, that is, that they cannot refuse to answer the question, but they can assert the privilege in which case any answers given cannot be used against them in criminal proceedings.

Here, the aspect of the right at issue relates to the use of derivative evidence. In providing for a direct use immunity, the 'principal matter' covered by the privilege is protected (see *Hamilton v. Oades* (1989) 166 CLR 486, at p. 496). While the use of derivative evidence engages one aspect of the rationale for the privilege — that a person should not be required to assist the state in building a case against him or her — it does so to a lesser extent than the direct use of evidence because of the fact that the derivative evidence exists independently of the will of the accused (see *Environmental Protection Authority v. Caltex* (1993) 178 CLR 477). This is particularly so in the context of clause 118 which extends the immunity beyond the answers of the person, to documents and records that are produced in accordance with the inspectors' powers. Further, it does not engage the most important principles underlying the right, namely the risk of improper interrogation techniques (including torture) or the unreliability of evidence obtained through such methods. As the Constitutional Court of South Africa has recognised, the ability to use derivative evidence does not negate the essential element of the right (see *Ferreira v. Levin* [1995] ZACC 13, [153]).

It is also relevant that the questioning powers may only be used for the regulatory purpose of preventing, controlling or eradicating an exotic pest or disease or any plant or product that the inspector has reasonable grounds for suspecting is infected or infested with an exotic pest or disease (see *R v. Jarvis* [2002] 3 SCR 757). To the extent that incriminating evidence may be derived from those answers, it is incidental to that purpose.

(d) The relationship between the limitation and its purpose

There is a close relationship between the limit and its purpose. Answers to questions posed by an inspector, and relevant records and other documents, are likely to be information in the sole knowledge of the questioned. The abrogation of the privilege facilitates compliance with the act by enabling an inspector to access information and evidence that is difficult or impossible to ascertain by alternative evidentiary means. There is a significant public interest in maintaining Victoria's biosecurity, and in prosecuting any regulatory breaches.

(e) Less restrictive means reasonably available to achieve the purpose

I consider that there are no less restrictive means reasonably available to achieve the purpose of this limitation. The inclusion of a derivative use immunity would undermine the ability to prosecute offences. There are very real difficulties with the inclusion of a derivative use immunity in the context of these regulatory powers. In particular, it would risk exclusion of the principal evidence of an offence, namely the actual exotic plant or disease. A person could effectively immunise themselves against prosecution simply by disclosing to the inspectors the location of an exotic plant or disease.

I have also considered whether the provision engages the right to free expression and/or privacy. In my view, the power is a crucial aspect of ensuring that an inspector is able to carry out his or her functions under the act. Further, there is no

element of arbitrariness given that it can only be exercised in furtherance of an inspector's powers under the act and a person must be informed of the effect of a failure to respond. As discussed above, the right to freedom of expression includes the right not to impart information. To the extent that the powers compel expression, I am satisfied that the power is reasonably necessary for the protection of public health in terms of section 15(3) of the charter. In my view, no issues of incompatibility with section 13(a) and 15 of the charter arise.

Conclusion

I consider that the bill is compatible with the charter because to the extent that some of its provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Joe Helper, MP
Minister for Agriculture

Second reading

Mr HELPER (Minister for Agriculture) — I move:

That this bill be now read a second time.

This bill will repeal and replace the Plant Health and Plant Products Act 1995 which has until now provided the key legislative framework in supporting the government's role in protecting Victorian plant industries from pests and diseases, and in facilitating the timely movement of produce to local, interstate and overseas markets.

This bill is the result of a comprehensive review of the Plant Health and Plant Products Act 1995 and will substantially improve the ability of government to respond to new plant pests and disease outbreaks.

The new bill is an important component of the government's wider biosecurity strategy for Victoria. This strategy aims to protect primary industries, the environment, social amenity and human health from threats by plant and animal pests and diseases and invasive plant species. The new bill will provide an improved legislative framework for the more effective management of plant pests and diseases.

Across Victoria there are more than 11 000 plant-based agricultural enterprises including grains, fruit and vegetables, nursery and cut flower industries. These plant industries make a significant contribution to our state economy. In 2007–08, Victoria accounted for $386 million of the nation's horticultural exports whilst grain exports were valued at $508 million. Victoria's forest industries are estimated to generate over $1 billion annually through timber production and amenity and tourism benefits. The long-term viability of plant industries in Victoria relies on maintaining its pest and disease-free status enabling sustainable production and allowing regulated plants and plant products to move within Victoria, interstate and to overseas markets.

The bill's objectives are to:

provide for the preventing, monitoring, controlling and eradicating of plant pests and diseases;

provide for the packaging, labelling and description of plants and plant products;

facilitate the movement of plants, plant products, used packages, used equipment and earth material within, into and out of Victoria; and

repeal the Plant Health and Plant Products Act 1995.

The bill remakes many provisions in the Plant Health and Plant Products Act 1995. Existing powers to protect plant industries and the natural and built environment from pests and diseases at the border and within Victoria will be enhanced.

Border protection will be strengthened by broadening the list of things that can carry pests or diseases into Victoria. This includes earthmoving machinery, rocks, sand and gravel.

A new section will enhance emergency response capability, by enabling the declaration of an infected place in the event of a detection of an exotic pest or disease.

A requirement for property owners to apply for a property identification code (PIC) will assist in the rapid contact of growers who may be impacted by a pest or disease. The successful PIC system in place in Victoria extends to plant industries under the Livestock Disease Control Act 1994. PIC implementation will be on a plant industry-by-industry basis and is strictly subject to industry consultation and support.

To monitor the movement of plant material and other host material (used equipment, packaging and earth materials), the bill provides for certification, packaging and labelling of plant and plant products, and for co-regulation arrangements together with third-party inspection services.

The bill will facilitate more efficient certification services in the future, by enabling assurance certificates, plant health certificates and plant health declarations to be transmitted electronically.

Minor improvements will be made to packaging and labelling requirements. The very successful co-regulation arrangements introduced as part of the current act will be maintained.

Four new powers for inspectors will boost the monitoring of compliance with the requirements of the bill. To provide an alternative to taking a person to court or fining a person for committing an offence, enforceable undertakings and adverse publicity orders are introduced. Revision of the penalty levels for offences will provide consistency with the Sentencing Act 1991.

Redundant and unnecessary provisions of the current act will be repealed, including those dealing with the approval of certification schemes, sales of prohibited seeds, country of origin labelling and labelling of plants for propagation. The country of origin labelling requirements in the current act will not be replaced because these are now fully covered by commonwealth legislation.

Complementary, wide-ranging non-legislative activities and tools will be implemented in support of the bill. This includes biosecurity educational initiatives used to promote industry adoption of biosecurity planning. Industry collaboration will be improved using a cross-industry policy forum of government and industry leaders.

In the development of this, the Department of Primary Industries (DPI) extensively consulted with plant industry stakeholders. DPI considered and addressed any concerns raised in some 40 industry submissions. Strong industry support for the new bill has been noted.

The bill will boost the department's capability to manage plant biosecurity issues in closer collaboration with plant industries and other state jurisdictions.

Statement under section 85(5) of the Constitution Act 1975

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by this bill. Clause 139 of the bill states that it is the intention of clause 137 to alter or vary section 85 of the Constitution Act 1975.

Clause 137 of the bill will prevent the institution or continuation of court proceedings that may stop, prevent or restrain the minister, the secretary, an inspector or any other person from taking any action under the bill in response to certification by the minister under clause 42 that an outbreak of an exotic pest or disease exists in Victoria or in any part of Australia outside Victoria.

Clause 42 will enable the minister to certify that an outbreak of an exotic pest or disease exists in Victoria, or that an outbreak of an exotic pest or disease exists in a part of Australia outside of Victoria and it is necessary or expedient to take action, including making an order under the new act, to prevent or reduce the risk of the spread of the pest or disease to Victoria. This clause replaces the existing section 28A(1) of the Plant Health and Plant Products Act 1995 which was inserted in 2004.

The reason for preventing the institution or continuation of any proceedings in the Supreme Court that would seek to stop, prevent or restrain action taken in response to an outbreak or suspected outbreak of an exotic pest or an exotic disease in Victoria or in any part of Australia outside Victoria, is that any preventive action to be taken following such an outbreak must be put in place immediately. Any delays in taking such action caused by proceedings before a court, even by a matter of hours, could result in the rapid spread of a pest or disease, adding significantly to the impact and costs of any eradication response.

If there is an outbreak of an exotic pest or disease such as fire blight in another state, Victoria would have to take immediate response actions such as imposing bans on the movement of plants until the situation and the risks to Victoria were fully evaluated.

I commend the bill to the house.

Debate adjourned on motion of Mr DELAHUNTY (Lowan).

Debate adjourned until Wednesday, 11 August.

LIQUOR CONTROL REFORM AMENDMENT BILL

Statement of compatibility

Mr ROBINSON (Minister for Consumer Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Liquor Control Reform Amendment Bill 2010.

In my opinion, the Liquor Control Reform Amendment Bill 2010, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the Bill is to amend the Liquor Control Reform Act 1998 to:

make responsible service of alcohol training requirements mandatory in respect of general, on-premises, packaged liquor and late night licences;

require all licensees to make free drinking water available to patrons on licensed premises when liquor is consumed;

exempt specified low-risk business types from the requirement to be licensed, subject to meeting specific conditions, including a requirement that such exempt businesses notify the director of liquor licensing;

enable other low-risk business types to also be exempt from the requirement to be licensed in the future by prescription in the regulations;

to make provision in relation to licensed premises that provide sexually explicit entertainment;

require licensees to notify the director of liquor licensing that they intend to provide sexually explicit entertainment and make it an offence if they fail to do so and impose specific fees;

simplify the terminology used in the act when referring to members of the police;

require that licence and permit applications be publicly displayed for 28 days from a date specified by the director of liquor licensing;

require licensees to display on their premises the most recently issued and received copy of their licence; and

correct an unintentional drafting error to allow on-premises licences to authorise the supply of liquor on premises (other than licensed premises) for up to three periods of the day, rather than for one of three periods of the day.

Human rights issues

Many licensees regulated by the act are bodies corporate, rather than individuals. Such bodies are not protected by charter rights. However, to the extent that the provisions of the bill relate to individuals, or affect licensees or permittees who are natural persons, the rights to freedom of movement, privacy, and freedom of expression are engaged by the bill.

Freedom of movement

Section 12 of the charter provides that every person lawfully within Victoria has the right to move freely within Victoria. Section 148B of the act engages this right by providing that a person can be issued with a 'banning notice', which can ban a person from being present at a designated area (or all licensed venues in a designated area) for up to 72 hours. Currently, a person can only be issued with such a ban if a 'relevant police member' suspects on reasonable grounds that the person is committing or has committed a crime.

Clause 22 extends this power by enabling a 'member of the police force' (rather than only a 'relevant police member') to issue a banning notice. This means an increase in the number of police members empowered to issue a banning notice.

The amendment is a practical step which simplifies the operation of the act. The term 'relevant police member' has little practical significance in terms of the number of police officers who are currently empowered to use the banning order powers. The use of the term is a historical quirk of the act. Currently, under section 148N, to become a 'relevant police member' a member need only be authorised either verbally or in writing by a police member with a rank of sergeant or above. As such, there is no practical reason to maintain the distinction between a 'relevant police member' and other members of the police force.

In accordance with section 7(2) of the charter, I now turn to consider whether the limitation imposed on freedom of movement by clause 22 is demonstrably justifiable in a free and democratic society.

(a) the nature of the right being limited

The right to freedom of movement is not regarded as an absolute right in international law and can be subject to reasonable limitations.

(b) the importance of the purpose of the limitation

The purposes of the banning notices are to reduce alcohol-related violence and disorder. They are aimed at protecting public order and the rights and freedoms of others, including the right to life in section 9, the right to privacy in section 13, the rights in respect to property in section 20 and the right to liberty and security of the person in section 21 of the charter.

The aim of expanding the power to issue a banning notice from 'relevant police members' to all 'members of the police force' is to simplify the operation of the act. As discussed above, there is no practical reason to maintain the distinction between 'relevant police members' and other members of the police force.

(c) the nature and extent of the limitation

As discussed above, the effect of clause 22 is to allow banning notices to be made by any member of the police force, rather than only 'relevant police members'. For the reasons given above, this will make little practical difference in differentiating between those who can and cannot issue a banning notice.

The banning notice provisions have been previously considered in the statement of compatibility for the Liquor Control Reform Amendment Act 2007. As discussed in that statement, the limitation on freedom of movement is carefully circumscribed by a number of safeguards. The power to ban a person from a designated area can only be exercised by members of the police force. Bans can only be put in place for up to 72 hours, and only apply to designated areas. The director may designate areas, but can only do so if he or she believes that alcohol-related violence or disorder has occurred in the immediate vicinity of licensed premises in the area and that the giving of banning notices is likely to be an effective means of reducing alcohol-related violence or disorder in the area.

Further, a member of the police may only issue a ban if he or she believes on reasonable grounds that the ban may prevent

the person to whom it is issued from continuing to commit the relevant offence or from committing any further offences. In making this determination, the member of the police force is required to consider the apparent state of health of the person and whether that person is capable of comprehending the ban.

Section 148B(6) prohibits the giving of a banning notice in respect of the designated area if the member of the police force believes or has reasonable grounds for believing that the person lives or works in the designated area.

(d) the relationship between the limitation and its purpose

The limitation imposed is directly and rationally connected to its purpose.

(e) any less restrictive means reasonably available to achieve its purpose

In my opinion, there are no less restrictive means available to achieve this purpose.

For these reasons, I consider that the limitation imposed on freedom of movement by clause 22 is demonstrably justifiable in a free and democratic society.

Privacy

Section 13(a) of the charter protects a person's right not to have his or her privacy, family, home or correspondence interfered with in a manner that is unlawful or arbitrary. The protection of privacy is not absolute, and disclosures that are authorised by law and which are not arbitrary are permissible under the charter. To the extent that they apply to individuals, clauses 8, 19 and 27 of the bill engage the right to privacy.

Clause 8 amends section 10(4)(c) of the act to provide that a club licence is subject to a condition that the club register be open for inspection by, among others, a 'member of the police force'. Currently, the provision refers to an 'authorised member of the police force'. The effect of the amendment will be to increase the number of police officers who may inspect a register. However, similarly to the amendment to section 148B, above, this amendment serves to simplify the language of the act and will have no significant practical effects. Currently, to become an 'authorised member of the police force', a police member need only be authorised either verbally or in writing by a police member with a rank of sergeant or above.

Further, I consider that the provision is neither unlawful nor arbitrary, as the type of information that must be made available in the club registers is clearly defined, and police access to that information is necessary to ensure that the regulatory regime can be adequately monitored and enforced. I therefore consider that clause 8 is compatible with the right to privacy under section 13(a) of the charter.

The right to privacy is also engaged by clause 19. Clause 19 inserts new section 108AE, which provides that a licensee must allow a member of the police force or a compliance inspector to inspect the licensee's approved responsible service of alcohol program register. The register contains the names of all persons who serve liquor on or from the licensed premises, the date they first served alcohol on or from the premises and information about the RSA training undertaken by those persons.

In my opinion, any interference with the right to privacy occasioned by this provision is neither unlawful nor arbitrary. The circumstances in which the register must be made available for inspection are prescribed by the act. The register will contain very limited information about the persons serving liquor at a licensed venue, and will only be accessible to particular persons for the purposes of ensuring compliance with the act. Clause 19 therefore does not limit the right to privacy under section 13(a) of the charter.

Clause 27 further engages the right to privacy. That clause amends section 148P of the act to provide that the director or a member of the police force may disclose certain information to a licensee, permittee, or his or her agent or employee. The information that may be released relates to banning notices issued under section 148B of the act. Currently, the act allows a 'relevant police member' to disclose this information; the bill expands this to include any member of the police force. This corresponds with the amendment to section 148B (discussed above) which will allow all members of the police force to issue a banning notice.

I consider that any interference with the right to privacy under clause 27 is neither unlawful nor arbitrary. The types of information that can be shared under this section, and the persons who are authorised to give and receive that information, remain carefully circumscribed. The provision serves the reasonable purpose of ensuring licensees can be made aware of persons who should not be present on their premises. For these reasons, I consider that clause 27 does not limit the right to privacy under section 13(a) of the charter.

Freedom of expression

The right to freedom of expression in section 15 of the charter has been interpreted in some jurisdictions to include a right not to impart information. This right may be engaged by clauses 6, 12, 16, 17 and 24.

Clause 6 requires certain types of low-risk businesses that seek an exemption from the act to notify the director that they intend to supply liquor in accordance with specified conditions and that they are seeking an exemption from the act. Clause 17 requires a licensee to notify the director within 21 days of commencing to provide sexually explicit entertainment on the licensed premises.

Clause 12 of the bill provides that an applicant for the grant, variation or relocation of a licence must display a notice of the application on the licensed premises (or the premises sought to be licensed) for a period of 28 days (or such shorter period as determined by the director) from the date determined by the director. Such information is already required to be displayed under section 34(1) of the act; this clause simply clarifies that the period in which the information must be displayed begins at the date determined by the director, rather than from the date the application is made.

Clause 16 similarly provides that licensees or permittees must display their most recent licence or permit on the licensed premises. Section 101 of the current act already provides that a licence or permit must be displayed; this amendment clarifies that the provision refers to the licence or permit that was issued most recently.

Clause 24 amends section 148D of the act to provide that a person must, on request, give his or her name and address to a

member of the police force where the member of the police force intends to give a person a banning notice under section 148B. The amendment will also require that the person to whom the request is made may ask the member of the police who makes the request to supply his or her name, rank and place of duty. Previously, section 148D only referred to 'relevant police member' rather than 'member of the police force', so the effect of the amendment is to expand the number of police force members who may request a name and address, and who must supply their own name, rank, and place of duty if requested under that section. The amendment corresponds with the amendment to section 148B (discussed above) which will allow all members of the police force to issue a banning notice.

To the extent that clauses 6, 12, 16, 17 and 24 impose any restriction on free expression, I consider that they come within section 15(3) of the charter, as they are a necessary component of the effective regulation of alcohol sales and consumption, and so are reasonably necessary to protect public order and public morality.

Accordingly, I consider that clauses 6, 12, 16, 17 and 24 are compatible with the right to freedom of expression in section 15 of the charter.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

The Hon. Tony Robinson, MP
Minister for Consumer Affairs

Second reading

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

That this bill be now read a second time.

The Brumby government is committed to maintaining Victoria's reputation as one of the most livable, attractive and prosperous areas in the world for residents, businesses and visitors. This bill aims to enhance the Liquor Control Reform Act 1998 by addressing a number of policy and technical issues.

The purpose of the act is to regulate the supply and consumption of liquor in Victoria. Liquor licensing plays an important part in the business and social culture of Victoria, and at the heart of the government's policy on liquor licensing is the need to minimise alcohol-related harm.

The purpose of the bill is to amend the act to:

strengthen and extend training requirements for responsible serving of alcohol (RSA);

mandate the provision of free drinking water in licensed premises where alcohol is consumed on site;

exempt specified businesses from the need to be licensed;

regulate licensed venues that provide sexually explicit entertainment;

extend the licence payment date until 31 March each year.

Responsible service of alcohol training

Responsible service of alcohol training is one important component of a risk management strategy to reduce and minimise alcohol-related harms. This training provides licensees and staff who work in licensed venues with the skills to manage their legal obligations as well as promote responsible consumption of alcohol. In late 2009 the Liquor Control Advisory Council recommended that more staff who work in licensed venues should be required to undertake responsible service of alcohol training and that legislative measures be strengthened to facilitate this.

The bill amends the act to extend mandatory responsible service of alcohol training requirements to additional licence types that pose higher risks of alcohol-related harm.

Staff who serve alcohol in late night, on-premises and general licensed venues, such as hotels, pubs, nightclubs, restaurants and bars, will now be required under the act to complete responsible service of alcohol training. Existing staff and licensees will be required to complete RSA training within 12 months of the changes being enacted and complete RSA refresher training every three years. New staff will be required to complete RSA training within one month of first serving liquor.

Affected licensees will also be required to maintain a register containing a certificate or record of the most recent RSA training completion.

The director of liquor licensing will have the authority to exempt an individual or class of individuals from mandatory RSA requirements based on an evaluation of the risk of harm arising from the misuse and abuse of alcohol supplied under the licence and the extent of the burden imposed on the licensee by the RSA requirement.

New offences have also been created relating to a failure to undertake RSA training, failing to maintain a training register, or allowing or permitting a staff member who has not undertaken training to serve alcohol on the licensed premises.

This will mean that more staff who work in licensed premises, and who typically play a more direct role than the licensee in supplying alcohol, will be better equipped to identify underage patrons, refuse service of alcohol if a patron is intoxicated, and manage patrons appropriately. This will positively influence serving practices within licensed venues and contribute to creating a safe and enjoyable environment for staff, patrons and the wider community.

Mandatory provision of free drinking water

It is important that drinking water is readily available where alcohol is consumed, because the drinking of water can slow down alcohol consumption, reduce the potential for intoxication and prevent dehydration associated with the consumption of alcohol.

Accordingly the bill will require all licensed premises where alcohol is consumed on site to provide free drinking water to patrons. The amendment will not specify the means of providing the water, and licensees will be free to determine whether free drinking water is supplied on display or on request.

If a licensed venue fails to provide free drinking water they will be liable for an infringement penalty of 3 penalty units or where a licensee is prosecuted for failing to comply with the act a maximum penalty of up to 30 penalty units.

The bill will enable the director of liquor licensing to exempt licensees from the requirement to provide free drinking water based on an evaluation about the risk of harm arising from the misuse and abuse of alcohol supplied under the licence and the extent of the burden imposed on the licensee by the requirement. Each case will be assessed on its own merits, however, this may include situations where winemakers provide tastings at outdoor farmers markets or where licensees do not have access to potable water.

Specified business exemptions

The third amendment provides that small business bed and breakfast operators, hairdressers, butchers and gift maker and florist businesses will be eligible for an exemption from the requirement to be licensed if they comply with certain conditions specific to each business type.

In 2009 the Brumby Labor government introduced a liquor licensing compliance directorate to free up police resources and to ensure that licensees were complying with their obligations under Victoria's liquor laws. The compliance unit completed over 25 000 inspections in its first year of operation.

Intelligence gathered by the compliance directorate has enabled us to exempt these small businesses from paying renewal fees with the confidence that they generally serve alcohol responsibly and therefore do not cost the Victorian community much to regulate. This also addresses concerns raised by industry following the implementation of the risk-based fee structure.

The exemption provisions will balance the need for the government to effectively monitor the incidental supply of alcohol in the community whilst recognising that for these businesses the supply of alcohol forms a very small and incidental part of their operations. This bill will therefore reduce the financial and regulatory burden on these businesses.

Exempt businesses will be able to supply limited quantities of alcohol to guests or clients as an ancillary function of the services they provide. These businesses will be required to notify the director of liquor licensing that they intend to supply liquor as an exempt business and must ensure that they do not supply liquor to minors.

Each exemption is intended to operate automatically upon notification to the director, but requires ongoing compliance with the relevant conditions. Failure to comply with these conditions while supplying liquor will mean the business is effectively supplying liquor without a licence and may result in enforcement action being taken against such businesses.

Sexually explicit entertainment venues

The bill will also amend the act to incorporate the regulation of licensed premises that provide sexually explicit entertainment as one of the objects of the act. This amendment will clarify the intention of the act to regulate these venues. The amendment recognises that the way sexually explicit entertainment licensees run their businesses uniquely affects the wellbeing of patrons, staff and the community, and reinforces the need for regulation that adequately addresses these distinctive characteristics and wider impacts.

The bill also amends the act to impose an annual licensing fee regime for licensed venues that provide sexually explicit entertainment. The bill will impose a base fee of $30 667.29 on these venues, increasing up to $61 334.45 for those venues with a poor compliance history.

The bill will also require licensees who intend to provide sexually explicit entertainment to notify the director of liquor licensing, and failure to notify where required will attract a penalty of up to $1194.

Fee renewal time frames

The bill will also extend the licence payment date until 31 March each year giving licensees additional time to pay the fee and where appropriate provide additional time for a licensee to make a hardship application.

Technical changes

The bill will also make some technical changes to the Liquor Control Reform Act 1998 to improve its operation.

These include streamlining the language that is used to refer to members of the Victoria Police in the act and clarifying which members of the police can exercise the law enforcement provisions in the act.

Finally, the bill will amend the act to require liquor licence applicants to display the public notice of their application from the date specified by the director of liquor licensing rather than the date the application was made. This amendment will clarify how long a person has to object to a licence application. Licensees will also be required to display the copy of their liquor licence most recently provided by the director of liquor licensing.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 11 August.

CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL

Statement of compatibility

Mr ROBINSON (Minister for Consumer Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

Human rights issues

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Consumer Affairs Legislation Amendment (Reform) Bill 2010.

In my opinion, the Consumer Affairs Legislation Amendment (Reform) Bill 2010, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The objectives of the bill are to consolidate and modernise many of Victoria's consumer acts, as well as repealing redundant and otherwise unnecessary legislation.

The bill:

repeals the Disposal of Uncollected Goods Act 1961 and inserts a new framework for dealing with the disposal of uncollected goods into the Fair Trading Act 1999;

repeals the Introduction Agents Act 1997 and inserts a compliance framework for introduction agents into the Fair Trading Act 1999;

repeals the Carriers and Innkeepers Act 1958 and inserts modernised provisions to allow accommodation providers to limit their common-law liability into the Fair Trading Act 1999;

re-enacts the Sales of Goods (Vienna Convention) Act 1987 and the Sea-Carriage Documents Act 1998 in the Goods Act 1958;

amends the Consumer Affairs Legislation Amendment Act 2010 to prohibit certain debt collection practices and provide compensation to consumers who have experienced humiliation or distress as a result of those practices. The bill also makes various statute law revision amendments to that act;

amends the Estate Agents Act 1980 to remove redundant provisions, simplify compliance requirements and strengthen penalties for breaches of audit requirements;

amends the Conveyancers Act 2006 to simplify compliance requirements and strengthen penalties for breaches of audit requirements;

changes requirements for off-the-plan sales by amending the Sale of Land Act 1962 to increase the cap on deposits for off-the-plan sales, enhance disclosures and strengthen safeguards for the handling of deposits;

amends various consumer acts by standardising powers for the issuing of infringement notices;

repeals the balance of the Landlord and Tenant Act 1958 and inserts a savings provision for prescribed premises under that act into the Residential Tenancies Act 1997 to ensure protected tenants can maintain their tenancies;

modernises definitions in the Motor Car Traders Act 1986 and allows certain people to apply for permission to act as a licensee;

amends the Travel Agents Act 1986 by clarifying supervision requirements for travel agents;

amends the Victorian Civil and Administrative Tribunal Act 1998 to give VCAT greater capacity to award costs in owners corporation disputes;

makes consequential amendments and other amendments to a number of other acts.

Human rights issues

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

Section 8 — Right to equality

Section 8(3) of the charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. Section 3 of the charter provides that 'discrimination', in relation to a person, means discrimination within the meaning of the Equal Opportunity Act 1995 on the basis of an attribute set out in section 6 of that act.

Part 2, division 2 — introduction agents

Introduction agents provide a service introducing clients to other people who might be interested in having a personal relationship with the client. The proposed sections 93AM(1)(a) and (g) in clause 7 of the bill will impose a restriction on persons under 18 years and on represented persons from operating as introduction agents. In doing so, it places a limit on the right to equality, on the basis that such persons will not be permitted to engage in this occupation. I note that these restrictions are in line with many other licensing acts in Victorian legislation such as licensees under the Motor Car Traders Act 1986 and agents' representatives under the Estate Agents Act 1980.

Consideration of reasonable limitations — section 7(2)

(a) the nature of the right being limited

The right to equality requires that Victorian laws apply generally to people without discrimination. Discrimination may be direct (immediately apparent on the face of a law) or it may be indirect (where the practical effect of a law impacts more harshly on a people possessing a particular attribute). Both direct and indirect discrimination may breach the charter. Like all rights set out in the charter, the right may be subject to reasonable limitations under section 7(2) of the charter.

(b) the importance of the purpose of the limitation

The purpose of the limitation imposed by the eligibility criteria is to ensure that persons acting as introduction agents can adequately perform the duties of introduction agents, and may be held fully accountable for their actions.

The limitation is also intended to protect minors (who do not have the necessary level of maturity) and represented persons (whose ability to make reasonable judgements in respect of certain matters is impaired) from being employed in positions where there is a potential for harm due to contact with vulnerable members of the public.

(c) the nature and extent of the limitation

The provision will have the effect of excluding persons under 18 years and represented persons from operating as introduction agents.

(d) the relationship between the limitation and its purpose

The restriction is directly related to the purpose of the legislation, which is to ensure that consumers deal with introduction agents who are responsible and fully accountable for their actions. Ensuring that minors and represented persons, who may not make appropriate judgements when dealing with vulnerable members of the public, do not act as introduction agents is directly connected to this objective.

Age limits necessarily involve a degree of generalisation, without regard for the particular abilities, maturity or other qualities of individuals within that age group. In this clause, age is being used as a proxy measure of the maturity and capacity of an individual. It is reasonable in this particular context for Parliament to set an age limit reflecting its assessment of when a person will have the sufficient maturity to make responsible decisions.

Regarding represented persons, it is also reasonable that their eligibility to perform this service be restricted. Represented persons are those who are unable, by reason of a disability, to make reasonable judgements in respect of personal matters and their other circumstances, and have thus been appointed a guardian to assist them to make decisions.

(e) any less restrictive means reasonably available to achieve its purpose

In my opinion, there are no less restrictive means available to achieve the restriction's purpose.

Section 13 — Right to privacy

Section 13 of the charter prohibits interferences with privacy that are 'unlawful' or 'arbitrary' and prohibits the unlawful attack on a person's reputation. The United Nations Human Rights Committee has said that a law which authorises interference with privacy must be precise and circumscribed. The requirement that all interferences must not be arbitrary means that even interferences with privacy that are provided for by law should occur in accordance with the provisions, aims and objectives of the charter and should be reasonable in the particular circumstances.

Disclosure of personal information will engage the right to privacy.

Part 2, division 1 — uncollected goods

Proposed section 32ZZA in clause 3, as well as clause 6, engage the right to privacy. The provisions will have the effect of permitting the Roads Corporation to release information about the registered operator of an uncollected motor vehicle to a bailee who wishes to dispose of that vehicle. These two provisions are intended to allow the bailee of an uncollected motor vehicle to contact a registered operator of the vehicle to inform the operator that the vehicle has become an uncollected good and may be disposed of by the bailee unless the operator takes delivery of the vehicle. Without this provision, the operator may be unknowingly deprived of their right of possession of the vehicle. Hence, the provision is intended to benefit the operator by increasing the likelihood that the operator can regain possession of their vehicle.

In my opinion, the interference with the privacy of the registered operator does not limit the right as it is neither unlawful nor arbitrary. The ability of the bailee to access the information is limited. The bailee must provide the Roads Corporation with information establishing their need for the registered operator's details. The Roads Corporation may only grant the application for information if satisfied that the

application is being made lawfully. The bailee must enter into a confidentiality agreement with the Roads Corporation under section 92(4) of the Road Safety Act 1986 to ensure that information will only be used for the purposes specified in the agreement.

Section 15 — Freedom of expression

Section 15 of the charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria. Section 15 also provides that the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons; or for the protection of national security, public order, public health or public morality.

Part 4 — amendments to the Consumer Affairs Legislation Amendment Act 2010

Clauses 23 and 70 (new sections 93M and 162AA) prohibit a range of debt collection practices, including the disclosure of debt information to persons who do not have a legitimate interest in that information, and the making of various false or misleading representations about a debt. To the extent that these provisions may engage the right to freedom of expression, in my opinion the right is not limited. The restrictions are intended to protect the right to privacy and reputation of debtors from interference caused by the unwarranted disclosure of debt information, and to protect public order by ensuring that debtors are not misled regarding their rights concerning the debt they are alleged to owe or the debt collection process.

Section 20 — Property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law.

Part 2, division 1 — uncollected goods

Division 1 of part 2 introduces a new framework to allow people to dispose of other people's goods that are uncollected in a manner that is confined and structured, rather than arbitrary and unclear in cases where other legislation does not make provision for such disposals. I consider that the new framework, which allows bailees to dispose of uncollected goods, engages but does not limit property rights.

At common law, bailees face onerous duties to safeguard goods and can generally only dispose of goods if it is absolutely necessary to do so, or where the goods have been abandoned. New section 32ZS(6) in clause 3 will ensure that the bailor of any property will be able to agree with the bailee to override the terms of the part to make other provision for the disposal of uncollected goods if this is desired.

Where the bailor (and, in the case of more valuable goods, other people known to have an interest in the goods) is known and can be contacted, the bailee is obliged to give written notice to the bailor and wait 28 days before sale can occur. If there is a dispute about the charge or other aspects of the bailment (for example, the condition of the goods after the bailment), either party may apply to VCAT or a court to resolve the dispute during this time.

Where a bailor has failed to collect goods in accordance with the terms of a bailment or where the bailor is not known or cannot be located, the bailee must retain possession of the goods for extended periods of time (the period of time being dependent on the value of the goods). High-value goods must be disposed of by either publicly advertised auction or a public auction.

A bailee may also apply to a court or VCAT to dispose of the goods. This ensures that there is independent oversight of any disposal outside of the two methods described above.

Any surplus proceeds from the sale of goods disposed of (after the bailee has deducted their reasonable costs) remains the property of the owner and can be claimed from either the bailee or, in due course, the registrar of unclaimed money.

Therefore, any deprivation of property that may occur under this part is appropriately confined and would be in accordance with law. Consequently, section 20 of the charter is not limited.

Part 2, division 3 — accommodation providers

New section 93U (clause 12 of the bill) clarifies existing common law which allows innkeepers to take a lien over guests' property (except motor vehicles, by virtue of section 31 of the Carriers and Innkeepers Act 1958).

Proposed section 93U allows an accommodation provider to take a common-law innkeeper's lien over goods owned by a guest where the guest has failed to pay for contractually agreed services. The lien must end when the guest pays the agreed sum. Because a guest can avoid deprivation of property by paying the agreed sum, the right is not limited.

Conclusion

I consider that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and justified in the circumstances.

Hon. Tony Robinson, MP
Minister for Consumer Affairs

Second reading

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

That this bill be now read a second time.

This bill represents the second tranche of reforms from the consumer affairs legislation modernisation project, a project that has undertaken significant reform of the consumer affairs statute book and contributed to the Brumby government's commitments to modernise and consolidate Victoria's statute book, cut red tape and reduce the regulatory burden on business.

I will now describe some of the key proposals in the bill.

A new framework for the disposal of uncollected goods

The bill introduces a new framework for uncollected goods that clarifies how a person can dispose of goods that have been left in the possession of that person but not claimed. The law modifies the common law which provides that, in the absence of an agreement for the disposal of unclaimed goods, bailees — people receiving goods — can generally only dispose of such goods if it is absolutely commercially necessary to do so, or if the goods have been abandoned. Both such defences are difficult to prove and if the bailee cannot prove them, he or she may be liable in an action of conversion.

To remedy this, the Disposal of Uncollected Goods Act 1961 was enacted. However, discussions with the Victorian Automobile Chamber of Commerce, whose members are among the main users of the legislation, highlighted several problems with the current legislation, including confusion about its application and that the process that it outlines is costly and difficult to use.

The legislation is also narrow in scope, and does not resolve uncertainty that exists in many bailment situations such as involuntary bailments.

To remedy this, the bill introduces a new framework that is modelled on a similar framework in New South Wales. The framework will not apply in circumstances where other legislation provides for the disposal of uncollected goods.

The New South Wales legislation operates across all bailments, and it ensures that bailees are able to recover their charges, while any surplus from a sale under the legislation is handled as unclaimed money to be returned to its owner.

As a general rule, if the provider of the goods is known — and in the case of higher value goods, any other person the bailee knows holds an interest in the goods — goods can be disposed of 28 days after correct written notice is given. In other instances, goods must be held for varying periods according to their value. Bailees can also apply to a court for an order to dispose of goods. Methods of disposal vary according to the value of the goods, and additional safeguards will apply for the disposal of motor vehicles. Importantly, if the provisions do not meet their needs, providers and receivers will be able to make their own agreements for the disposal of uncollected goods.

This new framework will allow the repeal of the Disposal of Uncollected Goods Act 1961 and part IVA of the Landlord and Tenant Act 1958, which provides for the disposal of goods left behind at the end of tenancies not covered by the Residential Tenancies Act 1997.

Simplified regulation of introduction agents

The Productivity Commission, in its report of the Review of Australia's Consumer Policy Framework, recommended that there should be a review of occupations that are licensed or registered in only one or two jurisdictions and recommended that unnecessary regulation be identified and repealed.

Victoria and Queensland are the only jurisdictions that require registration of introduction agents.

Having reviewed the regulatory framework, it has been concluded that registration of introduction agents now represents an unnecessary burden.

The bill therefore proposes the repeal of the Introduction Agents Act 1997 and the insertion of a new part into the Fair Trading Act 1999 that simplifies regulation of the sector, and introduces a negative licensing system.

The bill prohibits a range of people operating as an introduction agent. For example, sex work service providers are prohibited from operating as introduction agents to ensure that the public can clearly distinguish between introduction agents and sex work service providers.

Many existing safeguards relating to introduction services are also retained, including minimum content requirements for introduction agreements, restrictions on prepayments and a cooling-off period.

Limitation of accommodation providers' liability

Because many tourists only stay in Victoria for short periods, it is important for the tourism industry that tourists can use Victorian traveller accommodation with the confidence that they will be able to obtain redress quickly for the loss of property. At common law, this has been achieved by making an innkeeper strictly liable for the loss of guests' goods. Only limited defences are available to this liability, such as an act of God or the fault of the guest.

However, the liability imposed by the common law is clearly onerous for innkeepers. Consequently, the Carriers and Innkeepers Act 1958 limits that liability where an innkeeper displays the required signage. The current provisions, introduced in 1970, limit liability to

$100 for goods not in safekeeping, and $2000 for goods kept in safekeeping.

The bill modernises this framework by introducing provisions modelled on recent Queensland legislation as a new part of the Fair Trading Act 1999. Many of the modernised provisions reflect recommendations made by the Scrutiny of Acts and Regulations Committee in its review of the Carriers and Innkeepers Act 1958 in 1998.

Reflecting these recommendations, one of the key changes made in the new part will be to modernise terminology. For example, an 'innkeeper' will become an 'accommodation provider'.

Liability limits will be adjusted to $300 for goods not in safekeeping, a level similar to that in Queensland, and $3000 for goods kept in safekeeping provided that the accommodation provider displays the relevant signage. Accommodation providers will be able to refuse a request to place something in safekeeping if they have a reasonable excuse for not doing so. The liability limits will not apply where the loss is caused by the intentional or negligent act or omission of an accommodation provider.

These new provisions will allow the Carriers and Innkeepers Act 1958 to be repealed.

Amendments to the Goods Act 1958

To improve usability for users of Victoria's mercantile law, the bill consolidates the Sale of Goods (Vienna Convention) Act 1987 and the Sea-Carriage Documents Act 1998 into the Goods Act 1958. The bill also repeals the now redundant offence of signing an untrue bill of lading.

Debt collection practices

As part of the process of modernising Victoria's regulation of debt collectors, the bill prohibits the use of several unfair debt collection practices in the collection of debts and the repossession of goods in trade or commerce. The prohibited practices will be used to determine who is prohibited from acting as a debt collector.

No Australian jurisdiction has directly prohibited a wide range of unfair debt collection practices in the manner proposed in this bill. This is an important reform to ensure that businesses collecting debts, whether or not those debts are being collected on behalf of someone else, and consumers are aware of what is unacceptable.

One of the prohibited practices directly replicates a prohibition that will apply under the Australian Consumer Law, namely the prohibition on the use of physical force, undue harassment and coercion. It is intended that the new section will operate in a manner that is consistent with, and not alter the effect of, the provision in the Australian Consumer Law.

Other key prohibited practices relate to the impersonation of public officials, the use of documents that resemble official documents such as infringement notices, threats to take possession of goods where no entitlement exists, disclosure of debt information and the use of certain false or misleading representations about debts such as false representations that a debt is a fine or other penalty.

In its report on the Review of Australia's Consumer Policy Framework, the Productivity Commission noted that 'As a matter of jurisprudence, court-based damages do not extend to many instances when non-pecuniary detriment may arise, nor to cases of irritation or nuisance … despite the fact that such nuisance has as much validity in an economic sense as other sources of detriment'.

The bill therefore proposes that where a person collecting a debt has engaged in a course of conduct using prohibited debt collection practices, that person, or a person involved in the conduct, is liable to pay damages of up to $10 000 to compensate consumers for the humiliation or distress caused. It is expected that the conduct involved would have to be oppressive and unacceptable before such damages are awarded. Similarly, damages under the statute will not be available in the event of a one-off accidental or technical breach of the section, and costs will be able to be awarded in the event of frivolous or vexatious litigation.

Allowing access to emotional distress damages for poor debt collection practices is not novel. Such damages have been commonplace in the United States for many years. Similarly, the United Kingdom has recognised damages for anxiety including distress arising from harassment by creditors and debt collectors through its Protection from Harassment Act 1997. Such damages help to ensure that the costs of consumer detriment, so far as money can do it, are borne by those people who, through the use of unfair debt collection practices, cause the detriment.

Amendments relating to estate agents and conveyancers

The bill updates some aspects of the regulation of estate agents and conveyancers. These reforms include bringing the processes for submitting audit reports into line with the Corporations Act 2001, streamlining a range of conduct requirements, and removing confusion about what constitutes a registered office.

Increased deposit limits for off-the-plan sales of land

Following representations from industry stakeholders concerned about the constraints placed on transactions relating to off-the-plan sales of land, the bill proposes to increase the maximum deposit allowed from 10 per cent to 20 per cent for these sales.

To minimise the risks associated with this change, two additional safeguards are proposed.

First, all contracts for off-the-plan sales of land will have disclosures advising that the amount of deposit is negotiable, warning that a significant period of time may elapse between the day a contract is signed and when a person becomes the registered proprietor, and warning that the value of the property may change between the day a contract is signed and when a person becomes the registered proprietor.

Second, the ability to establish joint accounts will be removed. Instead, all deposit money will have to be held by someone who has a fiduciary responsibility for that money.

The bill also improves access to legal advice during the cooling-off period for sales of land.

Amendments relating to owners corporations

Following stakeholder feedback, the bill makes three amendments to improve the operation of owners corporations.

First, the bill simplifies delegations from an owners corporation to a committee. Owners corporations must currently delegate powers to committee by instrument. The bill will allow such delegations to be made by resolution recorded in the minutes of a general meeting to simplify the process that owners corporations must follow to ensure that committees are armed with necessary powers while ensuring that owners corporations are aware of what functions a committee is empowered to carry out.

Second, the bill simplifies processes for witnessing the use of the owners corporation's seal in connection with owners corporation certificates.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr ROBINSON (Minister for Consumer Affairs).

Mr ROBINSON (Minister for Consumer Affairs) — A registered manager or an owners corporation chairperson will be able to witness the use of the seal, rather than requiring two lot owners.

Finally, the bill amends the Victorian Civil and Administrative Tribunal Act 1998 to confer on VCAT greater flexibility to award costs in disputes relating to unpaid arrears of owners corporation fees. To date, costs orders have been limited to legal costs, leaving many owners corporations out of pocket for the costs of pursuing arrears of fees. Such fees are used for the provision of important functions such as building insurance. It is therefore vital that owners corporations are not prevented from pursuing those arrears because of the costs of doing so.

Other amendments

The bill amends several consumer acts to standardise powers relating to the issuing of infringement notices across the consumer affairs portfolio.

Section 112A of the Fair Trading Act 1999 is amended to ensure that courts do not make costs orders against a consumer when a consumer exercises their right to move a matter into the no-cost small claims list at VCAT. Such costs orders defeat the intent of the section to ensure consumers have access to low-cost redress.

Following the case *Astvilla v. Director of Consumer Affairs Victoria*, section 143 of the Fair Trading Act 1999 is amended to clarify that the section applies not only to directors who are knowingly concerned in criminal contraventions but also to directors who are knowingly concerned in civil contraventions. This will make it easier to obtain injunctions against directors who are knowingly concerned in contravening conduct.

The balance of the Landlord and Tenant Act 1958 is to be repealed in this bill. The few remaining protected tenants will retain their protections, although the bill clarifies that only the partner of a protected tenant can take over the tenancy in the event that the tenant dies, resolving ambiguity about who may take over a tenancy.

The bill modernises definitions in the Motor Car Traders Act 1986 and allows certain people to apply for permission to act as a licensee.

The Travel Agents Act 1986 is amended to clarify the status of the manager of each place where a travel agency business is conducted.

Finally, the bill includes statute law revision, as well as consequential amendments relating to the change of the short title of the Prostitution Control Act 1994.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Member for Box Hill).

Debate adjourned until Wednesday, 11 August.

Remaining business postponed on motion of Mr CAMERON (Minister for Police and Emergency Services).

ADJOURNMENT

The ACTING SPEAKER (**Mr Nardella**) — Order! The question is:

That the house do now adjourn.

Community services: Doncaster electorate

Ms WOOLDRIDGE (Doncaster) — I rise to call on the Minister for Community Services to immediately allocate more funding for health and community services in my electorate of Doncaster. I have already spoken in this chamber about how the city of Manningham lags significantly behind other municipalities in terms of funding for health, community and youth services. The staff at Manningham community health, at Doncare, at Onemda and at a small number of other organisations perform fantastically, stretching their budgets as far as they can and enlisting an enthusiastic band of volunteers to assist, but they desperately need further financial support.

As part of the parliamentary internship program, I commissioned a report on exactly this issue. Emma Birrell did a wonderful job. Her report concluded there are significant and often disturbing gaps in the community services sector in the Manningham area. Emma argues greater financial priority must be given to Manningham's community services. This does not necessarily translate to government bodies like the Department of Human Services needing to allocate more funds to the area but instead a better and fairer distribution of existing funds.

She also states it is common practice for Manningham residents to be forced to leave the area in order to access the services they need. For example, young people struggling with homelessness are directed to EastCare in Whitehorse, health-care card holders must go to Whitehorse or Maroondah to access dental services, and the lack of a men's behavioural change program means participants are referred as far away as the Yarra Ranges.

Emma's report concluded that more services should be based in Manningham, that the relocation of those services could be attracted through financial incentives, that local businesses should assume more corporate responsibility and that there should be improved public transport access with a tramline extension to Westfield Doncaster.

Community service providers argue the stereotype that Manningham faces of being an affluent and prosperous municipality hinders its ability to promote its causes, while residents face the same challenges and issues that affect many others across Victoria.

A recent explosion in demand for emergency relief has confronted Manningham's major welfare agency, Doncare, which has been forced to shut down and scale back vital intervention and prevention programs. As a result, two Chinese playgroups and a popular parenting program, Hands on Parenting Support, are ending. Two workers have been made redundant and Doncare's counselling and domestic violence support programs have also been reduced. The Chinese playgroups have run for eight years due to the generosity of local charities and have acted as a support for families who are isolated within their own homes and from mainstream services by their culture and language.

Clearly funding for community-based health services, family services, youth, housing, disability and child protection services in Manningham lags significantly behind that of our neighbouring municipalities. I call on the government to no longer overlook Doncaster but to ensure that we have the funding to enable us to provide appropriate and accessible health, youth and community services for all Doncaster residents.

Pound–Shrives roads, Hampton Park: safety

Ms GRALEY (Narre Warren South) — This evening I raise a matter for the attention of the Minister for Roads and Ports concerning the intersection of Pound Road and Shrives Road in Hampton Park. The

action I seek is for the minister to ask VicRoads to investigate improving safety at this intersection.

The intersection of Pound Road and Shrives Road is one of the busiest in my electorate. It is regularly the site of long waits in traffic as people seek to turn safely so they can get home, to school, to the shops and to other facilities. Residents in the nearby estates regularly complain to me about having difficulty getting into and out of their neighbourhoods. The lengthy waits often contribute to dangerous driving, with aghast onlookers reporting the risky behaviour of some drivers. I have been contacted about this matter by numerous residents who are not only tired of waiting themselves but who are also concerned that increasingly there are accidents and near misses at this intersection and thus are worried that someone will be badly injured or lose their life.

I have written to the Minister for Roads and Ports on behalf of Mrs Leeann Rice of Narre Warren South because she tells me it is a very congested intersection and is often the cause of delays for many local residents. Mrs Rice also feels that this intersection is very dangerous and is in need of traffic lights to improve traffic flow and increase safety for motorists and pedestrians alike.

I have also been contacted by Jennifer Sculac, who said:

> I have, and also the neighbours have, cars through our front fences almost every other week.

Peter and Sarah Strong tell me:

> I have yet again read with interest in the *Journal* newspaper … that Clyde Road, Berwick, is to have another set of traffic lights installed, after a visit from roads minister Tim Pallas. Do you think next time he visits the area that you might take him in peak hour traffic to the corner of Pound and Shrives Road, Narre Warren South. Every day there are people taking their life into their own hands turning right from Pound into Shrives Road, and when also having to turn into Pound Road from Hampton Park. Constantly I watch cars cut through the local petrol station to try and avoid this dangerous intersection.

In fact, the petrol station at this intersection is, much to the displeasure of the owners and the customers, used as an alternative route to bypass the intersection. This has been far too common a practice and is indeed risky as customers and especially their children could easily be hit by a car seeking to sneak quickly through the petrol station onto Pound Road. I note that in the five-year period ending 31 December 2009 there were 23 casualty crashes recorded at this intersection, including 8 serious injury crashes.

The problems at this intersection are well known to the Minister for Roads and Ports, as I have had numerous conversations with his staff and written to him many times expressing the views of my concerned constituents. It is time to remedy the situation at this intersection. I request that the minister ask VicRoads to investigate improving the safety at this intersection.

Peter Ross-Edwards Causeway: safety

Mrs POWELL (Shepparton) — I would like to raise a matter with the Premier. The action I seek is for him to provide funding to establish lighting for the full length of the Peter Ross-Edwards Causeway in Shepparton.

At 6.30 p.m. on 15 July a horrific accident involving three cars closed the Peter Ross-Edwards Causeway until the next morning, causing huge disruption to traffic. Six people were injured: one woman and four children in one car, and the driver of another car. Tragically, four-year-old Jason Hanley died of his injuries the next day, and I would like to pass on my sympathy to Jason's family and friends. I would also like to congratulate the people who assisted at the accident, as well as our wonderful emergency services. I congratulate Lisa Cardillo, who put three of the children in her car and looked after them until the ambulance arrived. Lisa phoned Neil Mitchell's program on 20 July to tell him about the accident and the dangerous condition of the road. Neil said he would tell the Premier, who was on the show later. The Premier responded by saying:

> Obviously it's a tragic terrible accident that's occurred and if we can do something with the lighting we will.

I urge him to honour that commitment.

The Peter Ross-Edwards Causeway is part of the busy Midland Highway between Shepparton and Mooroopna. It also connects the key regional centres of Geelong, Ballarat, Bendigo and Benalla. It is a very busy, congested and narrow road with four narrow lanes — two lanes going each way — and six very narrow bridges along the length of the causeway.

In 2000 I called on the government to undertake a safety audit after there was a spate of accidents on the causeway. That was completed in 2001, and it found the road did not even meet VicRoads' minimum safety standards. In 2003 I presented petitions containing 6500 signatures calling for an upgrade of this dangerous road. In 2004 a planning study identified eight options including lighting the full length of the causeway, a raised median strip to separate the traffic, and other safety measures. Sadly, the second cheapest

option was chosen, and unfortunately the request for lighting the full length of the causeway was rejected. There was $6.3 million allocated in the May 2004 budget, which blew out to over $10 million because construction did not commence for three years. Without the lighting on this causeway emergency crews are put at huge risk, as are people whose vehicles break down at night on this dangerous road.

People who travel the road have told me over the last 10 years how vulnerable they feel, particularly because of the mix of traffic, with B-doubles, ambulances, school buses, family cars and people on motorbikes. It is a very busy road, it is very narrow and there have been a number of accidents, including a number of deaths, on it over many years. This road needs to be fixed as soon as possible to make sure people can travel safely along it. In 2004 there were about 22 500 vehicles on the road; obviously that number has now increased. There are higher than normal numbers of commercial transport trucks on the road, so we have to make sure people are safe when travelling on it.

The ACTING SPEAKER (**Mr Nardella**) — Order! The member's time has expired. Before I call the member for Geelong, I point out that the matter raised by the member for Shepparton is more relevant to the Minister for Roads and Ports. Can I suggest it be referred to that minister for a response?

Mrs Powell — If the Premier wishes, but my request is to the Premier because he made the commitment on radio.

The ACTING SPEAKER (**Mr Nardella**) — Because he is not the responsible minister, there may not be a response.

Mrs Powell — I am happy for it to be passed on to the Minister for Roads and Ports.

Ms Beattie — On a point of order, Acting Speaker, I think if you check back on matters raised for the Premier, you will see that the Treasurer or the minister for finance can cover all areas. I think there have been rulings from the Chair that they be referred to the specific minister responsible.

The ACTING SPEAKER (**Mr Nardella**) — It will be referred to the Minister for Roads and Ports.

Community development: Thomson project

Mr TREZISE (Geelong) — I raise an issue for action by the Minister for Community Development. The issue relates to a community development project that is just getting under way in Thomson, which for the information of the house is in the eastern suburbs of my electorate of Geelong. The action I seek is for the minister to provide support or ensure that support is given to this important community-based project.

Earlier this year I met with a number of residents in Godfrey Street, Thomson, to discuss and try to resolve a number of issues they had with antisocial behaviour in their neighbourhood. There were issues relating to bad behaviour, hoon driving, vandalism, noisy neighbours, drunken or drug-related behaviour, et cetera. The residents and I came to the conclusion that dealing with these issues on an ad hoc or issue-by-issue basis was pretty ineffective. We concluded that another course of action would be to address these and other issues as they relate to the Thomson area by approaching them in a more holistic manner — that is, by exploring and implementing community-wide issues building on the strengths of the area of Thomson and of the various organisations within the neighbourhood, perhaps identifying weaknesses or what is missing in the area, and for the community to come together to build a more cohesive or better place in which to live.

In partnership with the local residents we met with representatives of the local primary school, the kindergarten, the senior citizens club, the sports club, the City of Greater Geelong, the police and other government departments, which were all very keen to go down the path of a community development plan. On Monday just past we held two community meetings, which were attended by around 50 people, all of whom were very keen to participate in the project as well.

The minister is well aware of the importance of local neighbourhoods building on their cohesiveness and working together to improve those neighbourhoods. I know she would be impressed by the enthusiasm shown by the local residents in Thomson on Monday night. I therefore seek the support of the minister and her department in ensuring the Thomson community development project — which as I said is up and running — is eventually successful in making the Thomson community an even better place to live.

Nepean Highway–Bungower Road, Mornington: traffic cameras

Mr MORRIS (Mornington) — In May of this year I raised a matter for the Minister for Police and Emergency Services regarding the Bungower Road and Nepean Highway traffic cameras. The minister has now responded, and I thank him for his response. In his response he explained precisely how the red light

cameras are intended to work. He also responded on the direct issue I had raised with him, which was the operation of the cameras. He indicated in his correspondence that infringements are issued only when vehicles enter the intersection after the light has turned red, which is as everyone understood it to be. However, on reading the minister's letter and re-reading the correspondence of many constituents, it appears to me there may well not have been a fault with the camera but in fact a fault with the traffic sensors at the intersection.

The action I seek from the Minister for Police and Emergency Services this evening is that he investigate the operation of the road sensors at the intersection of Nepean Highway and Bungower Road in Mornington for the period from December 2009 until 30 June 2010. It is clear from the correspondence that there has been a failure of some sort. Constituent after constituent has indicated — and I will run through a few of the letters quickly — that they were in the intersection when the light turned amber and that they were still pinged by the traffic camera. I have seen that occur myself. Some work certainly appeared to be done on the sensors in late May to early June of this year. That may be relevant; I am not sure.

I will give a flavour of what people are saying. One constituent wrote that 'there is not enough time to allow for the turn if cars are turning into both Tallis Drive and Shandon Street as you can be caught waiting' in the intersection. Another wrote:

> … I had already entered the intersection on a green light waiting to complete my turn and by the time —

the constituent had completed their turn —

> … the light had already turned red …

The next one says:

> I entered the intersection to turn right on a green arrow and as the traffic moved forward it slowed to almost a standstill because the access to Shandon Street was blocked by cars turning right into Tallis Drive …

Yet another wrote:

> … the lights go for only 8 seconds … Some are … turning on green and are getting flashed before they can even complete the turn.

Another wrote:

> A licensed driver for 35 years and never run a traffic light in my life. There was clearly something very wrong with … these lights!

Still another constituent wrote that she had been:

> … driving for approximately 34 years without incident. I can fairly confidently say that I know the difference between red and green.

Finally, another constituent wrote that he assumed the offence:

> … occurred whilst we were trying to make a right turn from the Nepean Highway into Shandon Street, where you are … delayed by cars turning into Tallis Drive.

The correspondence continues in that vein. Clearly it is not a matter of people committing an offence and trying to find a way out of it. There is a technical issue with this intersection, and we need to solve the problem.

Craigieburn: community renewal funding

Ms BEATTIE (Yuroke) — I wish to raise a matter for the urgent attention of the Minister for Community Development. I call on the minister to provide funding and to support the applications from Hume City Council to the Community Renewal Flexible Fund for the Hamilton Street and Sydney Road gateway rejuvenation project in Craigieburn and the Craigieburn community transport service. Craigieburn community renewal has requested $144 000 to upgrade the entrance to the Craigieburn community renewal site and improve the physical appearance of the gateway between the new and more established neighbourhoods of Craigieburn. This project has been identified as a very high priority for the Craigieburn community during the establishment phase of community renewal, and a recent community survey confirmed the project's significance among local residents.

Hume City Council has also applied for a further $60 000 to provide community transport to residents of Craigieburn. This will involve a 17-month introductory bus service that will utilise existing community vehicles for a demand-responsive door-to-door service. This is an innovative project that will go a significant way to addressing transport disadvantage in Craigieburn. Through adopting a whole-of-community approach the service will provide better access to community facilities, commercial precincts and support services for people who experience difficulties accessing public transport. The plan will make life substantially easier for members of a number of demographic groups in the Craigieburn community renewal area, including older people, young people, sole parents and their children, and new arrivals. The project would adopt a partnership model — very much the way of the Brumby government — involving a number of organisations, including LINK Community Transport, the Brotherhood of St Laurence and Ford Australia.

Both these projects are extremely worthwhile. Most importantly they have been led by the community to address the needs of the community. I know this firsthand; I am the chair of the strategic partnership group of Craigieburn community renewal. These projects are very well supported by the community and by the City of Hume. This is why I ask the minister to support these two very worthwhile projects. They are a very high priority for the people of Craigieburn. The minister was in Craigieburn just a couple of weeks ago. I know she spoke to many members of the community, and they certainly put their views to her very strongly. I call for support for those applications.

Planning: water catchment building permits

Dr SYKES (Benalla) — My issue is for the Minister for Planning. I request that he address the planning concerns raised with him by Mr Brian Johnstone of Goughs Bay. The particular issues raised with the minister by Mr Johnstone are, firstly, the increasingly stringent interpretation of the setback distance for buildings being constructed around the shores of Lake Eildon, and secondly, the increasingly overzealous interpretation of the maximum housing density guidelines within water catchments.

In relation to the setback for buildings there has been a toughening up from 50 metres back from the high-water mark to 100 metres, and there is even a view that it is out as far as 300 metres. I have sought clarification from Goulburn-Murray Water on this matter and I have received a reply courtesy of a Mr Russell Barnier, who has confirmed that the setback distance is 50 metres in most cases, with some constraints.

In relation to the building density guidelines, they are now being sought to be applied at a maximum of one house per 40 hectares. Common sense would dictate that this should apply only to land zoned for farming, but recent Victorian Civil and Administrative Tribunal rulings have indicated that this guideline for maximum building density is being applied across all applications for building permits in all designated water catchments. That has a very significant impact on the future economic development of much of northern Victoria, in particular the electorate of Benalla.

Mr Johnstone wrote to the minister, and since that time he has met with a number of key staff from various government agencies, including Mr Con Tsotsoros, assistant director, planning systems management, Department of Planning and Community Development; Shellie Painter from western region water industry, Department of Sustainability and Environment; Rob Franklin, general manager, sustainability, Western Water; David Sheehan, Department of Health; and Michael Wheelahan, Department of Sustainability and Environment. They have agreed that the issues Mr Johnstone has raised are genuine and need to be addressed. It is critical that these issues be addressed immediately because they are causing unnecessary stress and cost to people attempting to get building permits to construct dwellings, particularly around Lake Eildon.

My request to the minister is for him to take on board these concerns, support his staff and staff in other government agencies and boards that have recognised the problem and ensure that this problem is fixed immediately.

Buses: Melbourne-Port Phillip-Yarra service review

Mr FOLEY (Albert Park) — The matter I wish to raise is for the attention of the Minister for Public Transport. The specific action I seek is that as part of the current Melbourne-Port Phillip-Yarra bus service review being carried out by his department he pay particular attention to the views of the communities of the district of Albert Park in expanding the 606 bus route.

The Melbourne-Port Phillip-Yarra bus service review is one of a number of bus reviews currently being undertaken by this government and the Department of Transport. In the inner suburban area of Melbourne covered by this bus review there are some 48 different routes that link a variety of communities across this diverse area. The focus I have is on but one bus, that is, the sometimes mysterious 606 bus route that runs from Port Melbourne to St Kilda. That is a bus service that dates from the post-Second World War era where essentially the dormitory suburbs around St Kilda were linked to the industrial suburb of Port Melbourne around the shiftwork patterns of large industrial establishments in Port Melbourne. That service has continued for many years essentially on those timetables, and across that time it has been relatively well patronised but across a very small number of operations — in fact only nine services across the entire day.

The route currently winds its way from Wharf Road at the Boeing facility to Luna Park and through the many communities in between. As I say, it runs nine times a day between the hours of 6.35 a.m. and 6.10 p.m., and whilst this may well have suited historical industrial patterns of the post-war environment it no longer necessarily meets the manifold demands of growth of

population in the communities of both Port Melbourne and St Kilda, which represent the growth areas of my electorate in terms of population and residential areas, let alone the many schools, facilities and commercial activities in the many communities in between.

The linking of these communities along the beachfronts from Elwood to Port Melbourne, as well as the commercial centres, facilities and schools, is very much the missing part of the jigsaw of public transport in this community. I urge the minister to look at ensuring that the process he has currently under way delivers this much-needed review of linking these communities in a way that promotes public transport as a safer, more efficient and sustainable form of transport that will meet the needs of this community for many years to come.

Templestowe Park Primary School: building program

Mr KOTSIRAS (Bulleen) — I wish to raise a matter for the attention of the Minister for Education, and the action I seek is for the minister to investigate the reasons for the failure of her department to progress the Building the Education Revolution project at Templestowe Park Primary School in a timely and efficient manner.

School councils do not normally criticise governments. They do so only when they have exhausted all avenues and when students' learning opportunities are restricted or disrupted. You never hear school councils coming out and openly criticising the government unless there is a real problem. Month after month the education department and the minister have ignored the school's requests, so it had no choice but to write to the minister to seek some assistance. In the letter to the minister, a copy of which I was given, as was the federal Minister for Education, the Honourable Simon Crean, the school council said:

> Since the start of the school year we have had to endure a number of significant inconveniences in order to accommodate the proposed changes including: operating without an art room, out-of-school-hours care area, shifting of our library to an outdoor undercover area, as well as operating with a number of combined classes. These inconveniences were tolerable when we considered the benefits that the new building and improved layout offered.
>
> We were also prepared to temporarily lose our 'prep precinct' which has provided an important environment for beginning students to feel secure during their transition. The portables once used for this precinct were relocated to the main … area covering two basketball courts whilst construction was supposed to start on the main building.
>
> These portables were left with temporary power, foundations, drainage, security and water supply and have no disabled access. We have now been informed that because the project is over budget these portables will need to remain in their temporary location. Also other portables that have been deemed fit only for demolition are also to be left in a position that detracts from the effective operation of the school.
>
> …
>
> We question the effectiveness of the project and the lack of controls and accountability for delivering what we as a school community were expecting. We find it extraordinary that the project is already over budget yet the only progress to date is clearing of the building site …
>
> There are still no clear or realistic time lines being provided and the issue is causing significant stress amongst the staff who continue to endure difficult teaching conditions …

I ask the Minister for Education to get out of her office, visit the school and see for herself the problems that this is causing, to see for herself the harm it is causing the children and the staff and to do something about it. The minister should get out there, talk to people and not hide in her office. She should stop hiding and think of the students.

Frankston: aquatic centre

Dr HARKNESS (Frankston) — I raise a matter for the Minister for Sport, Recreation and Youth Affairs. The action I seek is for the minister to visit Frankston to meet with members of the local community who are keen to see the Frankston aquatic centre finally built. As the minister is aware, I have been a very enthusiastic and vigorous advocate for this project for quite a number of years. There is also an enormous groundswell of support for this project. Members of the community are basically sick and tired of waiting for the pool to be built; they would like it to be built now. Community representatives would like to show the minister on his visit to the aquatic centre site its proximity to Chisholm TAFE, the railway station, its main road access and of course its incorporation into the Frankston central activities district. If constructed, this centre will provide a social, entertainment and activity centre for people of all ages, abilities and interests. It will incorporate health and wellness services, which would also be able to provide advice and support to assist people leading healthy and active lifestyles.

People living in Frankston make much less use of public swimming facilities than other Melburnians because the region lacks a suitable facility that provides for a broad range of interests. Frankston needs a major regional aquatic centre to service a large and growing population. The existing pools in Frankston are simply not coping with this and with similar growth in

surrounding municipalities. Quality aquatic facilities are an important component of community sport and recreation infrastructure. They play an important role in improving individual fitness, strengthening communities, enhancing water safety skills and creating local employment opportunities as well.

The state government has made an extraordinary and unprecedented funding offer to Frankston City Council to get this facility built now. In fact currently the state government is the only level of government with actual funding on the table. Up until now — —

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

Responses

Ms D'AMBROSIO (Minister for Community Development) — I want to thank the member for Geelong, who is a real champion for his local community. He has brought to my attention the needs of the residents of Thomson. From the description of the proposal he has provided here tonight, on the face of it he, together with the Thomson community organisations and the City of Greater Geelong, is developing a very exciting building project in the form of the Thomson community development project. The issues raised by the member for Geelong are indeed very important. We as a government are very committed to doing all we can to help communities help themselves. I will certainly take steps to see to it that the department's regional team links up with the Thomson community as soon as possible to see whether there are opportunities for assistance to be provided in further developing the project as has been described.

On the matter raised by the member for Yuroke I wish to acknowledge the enthusiasm the member for Yuroke has for the projects she described. She is very passionate about the Craigieburn community renewal project, and she certainly never misses an opportunity to lobby me on behalf of her community. It was a great pleasure to have joined her recently in Craigieburn, together with members of the community renewal project there. The member for Yuroke has asked me to support two applications for two projects by Hume City Council for funds from the Community Renewal Flexible Fund: the Hamilton Street and Sydney Road gateway rejuvenation project and the Craigieburn community transport service.

The community renewal was announced as part of A Fairer Victoria in 2006. It was announced to address disadvantage in targeted urban communities. This program has seen the Brumby government invest a total of $20 500 000 over six years targeting eight community renewal sites. Community renewal delivers a range of benefits to communities, including, for example, stimulating local business activity through support for community and social enterprises, expanding job and training opportunities and building local leadership and networks.

The applications the member for Yuroke has raised with me are to the Community Renewal Flexible Fund. The purpose of this fund is to provide funding that can be used to leverage other investments for the development and delivery of community-endorsed projects identified in local action plans. These local action plans identify key community priorities and objectives, which may include, of course, economic development, increased jobs and training opportunities, better community facilities and more attractive open spaces. I know these objectives, including the ones I have just mentioned, are very much part of the Craigieburn community renewal project.

As we know, communities are best placed to understand and articulate their own needs. These local action plans allow communities to do this and involve them in the process of addressing those needs. The government's role is to listen to these communities and then work with them to achieve these objectives. In Craigieburn the community has identified rejuvenation of the gateway and the Craigieburn community transport service as being vital to the livability of their community. I understand that in addition to the obvious benefits of these projects they also promote collaboration between local partners. That is a key priority of the local action plan.

We in government understand that partnerships are very important to get good outcomes for local communities. I understand that Hume City Council's applications are currently being considered, and I will certainly be looking carefully at those proposals in the coming weeks.

For now I would like to thank the council and the Craigieburn community renewal committee, ably chaired by the member for Yuroke, for their hard work in pulling together what seem to be very good applications. I wish to congratulate them for taking such a cooperative approach to addressing the needs of the Craigieburn community.

The member for Doncaster raised an issue for the Minister for Community Services. I will certainly refer that on.

The members for Narre Warren South and Shepparton both individually raised matters for the Minister for Roads and Ports.

The member for Mornington raised a matter for the Minister for Police and Emergency Services.

The member for Benalla raised a matter for the Minister for Planning.

The member for Albert Park raised a matter for the Minister for Public Transport.

The member for Bulleen raised a matter for the Minister for Education.

The member for Frankston raised a matter for the attention of the Minister for Sport, Recreation and Youth Affairs.

I will ensure that each one of those matters is brought to the attention of those ministers.

The ACTING SPEAKER (**Mr Nardella**) — Order! The house is now adjourned.

House adjourned at 10:38 p.m.