

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 5 October 2010

(Extract from book 14)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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

Joint committees

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

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

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

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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.

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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.

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS

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

Mr E. N. BAILLIEU

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

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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Brooks, Mr Colin William	Bundoora	ALP	Morris, Mr David Charles	Mornington	LP
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Clark, Mr Robert William	Box Hill	LP	Noonan, Wade Mathew ⁸	Williamstown	ALP
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Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
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Langdon, Mr Craig Anthony Cuffe ⁷	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 Resigned 25 August 2010

⁸ Elected 15 September 2007

⁹ Resigned 6 August 2007

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Tuesday, 5 October 2010

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.05 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Members: government scrutiny

Ms ASHER (Brighton) — My question is to the Premier. Can the Premier explain to Victorians why hundreds of thousands of taxpayers dollars are being spent on a secret dirt unit operating from the Premier's office to investigate the private, personal and sexual conduct of members of Parliament?

Mr BRUMBY (Premier) — I thank the Deputy Leader of the Opposition for her question. As I have already indicated publicly today, I think it is entirely appropriate that public commitments made by the opposition be properly scrutinised by the government of the day. Again, as I have already explained today, it is entirely appropriate that there are members within our team who scrutinise the policies and commitments of the opposition.

Honourable members interjecting.

The SPEAKER — Order! I ask the members for Malvern, Warrandyte, Scoresby and Hastings to cease interjecting in that manner.

Mr BRUMBY — Today the Treasurer released detailed information in relation to policy commitments that have been made by the Leader of the Opposition, which are uncosted — —

Honourable members interjecting.

The SPEAKER — Order! I warn the members for Scoresby and Warrandyte.

Mr BRUMBY — They are uncosted and represent promises that have been made — —

Honourable members interjecting.

The SPEAKER — Order! I ask the members for Footscray and Burwood to cease interjecting in that manner. The Minister for Health will cease interjecting in that manner or he will not stay at question time.

Dr Napthine — On a point of order, Speaker, the Premier is debating the question. I ask you to bring him back to order with respect to answering and being relevant to the question.

The SPEAKER — Order! I uphold the point of order.

Mr BRUMBY — As I was saying, the Treasurer released that information today, and that represents appropriate scrutiny of commitments and public policies that have been made by the opposition.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to come back to addressing the question.

Mr BRUMBY — It is somewhat ironic that the point of order was taken by the member for South-West Coast, who would well remember the Burwood by-election and comments he made at the time.

It is entirely appropriate in a political debate where competing ideas and policies are put forward by different political parties that those policies be properly scrutinised and properly costed. It is entirely appropriate and responsible to do that.

Economy: performance

Ms LOBATO (Gembrook) — My question is to the Premier. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the premier update the house on how the Victorian economy is performing?

Honourable members interjecting.

The SPEAKER — Order! The member for Hastings is warned, and so is the Minister for Health.

Mr BRUMBY (Premier) — I thank the member for her question. I am pleased to report to the house that since we last met there has been further confirmation of the strength of the Victorian economy and the strength of jobs growth in our economy. There has also been the release of more recent Australian Bureau of Statistics demographic statistics that show that Victoria continues to be the place to be in terms of Australian aspirations and a great place to live, work and raise a family. The ABS data released at the end of last week shows that a net total of just over 2000 people moved to Victoria from other states and territories in the year to March. That is the largest increase in almost a decade, and it reflects the fact that we have a strong quality of life and a strong economy, and that in terms of arts, culture and sport we remain the standout state in Australia.

For anybody who doubted that, there was the great event last weekend, the UCI Road Cycling World Championships, at which we estimate between

150 000 and 200 000 people saw what was a great cycling event for Victoria. We also had the wonderful feedback from the international secretariat that this was the best event in the last two decades.

In terms of the economy, we created more than 100 000 jobs in the last financial year. More than a third of all the jobs created across Australia in the last year were in Victoria. On our side of the house we have always said that jobs growth is a priority — making sure we can support families and doing that through strong jobs growth. We have done that by cutting payroll tax, cutting land tax, cutting WorkCover premiums, cutting red tape and regulation, investing in infrastructure and reforming our skills system. In turn, this has resulted in significant jobs growth.

Two weeks ago I was in Mildura with the Minister for Energy and Resources when we announced \$100 million funding for Mildura for what will be the largest solar plant in Australia. The Mallee solar park will create 200 new jobs during construction and 20 ongoing jobs, and it will generate enough power to feed 60 000 homes each year. As the mayor of Mildura, Glenn Milne, said on 22 September, ‘I feel like we’ve already won the grand final’. That is part of our target of 5 per cent solar energy by 2020.

Last Monday the Minister for Public Transport and the Minister for Industry and Trade announced that the Dandenong-based company Bombardier would design, construct and maintain 50 new low-floor trams for Melbourne as part of what is an \$800 million investment by the government. That will generate 500 new jobs mainly throughout the south-east of Melbourne.

Minister Allan also announced that the government procurement contracts for the \$4.3 billion regional rail link project will require an overall 80 per cent minimum local content, again guaranteeing thousands of new jobs for our state in the years ahead.

There have been a number of other jobs and investment announcements since then, including the redevelopment of Warrnambool’s Gateway Plaza, creating up to 600 construction jobs; the roll-out of new Aldi stores in Victoria at Drysdale, Geelong West, Highton and North Balwyn — \$26.5 million and 256 jobs; and a major retail and office development at the former Ringwood market site, creating up to 1000 new jobs.

Finally, the retail sales figures out today show that over the year Victorian retail sales grew by 5.8 per cent. That is the highest growth of all the states and well above the

3.8 per cent growth recorded nationally. And of course the building approval figures which came out last Friday show that Victoria recorded the highest value of building approvals in the 12 months to August 2010 with \$23.4 billion, ahead of New South Wales with \$18 billion and Queensland with \$17.8 billion. We have now been ahead for 28 consecutive months.

All of this is a good story about our state, about a strong budget position, about strong economic management and about strong jobs growth. Victoria is a great place to invest, a great place to get a job and a great place to raise a family.

Members: government scrutiny

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Is it not a fact that the secret dirt unit operating out of the Premier’s office sought to obtain copies of the opposition’s security and visitor register to identify persons who had met with the opposition over the last four years?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. His premise is false. In relation to the second matter, I would not have any knowledge of those matters. I know that from time to time FOI requests are made in relation to who visits my office, and I know that from time to time FOI requests are made about who I meet and that FOI requests are made for my diary. I do not know who makes those requests and I do not want to know who makes those requests, but I know that they are made.

Water: Victorian plan

Ms MARSHALL (Forest Hill) — My question is to the Minister for Water. 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 advise the house on progress against the government’s 2007 water plan projects and measures and any risks to the completion of this important plan to secure water supplies for Victoria in a climate change future?

Mr HOLDING (Minister for Water) — I am very pleased to receive this question from the member for Forest Hill. As all members of this Parliament know, in 2007 the Victorian community faced its biggest ever water crisis. It came after many years of drought. We saw the lowest inflows into our storages in Melbourne in our history, we saw the lowest inflows in our history into our storages along the Murray River, and it came on the back of many years of drought — our longest

and driest drought. So in 2007 the government was forced to take very significant action.

We said we would do five things. Firstly, we said we would continue our water conservation efforts; secondly, we said we would do more water recycling; thirdly, we said we would build Australia's largest desalination plant; fourthly, we said we would connect the state in a statewide water grid; and fifthly, we said we would invest in the biggest program of improvements and upgrades to our irrigation system in our nation's history.

I am very pleased to be able to report to this house that enormous progress has been made on the delivery of that vitally important 2007 plan. Firstly, in relation to our endeavours to continue our ongoing water conservation efforts, we saw the Target 155 campaign. This campaign has been derided by some, including the member for Brighton, the opposition's urban water spokesperson. We, on the other hand, understood that encouraging Victorians to use less water was one of the cheapest and fastest measures we could take to preserve our precious water supplies. By keeping to the 155-litre target Victorians have been able to save tens of billions of litres of water since that campaign was introduced.

We said we would continue our water recycling efforts, and Melbourne has now become the best major city in Australia for water recycling in terms of the percentage and volume of water that is recycled. We said we would build Australia's largest desalination plant. There are those who say this project was never, ever needed. There are those who say these major projects were never, ever needed. Instead we are ensuring that Victorians have access to a non-rainfall-dependent source of water. This is a source of water that is climate change proof. It is a source of water that is drought proof, because we get it regardless of rainfall. Regardless of the level of rainfall, we will get water from Victoria's desalination plant. That is why it is such an important part of this government's water plan.

I am pleased to report to the house that the project is on budget and on schedule. This project will be delivering water by the end of 2011. We said we would connect the state in a statewide water grid. We have seen the completion of the Wimmera–Mallee pipeline project. That was completed more than five years ahead of schedule. It has secured water supplies in the north-west of Victoria for dozens of towns and for farmers who rely on that system. It is one of the most profound investments that we could have made, and it took a Labor government to deliver it. It took a Labor government to deliver the funding for the project and a

Labor government to make sure that the project remained on schedule.

We completed the Sugarloaf pipeline project ahead of schedule and under budget. We completed the goldfields super-pipe project, securing Ballarat and Bendigo. We completed that on time and under budget. We said we would construct the Hamilton–Grampians pipeline project. We completed it ahead of schedule and under budget. We said we would reconnect the Tarago Reservoir, and we completed it ahead of schedule and under budget. These are the projects that those opposite said were never, ever needed.

We said also that we would upgrade and modernise Victoria's irrigation infrastructure. We have seen the biggest investment in irrigation infrastructure in this nation's history. This is the biggest water-saving project that Australia has ever seen, with stages 1 and 2 of the food bowl modernisation project ultimately saving 425 billion litres of water — water that was previously wasted because of an inefficient system. It took a Labor government to put a billion dollars on the table, in partnership with farmers and with Melbourne Water consumers, to make sure we that we could fix up this leaky, aged irrigation system.

It has taken a Labor government to make these vitally needed investments in projects that are absolutely essential for our state's future. Of course there are risks to these projects. There are risks from those who say these projects were never, ever needed. There are risks from those who would have constructed a dam instead of building projects that secure us against the danger of climate change. It has taken a Labor government to make these investments, and those projects and programs have been derided by those who mocked the Target 155 campaign, who opposed the goldfields super-pipe and who said we should have abandoned the food bowl modernisation project because the savings could not be made.

It has taken a Labor government to embark on these projects, and Victorians will be grateful in the decades to come that a Labor government took the courageous, difficult and sometimes controversial decisions to secure this state's water future.

Opposition staff: government scrutiny

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Is it not a fact that the secret dirt unit operating out of the Premier's office stationed government staff outside the opposition's office to photograph opposition staff and visitors coming to the opposition's office?

Mr BRUMBY (Premier) — Again the premise of the question is false, and the answer is no.

Princes Highway: M1 upgrade

Ms GRALEY (Narre Warren South) — 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 progress of the M1 project and how this project is creating jobs, and is he aware of any challenges?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Narre Warren South for her question. I am pleased to report to the house another landmark event in the delivery of an outstanding project for the people of the western and south-eastern suburbs of Melbourne.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte will not be warned again.

Mr PALLAS — The delivery of this vital piece of infrastructure for metropolitan Melbourne will ensure that the 160 000 motorists who use the M1 every day will be able to do so with surety that the road will perform much better than it has in the past. On the weekend we saw an additional lane opened, which means essentially 7 kilometres of new road on the Monash Freeway inbound between High Street and Burnley. We have also been able to deliver this project two months earlier than scheduled. Of course this is just a demonstration — and I understand that those opposite are getting rather blasé about such achievements — of the early delivery of transport infrastructure, because it follows on from the Geelong Ring Road and the Calder Highway, and all of these projects have been delivered months ahead of schedule. Victoria is about delivering quality infrastructure to ensure that commuters spend less time in traffic and more time at home with their families and friends.

At a cost of \$1.39 billion the M1 project has a benefit-to-cost ratio, an economic benefit, of \$14.5 billion — that is about a 10-to-1 return on the investment for the economy of Victoria. When it is completed it will increase the capacity of the M1 by 50 per cent, but only one side of this chamber has supported this project. Indeed the member for Polwarth has said that the project would produce no benefits even when it is completed. Motorists and businesses in the south-

eastern and western suburbs of Melbourne would have to disagree.

This government has remained focused on the delivery of a vital piece of infrastructure. The M1 will be Australia's first fully managed automated 75 kilometres of freeway. We will not only be increasing the lane availability but also making sure that we have ramp meters and a lane-use management system that is one of the most sophisticated in the world. The evening peak average speed on the Monash outbound has risen by 45 per cent since the new lanes opened.

The new ramps to be opened on the West Gate Freeway are to improve safety and traffic flows from the tunnels to the West Gate Bridge. The West Gate Freeway from Kings Way to Todd Road, that vital piece of infrastructure, is experiencing a 50 per cent reduction in accidents, a 97 per cent increase in average speeds inbound in the morning peak and a 59 per cent increase in average speeds in the outbound evening peak.

Even last week we heard the Leader of the Opposition criticising this project. The provision of these five lanes will be vital to ensuring that the economic opportunity and vitality of metropolitan Melbourne is unleashed and continues to assert itself. The M1 forms a vital part of the \$38 billion Victorian transport plan, but it has never been supported by the opposition. Our plan to support jobs and create new economic opportunities is encapsulated in this plan, but we have been waiting 846 days for the opposition to deliver its transport plan. That is planning writ large; the opposition is planning away. It told us it would deliver this plan progressively, but this is a whole new definition of progress.

Meanwhile we are getting on with delivering the Victorian transport plan. Only one side of this place was prepared to build the M1 and only one side of this place was prepared to plan to build Victoria the best transport network in Australia — the Brumby Labor government. The passage of time is slowly but inexorably eroding the credibility of the opposition. The opposition is a wasteland, destitute of ideas and endeavour.

Minister for Finance, WorkCover and the Transport Accident Commission: comments

Mr CLARK (Box Hill) — My question without notice is to the Premier. Will the Premier rule out the government giving legal support or indemnity to the Minister for Finance, WorkCover and the Transport Accident Commission and guarantee that Victorian taxpayers money will not be used to pay the minister's legal expenses following Ms Lovell's defamation

action after the minister spread fabricated claims about her from the Premier's secret dirt unit?

Mr BRUMBY (Premier) — As I understand it, this is entirely a matter for the Victorian Managed Insurance Authority.

Mr Wells interjected.

The SPEAKER — Order! I suggest to the member for Scoresby that he will not be warned again.

UCI Road Cycling World Championships

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on how the Brumby government's major sporting events reputation was enhanced by the UCI Road Cycling World Championships in Geelong, and is the minister aware of any challenges to this?

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I thank the member for South Barwon for his question. On Saturday over 120 000 people travelled to the MCG and the AAMI Park live site to watch the AFL Grand Final broadcast. The next day over 180 000 people packed the streets of Melbourne and Geelong to watch the last day of the UCI Road Cycling World Championships, which, alongside the Tour de France and the Giro d'Italia, forms cycling's triple crown.

Some people said it would be too tough for our state to host both events, but this is what Victoria does best. Nowhere in the world puts on major events, and simultaneous major events, like Victoria. The world road cycling championships were an enormous success, and this was summed up by yesterday's *Geelong Advertiser* headline, which said:

Thanks for the ride, it was amazing: UCI boss McQuaid lauds Geelong

The international cycling head, Pat McQuaid, had this to say about the event:

... the best world titles in at least 15 years ...

...

... I think you'll find this really helps put Geelong on the world map ...

He also said:

... it should give Geelong the confidence to go after any other major event.

There is also this headline from the *Geelong Advertiser*: 'City wows world with perfect event'. And there are these comments from Geelong Otway Tourism head Roger Grant:

I'm getting phone calls from the tourism industry overseas, and they are really excited and say Geelong looks a million dollars.

Everyone who has seen the images on television is blown away by them.

He also stated:

The biggest shot in the arm ... is the international exposure.

I was asked about threats to our major events calendar. The threat to events such as these championships is from those who do not understand them, who do not believe in them and who try to undermine them. Amongst all the excitement, the goodwill and the pride in Melbourne, and particularly in Geelong, there was one group that openly slammed the event. Consider this: while UCI boss Pat McQuaid described the event as 'magnificent', another group described it as 'chaos'; while Geelong mayor John Mitchell said, 'Geelong has grown up today ... Geelong has grown up to the world', another group described the event as a 'lost ... opportunity to place Geelong on the international stage'.

Finally, while the gallant defending champion, Cadel Evans, said the noise of the Geelong crowd in the final stages was 'deafening — my ears were ringing', another group claimed that 'few would know the event was being held in Geelong'. Who would say such nonsense? Those were the comments of the member for Lowan. The opposition is completely and utterly out of touch with reality.

The SPEAKER — Order! The minister will come back to government business.

Mr MERLINO — Some 293 000 spectators knew the event was being held in Geelong. A worldwide television audience of over 400 million knew the event was being held in Geelong. Everyone knew — except those opposite. I will quote the mayor of Geelong again. He stated:

... to the people that said it wouldn't work — we told you it would. If there is anyone out there who doesn't think this has been a success they are ... kidding themselves.

Finally, I will quote from Friday's *Geelong Advertiser* editorial, which states:

... sport is fast becoming this city's prime export, drawing a massive audience around the country and now it seems, overseas as well. It is a powerful economic driver for the region, a powerful marketing tool and it's not about to change.

Sadly it could change. Talking down major events, incompetently failing to understand their impact overseas and promoting dud events like the Red Bull Air Race is a sure-fire way to destroy what has become an economic and social trademark of this state.

Members: government scrutiny

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the fact that more than 37 000 Victorians are on the elective surgery waiting list, that more than 41 000 Victorian families are unable to access public housing, that violent crime is at record levels, that the ambulance service and child protection systems are in crisis and that public transport in this state is in chaos, and I ask: is the Premier not ashamed of responding to this crisis by using taxpayers money to fund a secret dirt unit out of his office to smear opponents in order to cover up his government's failings after 11 years in office?

Mr BRUMBY (Premier) — Let me go to the issues raised by the Leader of the Opposition in his question. In relation to our health and hospital system, we have put the best part of 10 000 new nurses, support staff and medical staff into the hospital system. In relation to the performance of the system, at 30 June this year there were 37 000 patients on the elective surgery waiting list. That is down almost 8 per cent on the 40 300 who were waiting a decade ago. That is during a period where the population of the state has increased by more than 15 per cent — a period of confidence and growth in the history of our state, where more people than ever have moved to it.

Despite that huge population increase we have reduced the number of people who are waiting each year and dramatically increased the number of people who are being treated each year. Last year 155 000 Victorians received elective surgery in our public hospitals — that is, 43 722 more procedures than in 2000.

If you look around the state, whether it be the improvements we have made at the Warrnambool hospital, whether it be the magnificent new women's hospital, whether it be the children's hospital, which is under construction, or whether it be the Box Hill and Bendigo hospitals, which are being built by our

government, our state has never before seen such a sustained period of investment in its hospital system.

In relation to that, recent commentators take a very different view from the Leader of the Opposition.

An honourable member interjected.

Mr BRUMBY — Who? A former Deputy Premier, Pat McNamara, said earlier this year in relation to the national health debate:

I can understand Victoria's position. You know, we have the best run system.

Perhaps I can quote someone else, like the federal shadow Treasurer, Joe Hockey, who said:

... some states are much better than others ...

Victoria runs the best hospital system in the country ...

What would he know compared with you, Ted? What would he know compared with you?

The SPEAKER — Order! The Premier!

Mr BRUMBY — Perhaps the Leader of the Opposition is referring to his federal counterpart, Tony Abbott, who said earlier this year:

Victoria is the large eastern state with by far the best public hospital system ...

But what would he know compared with you? What would he know?

Honourable members interjecting.

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

Mr BRUMBY — In relation to the issue of public housing waiting lists, which was referred to by the Leader of the Opposition, since 1999 the department has acquired more than 17 500 additional social housing units to boost the amount of affordable social housing across the state, and in 2009–10 a total of 3221 units were acquired.

In relation to ambulances, yesterday the government announced a further package of ambulance funding — \$81 million — to provide a further 105 paramedic positions. Again, in round terms, the number of paramedics has more than doubled, with 400 additional paramedics to be delivered over the next four years.

In all of these things our aspiration on this side of the house is to ensure that we have the best hospital system, the best ambulance system, the best system of social

housing and the best policies for tackling homelessness in Australia. Every member of this house would know that these are challenging areas. They have been challenging areas because of the growth of our population and the ageing of our community, but no-one would doubt the huge investment we have made in more than 10 000 additional nurses, in more than double the number of paramedics and in huge increases in social housing. But of course in all of these areas we want to continue to improve our performance going forward.

If you consider the other issues that the Leader of the Opposition referred to, you will see the substantial increases in resources that have been made available during the term of our government. It is one of the reasons why this state has a population that is growing, why our birthrate is high, why people move to our state and why our share of migration is high. Australians generally see our state as a good place to be.

Trams: new fleet

Mr PERERA (Cranbourne) — My question is to the Minister for Industry and Trade. 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 update the house on how the government is boosting local manufacturing through rail procurement and on any responses to this?

Ms ALLAN (Minister for Industry and Trade) — I thank the member for Cranbourne for his question. We had a very exciting week in Victoria last week. We witnessed events in this state that we have not seen for more than 30 years. We had two strong teams vying for their place in history. Both of those teams worked very hard to reach the top of their game. They were backed by strong teamwork, and they both presented brilliantly. The result was the announcement by the Brumby government that Bombardier Transportation, located in Dandenong, has — as we have heard already from the Premier this afternoon — won a massive contract to build 50 new trams for Melbourne commuters.

Honourable members interjecting.

Ms ALLAN — It is so disappointing to hear opposition already from those opposite.

As part of the Brumby government's \$38 billion Victorian transport plan there will be 50 new trams for Melbourne commuters. We have a plan on this side of the house to invest in rail, to invest in public transport and at the same time to create more jobs. It is probably fair to say that there is only one thing that Victorians

love more than a footy grand final — and that is their trams. That is why last week's announcement was historic for two reasons. Firstly, it represents a massive investment in our tram network.

Mr Ryan interjected.

Ms ALLAN — Secondly — and it is great to have the support of the Leader of The Nationals — it heralded the return of tram manufacturing to Victoria, because unfortunately the tram manufacturing sector in Victoria has not historically had the support of the Leader of The Nationals and those opposite. We are seeing a return of tram manufacturing to the state after an absence of more than 30 years.

Everyone in Victoria is a winner under this deal. Melbourne commuters are going to get state-of-the-art trams and workers in Victoria's rail manufacturing sector are getting 500 jobs here in Victoria under this tram-building contract. There are the 275 jobs at Bombardier's plant in Dandenong. I know there is great support from local members in that area. There will also be jobs created right across Victoria, as 24 companies located across the state are going to be suppliers for this contract, creating 225 jobs in the supply chain. Unlike those opposite who, as we remember, in the 1990s closed rail lines and privatised the network with resulting job losses in railway workshops in Bendigo and Ballarat, we are investing in more train and tram services and creating local jobs at the same time.

This approach has strong support. The Australian Industry Group's Tim Piper has said that the most successful and resilient trams and trains in Victoria have been built locally and that this project supports local jobs and industry rather than exporting those opportunities. Given this strong industry support, it is interesting that not everyone supports these job-creating opportunities for our local manufacturing sector. In the *Age* last week one individual said that Victorian taxpayers would have been better off if we had bought these trams from Germany.

You would expect that this policy approach for creating German jobs would be coming from a member of the German Bundestag — that is logically where you would expect that to come from. But no, this champion of German jobs over Victorian jobs can be found right here in this chamber — can't he, Terry? It is the member for Polwarth, who would rather see jobs go to Germany than to Victoria.

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

Ms ALLAN — We can assure workers in the manufacturing sector here in Victoria and public transport commuters that we reject this approach. We reject the approach of opposition members, who would export jobs out of this state, whether to Germany or whether to Thailand, in terms of the automotive industry. We will deliver contracts for Victoria.

As Tim Piper from the Australian Industry Group has said, the tram contract will deliver value for money for the Victorian taxpayer. That is what we are committed to — supporting Victoria's manufacturing sector, supporting Victorian jobs and making sure there is a great future here in this state.

CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Crimes Act 1958 in relation to forensic procedures and for other purposes.

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

Mr HULLS (Attorney-General) — This bill amends the Crimes Act to expand the range of offences in relation to which police can take a DNA sample. It also reduces the threshold test for taking DNA samples and gives the special investigations monitor a specific ongoing role of monitoring police compliance with forensic procedure provisions.

Motion agreed to.

Read first time.

SENTENCING AMENDMENT BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Sentencing Act 1991 and the Road Safety Act 1986 and to make minor and consequential amendments to other acts and for other purposes.

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

An honourable member — Make sure it is brief, too.

Mr HULLS (Attorney-General) — I will. This bill will amend the Sentencing Act to abolish suspended sentences for serious offences.

Honourable members interjecting.

The SPEAKER — Order! If the member for Malvern, the member for Warrandyte and the member for Nepean really believe that is the way to behave in the chamber, I would suggest to them strongly that it is not and that they should perhaps think about leaving the chamber.

Mr HULLS — It will abolish suspended sentences for serious offences. It will abolish the mandatory sentence of imprisonment for subsequent offences of driving while disqualified or suspended. It will also provide credible sentencing options for the courts as alternatives to imprisonment in line with the recommendations of the Sentencing Advisory Council.

Motion agreed to.

Read first time.

The SPEAKER — Order! The question is:

That the bill be read a second time tomorrow.

Mr CLARK (Box Hill) — This is a bill that purports to give effect to a commitment the government made many months ago to abolish suspended sentences. As the house will recall, that followed an announcement by the coalition parties some months prior to that that we would abolish suspended sentences for all crimes. The government responded by saying it would commit to abolishing suspended sentences only for a small range of crimes — namely, those defined as serious offences.

It appears this is the bill that gives effect to that commitment. As far as we can tell — if the bill is in accordance with the announcement that was made by the government — it does not give effect to abolishing suspended sentences for crimes such as recklessly causing serious injury, aggravated burglary, arson or drug trafficking. The government's policy announcement was therefore highly defective, but nonetheless there are matters that we believe will be contained within this bill — —

Mr Batchelor — On a point of order, Speaker, in the debate on this question we are not debating the content of the bill. We are debating the timing. It is a very narrow debate, and the member for Box Hill should confine himself to issues of timing, not of

substance, and I ask you to direct the member for Box Hill to follow the standing orders.

Mr K. Smith interjected

The SPEAKER — Order! The member for Bass should be congratulated on not having been called during question time, but I ask for his cooperation at this time. I uphold the point of order. This is a narrow debate.

Mr CLARK — I was making the case as to the importance of this bill, notwithstanding what we consider to be its inadequate nature. I therefore want to place on the record the concern of the opposition parties that the Attorney-General has chosen to follow the course he has in bringing the bill to the house. It would have been open to him, first of all, of course, to have brought the bill to the house far earlier than the final sitting week of Parliament. Even given that appalling failure, it would have been open to him to move to seek leave to have the second reading of the speech conducted today if he had followed the procedures laid down in standing order 61(2).

In other words, he could have provided copies of the bill to other members of the house and then moved to the second-reading forthwith, which would have made the bill available to the public and to the house so that we would have been in a position to scrutinise it and therefore to offer some hope, with the cooperation of the Parliament, of the bill being passed this sitting week and enacted. Because of the procedure and timing that the Attorney-General has chosen to adopt, we can only conclude that he does not intend to have this measure enacted before the Parliament expires prior to the election.

Despite the bill's inadequacies in limiting the range of circumstances in which suspended sentences are available, to try to bring down the levels of violent crime that we are experiencing in Victoria is an important measure of law reform. This bill should have been expedited, it should have been in the Parliament far earlier than today. I therefore place on the record the opposition's extreme disappointment in the course the Attorney-General has chosen to follow, which looks set to prevent this legislation from becoming law before the Parliament expires.

Mr HULLS (Attorney-General) — On the issue of time, as the honourable member would know, the Sentencing Advisory Council made a whole range of recommendations in relation to this matter. Those matters have been worked through. Obviously we made a commitment to have legislation brought into the

house. We also said that the legislation would come into effect on 1 July next year, should we be re-elected. It is important that the legislation be in the house, and I have no doubt that people will have comments in relation to it. I think some of the comments on timing that have been made by the shadow Attorney-General are incorrect, and he ought to wait until he sees the legislation and the second-reading speech.

Mr McINTOSH (Kew) — I think it is important to record that this was a commitment made by the Attorney-General many months ago. It was a commitment that followed the opposition's clear and unequivocal proposition that it would abolish suspended sentences. The Attorney-General was dragged kicking and screaming to his commitment to introduce even a limited bill in relation to serious offences only. The most important thing is that there is virtually no capacity to have the bill pass through the Parliament this week. The Attorney-General has deliberately brought it in in the final sitting week knowing perfectly well that it is almost impossible to think it will get through the house.

The opposition is saying that it will facilitate the passage of the bill through both houses of Parliament, limited as it may be. What the Attorney-General has done is no more than an electoral stunt. The fact that the bill has no capacity to get through the house makes it even worse. He is deceiving Victorians. He has been dragged kicking and screaming to his commitment, which is something that neither he nor the government honestly believes in. It is merely an election ploy. He has introduced the bill in the final week of the Parliament when there is no capacity for it to get through both houses and it therefore cannot come into law under this Parliament. It is a great shame that Victorians are left in this position. We cannot debate the bill this week, get it through the Parliament and enacted at least in relation to serious offences. This is something Victorians are crying out for. The Attorney-General knows that. He does not want to do it. He has pulled this stunt so the bill cannot get through this week.

Mr BATCHELOR (Minister for Energy and Resources) — The member for Kew's contribution was interesting, because he is a person who says that suspended sentences should be retained.

Honourable members interjecting.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Warrandyte

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

Honourable member for Warrandyte withdrew from chamber.

SENTENCING AMENDMENT BILL

Introduction and first reading

Debate resumed.

The SPEAKER — Order! I suggest to all members that the current behaviour is not tolerable. In particular I ask the member for Kew and the Deputy Premier for some cooperation so that we can continue.

Mr BATCHELOR (Minister for Energy and Resources) — What the government and the Attorney-General are seeking to do is to lay before the house a second-reading speech for a bill that deals with an important matter with an implementation date of 1 July next year. It will be dealt with in this or some other form by an incoming government, whichever party might have the opportunity to form it. It is an elevated presentation of detail. Members of the public will get the bill and the second-reading speech, and if this side of the house is re-elected, the bill will include the terms and conditions for how we would deal with this important matter. We are seeking to provide that increased and elevated exposure of the detail and the intent as is provided by the second-reading speech, and that will be provided to the chamber tomorrow.

Mr RYAN (Leader of The Nationals) — For all the reasons that have been spoken about over a protracted period, principally by the opposition but reiterated at least in part today by the Attorney-General, this is very important legislation, limited though its scope will be apparently, having regard to the Attorney-General's previous pronouncements on the matter. Given the pivotal importance of the legislation, the coalition parties offer leave to the Attorney-General to second read the bill later this day, bearing in mind that no doubt having regard to normal parliamentary procedures the second-reading speech is not in the Parliament now. We are prepared to provide leave to the government, and specifically to the Attorney-General, to second read the legislation later this day. We undertake to the Parliament that as a coalition we will cooperate in the debate to enable the legislation to

pass through this chamber as soon as it can reasonably be done, with a further view to this matter being able to be advanced in the other place in the course of this week.

That proposition is put with a view to the passage of this legislation being able to occur in a manner which meets the expectations of the Victorian community, because the reality is that this is something that as a coalition we flagged a long time ago. As the government well knows, the proposition we advanced was met with extraordinary support from within the Victorian community, and so it is that once again the government is looking to adopt a course which has been flagged for it by the coalition parties. On its merits this is important legislation, and so I advance the proposal I have now put on behalf of the coalition.

Question agreed to.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! Notices of motion 8, 9, 90, 91, 162 to 168, 197 to 199 and 223 to 232 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:

Buses: route 626

To the Legislative Assembly of Victoria:

The petition of the residents of Brighton East in Victoria draws to the attention of the house the need to reconsider the decision by the Department of Transport to direct public bus routes along our minor local residential streets in an area burdened with heavy local vehicle, bicycle and pedestrian traffic attending schools, assisted care facilities, Landcox Park and Tara Institute. We do not feel that in this instance due diligence has been undertaken in giving consideration to all road users. The Landcox Park precinct is bordered by Nepean Highway, North Road and Hawthorn Road, which are all primary arterial roads that we feel are safer and better suited to public bus routes where priority can be given to buses.

The petitioners therefore request that the Victorian government give consideration to our objections to public bus routes along minor local residential streets and direct public bus routes along the primary arterial roads that exist within 400 metres of our homes.

By Ms ASHER (Brighton) (334 signatures).

Dementia: age-specific care

To the Legislative Assembly of Victoria:

The petition of the citizens of Victoria, those who are living with younger onset dementia and their family and carers draw to the attention of the house the fact that younger Victorians with dementia are not receiving adequate support.

Dementia is mainly a condition of older age; however, there is an estimated 2500 Victorians less than 65 years of age living with dementia. There is poor access to age-specific care and social support and the condition has a devastating impact on the person, their partners and children, their employment and their lifestyle.

The petitioners therefore request that the Legislative Assembly of Victoria recognise that people have a right to tailored dementia services, regardless of age, and urges the government to fund:

a skilled worker to support people with younger onset dementia;

a user-friendly website of younger onset dementia support strategies;

peer support innovations, such as Alzheimer's Australia Vic. Memory Lane Cafe.

By Mr LANGUILLER (Derrimut) (884 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 Mr DELAHUNTY (Lowan) (25 signatures),
Mr NORTHE (Morwell) (52 signatures),
Mrs POWELL (Shepparton) (84 signatures) and**

**Dr NAPHTHINE (South-West Coast)
(146 signatures).**

Liquor licensing: fees

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to urgently reconsider the proposed massive increases in liquor licence fees in view of the enormous adverse impact such across-the-board increases will have on many highly reputable liquor outlets, and most particularly those in country areas.

Such huge blanket increases in licence fees will impact on employment, community sponsorships, even business survival in some cases. Risk-based fees should actually address the problems which have arisen in 'hot spot' areas, distinguish activities increasing risk of antisocial behaviour, and be imposed selectively, to address those issues.

The petitioners therefore request that the Victorian government recognises the damage such across-the-board increases will cause, particularly in many country communities and review the legislation as a matter of urgency.

By Mr DELAHUNTY (Lowan) (16 signatures).

Schools: regional and rural Victoria

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the Brumby Labor government's failure to support education in regional Victoria. In particular:

that country secondary school retention rates (the percentage of students remaining at high school until year 12) have fallen from 72 per cent in 2002 to 67 per cent in 2009 compared to city schools that have remained at 85 per cent; and

that when Labor was elected in 1999, Victorian government education funding per person was the second highest of any state, but after 10 years of Labor, Victoria now spends the least on education per person of any state in the nation.

The petitioners therefore request that the Legislative Assembly of Victoria require the Brumby Labor government to stop their neglect of regional education and provide schools, teachers and students with the resources and support they need to improve educational outcomes.

By Mr DELAHUNTY (Lowan) (18 signatures).

Mildura: gaming machines

To the Legislative Assembly of Victoria:

The petition of residents of Mildura Rural City draws to the attention of the house our opposition to any additional electronic gaming machine (pokie machine) licences for Mildura.

The petitioners therefore request that the Legislative Assembly of Victoria not grant any additional EGM licences for Mildura.

By Mr CRISP (Mildura) (35 signatures).

Rail: Mildura line

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

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

The petitioners register their request for the passenger train to Mildura to be reinstated. People living in smaller towns need connectivity to larger towns for work, health, education, shopping and social activities.

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

By Mr CRISP (Mildura) (56 signatures).

Morwell–Traralgon bike path: funding

To the Legislative Assembly of Victoria:

The petition of the residents of Gippsland draws to the attention of the house the failure of the Brumby government to provide funding for a feasibility study for the construction of a bike path linking the close townships of Morwell and Traralgon despite increased health, social and environmental benefits.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the government to provide a funding commitment to establish a Morwell to Traralgon bike path link for the benefit of the residents of the Morwell electorate and the wider Gippsland community.

By Mr NORTHE (Morwell) (219 signatures).

Old Gippsdown heritage park: funding

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Gippsland draws to the attention of the house concerns relating to the ongoing future of Old Gippsdown heritage park.

In particular, concerns surrounds the financial viability of Old Gippsdown and its ability to continue the social services, events and activities that make it such an important regional asset in Gippsland. The current financial difficulties experienced by the committee of management will impact on the future development of this tourist attraction and social enterprise.

The petition therefore requests that the Legislative Assembly of Victoria direct the government to take immediate action to address the funding shortfall by providing financial support annually to offset the management costs of Old Gippsdown.

**By Mr BLACKWOOD (Narracan)
(1850 signatures).**

Albert Park College: year 8

To the Legislative Assembly of Victoria:

The petition of the residents of Albert Park and surrounding suburbs of Victoria draws to the attention of the house that the Brumby government is not fulfilling its commitment to provide for year 8 at Albert Park College for 2011.

The petitioners therefore request that the Legislative Assembly of Victoria call on the Brumby government to immediately announce that Albert Park College will provide for both year 7 and year 8 students in 2011 thereby providing certainty for the school and prospective students and their families.

By Mr DIXON (Nepean) (183 signatures).

Rail: Brighton level crossing

To the Legislative Assembly of Victoria:

The petition of the residents of the City of Bayside draws to the attention of the house the urgent need to reopen the New Street/Beach Road railway gates for the benefit of bayside and Melbourne motorists so that motorist inconvenience and traffic delays are eliminated and to avert the diversion of traffic into Hampton Street and the dangerous traffic build-up at other intersections along Beach Road where right-turning vehicles forced to use alternate routes impede the city-bound traffic flow.

Prayer

The petitioners therefore call upon the Brumby government, Metro and the City of Bayside to instigate immediate action so that bayside and Melbourne motorists are not endangered or inconvenienced any further by the closure of the New Street railway gates.

**By Mr THOMPSON (Sandringham)
(21 signatures).**

Tabled.

Ordered that petition presented by honourable member for Brighton be considered next day on motion of Ms ASHER (Brighton).

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

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

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

Ordered that petition presented by honourable member for South-West Coast be considered next day on motion of Dr NAPTHINE (South-West Coast).

Ordered that petition presented by honourable member for Nepean be considered next day on motion of Mr KOTSIRAS (Bulleen).

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

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

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 14

Mr CARLI (Brunswick) presented *Alert Digest No. 14 of 2010* on:

**Associations Incorporation Amendment Bill
Education and Care Services National Law Bill
Justice Legislation Amendment (Victims of Crime and Other Matters) Bill
Justice Legislation Further Amendment Bill
Occupational Licensing National Law Bill
Plant Biosecurity Bill
Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill**

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Altona Memorial Park — Report period ended 28 February 2010

Auditor-General:

Soil Health Management — Ordered to be printed

Sustainable Management of Victoria's Groundwater Resources — Ordered to be printed

The Department of Human Services' Role in Emergency Recovery — Ordered to be printed

Auditor-General, Office of — Report 2009–10

Drugs, Poisons and Controlled Substances Act 1981 — Report of the Chief Commissioner, Victoria Police under s 96

Financial Management Act 1994:

Report from the Minister for Planning that he had received the Report 2009–10 of the Architects Registration Board of Victoria

Report from the Minister for Skills and Workforce Participation that she had received the Report 2009 of the International Fibre Centre

Parliamentary Committees Act 2003 — Government response to the Education and Training Committee's Report on the Inquiry into Skills Shortages in the Rail Industry

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

Bayside — C75 Part 1, C76

Boroondara — C115

Brimbank — C136

Campaspe — C79

Cardinia — C100

Glen Eira — C74

Greater Bendigo — C89 Part 1

Greater Dandenong — C101

Greater Geelong — C236

Greater Shepparton — C111, C146

Kingston — C95

Maroondah — C78

Moira — C66

Monash — C92

Moreland — C85, C105

Mornington Peninsula — C117, C146, C148

Mount Alexander — C41

Stonnington — C84, C122

Surf Coast — C60

Victoria Planning Provisions — VC63, VC71

Whitehorse — C83, C114, C128

Whittlesea — C144

Wodonga — C76

Wyndham — C131

Yarra — C85, C132

Project Development and Construction Management Act 1994 — Nomination orders under s 6, application orders under s 8 and a statement under s 9 of reasons for making a nomination order (10 documents)

Professional Standards Act 2003 — Report of the Attorney-General on the review of the Act under s 58

Public Record Office Victoria — Report 2009–10

Statutory Rules under the following Acts:

Infringements Act 2006 — SR 92

Occupational Health and Safety Act 2004 — SR 93

Retail Leases Act 2003 — SR 91

Subordinate Legislation Act 1994 — SR 94

Transport (Compliance and Miscellaneous) Act 1983 — SR 95

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 61, 92, 93, 95

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

Terrorism (Community Protection) Act 2003 — Reports 2009–10 under ss 13 and 13ZR

Victorian Law Reform Commission — Protection Applications in the Children's Court — Ordered to be printed.

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

Education and Training Reform Amendment Act 2010 — Sections 5 to 9 and 60 — 22 September 2010 (*Gazette S385, 22 September 2010*)

Gambling Regulation Amendment (Licensing) Act 2010 — Part 1, Part 2 (except ss 6, 7, 10 to 12, 20, 22, 29 to 31, 33, 42, 46 to 48 and 56 to 61), Part 3, Part 4, Part 5 and Part 6 — 15 September 2010; ss 56 to 61 — 1 December 2010; ss 6, 7, 10 to 12, 42 and 46 to 48 — 1 January 2011 (*Gazette S372, 14 September 2010*)

Local Government and Planning Legislation Amendment Act 2010 — Whole Act — 24 September 2010 (*Gazette G38, 23 September 2010*)

Primary Industries Legislation Amendment Act 2010 — Whole Act (except sections 18, 31, 33, 43(4) and 45) — 1 October 2010 (*Gazette G39, 30 September 2010*)

Traditional Owner Settlement Act 2010 — Whole Act — 23 September 2010 (*Gazette S382, 22 September 2010*)

Workplace Rights Advocate (Repeal) Act 2009 — Sections 5, 6 and 7 — 1 October 2010 (*Gazette G39, 30 September 2010*).

EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

CONFISCATION AMENDMENT BILL

Council's amendments

Returned from Council with message not insisting on a certain amendment and insisting on another amendment disagreed with by the Assembly.

Ordered to be considered later this day.

ROYAL ASSENT

Messages read advising royal assent to:

21 September 2010

Traditional Owner Settlement Bill

28 September 2010

Consumer Affairs Legislation Amendment (Reform) Bill

Justice Legislation Further Amendment Bill

Marine Safety Bill

Occupational Licensing National Law Bill

Residential Tenancies Amendment Bill.

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 12.55 p.m. on Thursday, 7 October 2010.

Bail Amendment Bill

Personal Property Securities (Statute Law Revision and Implementation) Bill

Subordinate Legislation Amendment Bill

Tourist and Heritage Railways Bill.

In moving the government business program for this parliamentary week members will see that four pieces of legislation have been sent to the Assembly from the upper house where they commenced their journey through Parliament. These bills are proposed to be considered over the remaining three days of this parliamentary term and, according to the intent of this motion, they need to be determined no later than 12.55 p.m. on Thursday. This timing is unusual and different from the normal timing but it is the timing implied by the resolution of the house in relation to the valedictory speeches and the response from the leaders, which is to be held on Thursday.

The intent on that occasion was to have those contributions from retiring members and if we had not moved this new timing for the end of the government business program this week, we may have faced the prospect of someone's speech or the reply from the leaders being interrupted by the guillotine.

We have four bills under the guillotine, and the intent of this proposal is to deal with those before question time on Thursday. That will allow us to go then to the valedictory speeches by the retiring members. If there are matters from the upper house — and that is a distinct possibility this week — that have not been dealt with or matters that are yet to arrive from the upper house by that time, of course the government business program will not prevent those matters from being dealt with either before question time or after the valedictory speeches, and the house will continue to sit if there are amendments or other matters from the upper house that need consideration.

The intent of this motion this week is to identify the four bills that have already come from the upper house and to deal with them before lunch and question time on Thursday. As I have indicated, if there are any amendments from the upper house on any bills or any other matters, we will deal with those accordingly.

I also indicate to the house that we will be doing the three second-reading speeches tomorrow. We are doing these in order to provide an elevated presentation of detail, if you like, where not only will the bill be provided but also the second-reading speech. I also gave notice today of some minor changes to our standing orders. We will deal with those if the standing orders in the other place are changed. Notice has been given of the intention to do that. If in fact the other place changes its standing orders, some minor procedural or technical changes will be required of our

standing orders in this chamber to align the procedures for the opening of Parliament, and it is important that that occur. Of course if the other chamber does not proceed with those standing order changes, then it would not be my intention to proceed with my notice of motion, because doing that would then put our standing orders out of alignment with those of the upper house. In that context I recommend this government business program to the house.

Mr McINTOSH (Kew) — The opposition does not oppose the government business program. Certainly on the face of it it is anticipated that the four bills could be completed by lunchtime on Thursday. I think the profound concern is that in this week, being the last scheduled sitting week for this Parliament before it is prorogued on 2 November, there are obviously a number of other outstanding matters that may have to be dealt with.

The Leader of the House has identified that there will be three second-reading speeches tomorrow. We are also aware that as a result of discussions between members in another place, there could potentially be a number of amended bills returned to this chamber, and that has been the subject of ongoing discussions between the opposition and the government. There may be a number of these coming through during the course of the week to finish off the government's business program. The Leader of the House has in fact given notice in relation to one of those matters to come into the chamber, and it will be dealt with potentially later this day or at some later stage.

My concern is that there are four bills to be debated and that on a number of occasions over the last few weeks, with the rush of legislation coming into the chamber, not every member who wanted to speak on each of the bills that were presented to Parliament was able to have that opportunity. In many cases the timetable was shortened significantly. I hope that in the final week, given that there are only four bills, the opportunity will be given to members to speak in the debates on those bills even if there are a number of interruptions and even if a number of bills that have been amended by the upper house also have to be dealt with by this place. I note there is one bill, the Confiscation Amendment Bill, that could be dealt with. Of course that has already bounced into this place and gone back to the upper house, which has insisted on its amendments, and it has come back again.

Debate could go on for some time in relation to these matters, but hopefully reason will prevail. Certainly I would like to ensure that each member who wants to speak on the four bills gets that opportunity. Perhaps

with a bit of flexibility everyone will have that opportunity and the house will also be able to deal with those matters which are not on the government business program but which are bills of the government that need to be disposed of before the end of the Parliament.

I will just reiterate the opposition's commitment in relation to the second-reading speech that the Attorney-General is to read on the bill dealing with suspended sentences. The opposition stands ready, willing and able to work with the government to ensure that this very important bill is put through Parliament this week because of our mutual agreement about there being a matter of profound concern in relation to suspended sentences. Certainly in relation to serious offences the opposition would have taken that legislation and dealt with it far sooner than is proposed by the government. It is an important piece of legislation that we should be given the opportunity of trying to pass through both houses of the Parliament in the same way that we are doing with a number of other bills.

In conclusion, as I said, the important thing here is that there are four bills. I look forward to all members who wish to make a contribution on those bills being afforded that opportunity, but certainly it will be a confused week, and no doubt it will cause some concern if things need to be dealt with on the run.

I will also mention the standing orders. The matters are perhaps not quite as the Leader of the House indicated — that is, they deal with a requirement for us to match our standing orders with those of the upper house. There is one item there that is a matter of some agreement by the Standing Orders Committee of this Parliament; it has really nothing to do with the upper house, but there is certainly an aspect that we would need to address if the upper house changes its standing orders to enable the Parliament to commence after the election. But, as I said, that can be dealt with, and I look forward to everybody being given the opportunity to speak on those bills on which they wish to make a contribution.

Mr BROOKS (Bundoora) — I rise in support of the government business program as outlined by the Leader of the House. The four bills on the program will be adequately debated. The suggestion from the Leader of the House that the business program be concluded by 12.55 p.m. on Thursday is a sensible one. It will allow members on both sides of the house who are retiring to make their valedictory speeches uninterrupted. This program will also allow this house to consider any amendments that come from the Council.

Just very quickly, if I may, I thank the Leader of the House and, if I can be so bold, the whips from both the Liberal and National parties, for their assistance in my new role over the last three weeks as Government Whip.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to say, along with the member for Kew, that members on this side of the house do not oppose the government business program. As we already know, four bills that have already been debated in the upper house have come here to be dealt with, and I do not see a real problem with those getting through.

One bill that has particular relevance to country Victoria is the Tourist and Heritage Railways Bill. In fact all of the railways concerned are in rural and regional Victoria, so there will be many members who will want to contribute to the debate on that bill. There will be input from many members across this chamber on the other three bills — that is, the Subordinate Legislation Amendment Bill, the Personal Property Securities (Statute Law Revision and Implementation) Bill and the Bail Amendment Bill.

The Community Services Long Service Leave Bill is listed for second reading, along with two other bills, I believe, this week. Importantly, as mentioned by the Leader of the House, a standing orders motion could be brought into this house.

The important thing this week is to provide an opportunity for valedictory speeches. I will be listening with a great deal of interest to the speech of the member for Murray Valley, who is in his 35th year in this Parliament. I am sure he will need more than his 10 minutes. He has said he wants a minute for every year he has been in Parliament, and if he got it, he might be able to get through it all, but that is not going to happen. It will be very interesting, and it will be enlightening for all of us to hear about the history of this place as well as the changes that have occurred in that time.

In addition, other bills might come down from the upper house. I know a lot of debate has been occurring on the Education and Care Services National Law Bill in the upper house, and I believe that by lunchtime it had still not been resolved, so those bills may take a little bit of time to get through this house.

The other matter I have to mention, even though the member for Kilsyth is sweating on me concluding my remarks, is a matter I have been raising for many weeks. Item no. 7 on the notice paper — it has finally got to the front page — is consideration of amendments

of the Legislative Council to the Water Amendment (Critical Water Infrastructure Projects) Bill. It still sits on the notice paper. Water has been and still is a critical issue for rural and regional Victoria, as it is for metropolitan Melbourne, so I am extremely disappointed that we did not get the opportunity to have some say on that bill.

The other one there, at no. 6, is the annual statement of government intentions for 2010. That still has not been voted on even though it has been lying on the government business program since much earlier in the year.

Mr Batchelor — We might bring it on this week!

Mr DELAHUNTY — As the Leader of the House said, it might be brought on this week. That would be a good filler.

I think there is ample time for the four bills. I hope there will be an opportunity for bills from the upper house to be debated appropriately. I have to say though that over the last couple of weeks, with the rush of legislation to get through this house, not all country members — not all members of The Nationals — have had the opportunity to which they should have been entitled to speak on bills that are important to their electorates, and I raise that concern here again.

I finish by saying that it has been good working with the Leader of the House, the members for Kew and Bundoora and the former member for Ivanhoe, along with the member for Bulleen. We have had a good working relationship, and I think that has helped with bills and providing opportunities for members to speak in this house. I finish off by saying that The Nationals are not opposed to this government business program.

Ms WOOLDRIDGE (Doncaster) — I am pleased to speak on the government business program. In particular I want to speak on the process that has been undertaken to get to the second reading that we are going to undertake this week of the Community Services Long Service Leave Bill 2010. This was first read last sitting week but is going to be second read this sitting week. This is a bill based on a commitment that was made in April 2008. In the annual statement of government intentions for 2009, the government made a commitment to introduce the portable long service leave scheme.

The statement of government intentions for 2010 said it was anticipated that the scheme would be introduced in 2010, and here we are — it is the last sitting week and the bill is only now being second read. In the government's own information it has said that it

expects the earliest implementation will be in late 2012, and there is still federal legislation to be passed. Why second read this bill this week? This legislation will clearly lapse with the proroguing of Parliament.

What we have is being described by the government as a long exposure draft. If that is what it is meant to be, it should be done properly. No minister introduces a bill to undertake an exposure draft process. Instead, a few relevant people from the sector have been called in. National Disability Services described it as a fleeting private inspection of the bill. Unfortunately what we see is that the Minister for Community Services has a track record of failing to deliver legislation on time. Every bill in her area has been introduced at least a year after it has been promised.

Clearly the second reading of the bill this week, the last sitting week of Parliament, is nothing more than a stunt from the Minister for Community Services. It reflects poorly on the minister, and it reflects poorly on the government. There has been no genuine attempt — and there will be none — to debate this bill that is going to be introduced. There has been no genuine consultation on the substance of the bill, and the implementation of the promise has been mishandled since day one. For two and a half years the Minister for Community Services has massively mishandled this portable long service leave commitment. It is consistent with what we have had from this government: another example of all show and no substance. It is inappropriate, it is a poor way to run government business, and it is a poor way to run the government.

It is disappointing that we have had a process that is totally unacceptable to the community services sector with an outcome that is also unacceptable, particularly the stunt process of second reading a bill in the last week of Parliament when it will be unable to be debated. That is a very poor reflection on the minister and the government.

Mr HODGETT (Kilsyth) — I rise to make a brief comment on the government business program for this sitting week. As has been stated, we on this side of the house do not oppose the government business program.

There are the four bills — the Bail Amendment Bill 2010, the Personal Property Securities (Statute Law Revision and Implementation) Bill 2010, the Subordinate Legislation Amendment Bill 2010 and the Tourist and Heritage Railways Bill 2010 — that can be debated and dealt with by lunchtime on Thursday, 7 October. As has been agreed, we will then have valedictory speeches by retiring members and felicitations by the leaders. As the Leader of the House

has outlined, the proposed program permits any matters that may come down from the upper house to be considered by this house in a timely manner.

I take the opportunity to add my disappointment at the government's mismanagement of the government business program over the four years, and I speak of order 7 on the notice paper, the Water Amendment (Critical Water Infrastructure Projects) Bill 2006 — amendments of the Legislative Council. As the member for Lowan has adequately outlined, we were dragged into this Parliament for the first sitting week in 2006 to deal with the bill, but obviously the government's definition of the word 'critical' is much different from ours. I am disappointed that that has not been made an order of government business to be dealt with in this last sitting week of the 56th Parliament.

Motion agreed to.

MEMBERS STATEMENTS

Government: fees and charges

Mr KOTSIRAS (Bulleen) — I stand to condemn the uncaring and hypocritical Labor government for placing huge financial stress on Manningham families. Every day local residents tell me they are concerned about increases in fees and charges and the cost of basic services. The Premier is dipping deeper and deeper into their pockets to prop up his budget bottom line.

The Labor government gave itself the power to increase government fees and charges by an amount every year while excluding Parliament's right to prevent these increases. Together with the Brumby government's inability to manage the state's finances, that means Victorians are now paying more for basic services than they were 10 years ago. These increases affect almost every aspect of our lives, including fees for car registration, drivers licences, learners permits, fishing licences, boat registrations, birth, marriage and death certificates, and business registration. If John Brumby cannot manage Victoria's economy, why should Manningham families pay the price for this mismanagement?

I have compared my own bills over the last 10 years, and I am now paying more than 75 per cent more for water, 62 per cent more for electricity, 27 per cent more for gas, 60 per cent more for rates as a result of cost shifting, 114 per cent more for ambulance membership and 22 per cent more for my car licence — and the list goes on and on.

While Manningham residents are hurting, the Premier and his ministers are enjoying the perks of office, riding in chauffeur-driven cars, drinking chardonnay at major events and providing jobs for their mates. It is time for this arrogant government to go.

Pecan Summer

Mr BATCHELOR (Minister for the Arts) — This Saturday opera in Victoria will be taken to new heights with the world premiere of Australia's first indigenous opera, *Pecan Summer*. Written and composed by Melbourne-based soprano Deborah Cheetham, *Pecan Summer* is based on the events of the 1939 Cummeragunja Mission walk-off. The first mass strike of Aboriginal people saw more than 200 Yorta Yorta men, women and children leave the Cummeragunja station in New South Wales, cross the Dhungala, now known as the Murray River, and camp on the banks of the river to protest at their treatment and demand the removal of the station's manager.

Many also settled in Mooroopna near Shepparton, which is where the world premiere of this moving opera will be staged on Saturday night. Deborah Cheetham has recruited 20 Shepparton children to sing in the show, many of whom are descended from those who fled Cummeragunja. Deborah Cheetham is one of Australia's very few indigenous professional opera singers, something she hopes to change through this production.

The Brumby Labor government is proud to be supporting *Pecan Summer*; it did so with a \$30 000 grant. I wish everyone involved in *Pecan Summer* success, and I hope it will go on to become an essential part of Australia's international opera repertoire.

Water: sportsgrounds

Mr DELAHUNTY (Lowan) — Many sporting groups have contacted my office and spoken to me because they are extremely concerned about the Brumby government and the rising cost of water, which is creating another barrier to participation in sport and recreation. Letters from towns and sporting associations representing many communities, including Sandford, Balmoral, Great Western and Kalkee, highlight that they could be forced to pay increases of around 2000 per cent. Some are currently paying \$45 per megalitre, which will rise to \$800 or even \$1300 per megalitre. These skyrocketing water bills will not help address the concerns of childhood obesity, diabetes and the increase in rural suicides, especially involving young people.

Western Victorians know this Labor government cannot manage money, cannot manage projects and cannot help them with the ever-increasing cost of living pressures, such as increasing water costs which will impact on the provision of affordable involvement in sports such as football, hockey, little athletics, cricket and tennis. As Fred Mellington, chair of the Horsham District Football League, said, surely no sane person could justify the obscene proposed increase in costs. It was summed up by Bob Layley, secretary of the Sandford Racecourse and Recreation Reserve, who said, 'No football, no netball — no Sandford'.

Malcolm Brumby

Mr DELAHUNTY — On another matter, western Victorians mourn the passing of Mr Malcolm Brumby, a highly regarded person who was devoted to his community. Condolences to his wife, Alison, and family.

Rail: Manor Lakes and Williams Landing

Mr PALLAS (Minister for Roads and Ports) — I wish to acknowledge two recent announcements that were made in the Wyndham area last week. Firstly, the Minister for Public Transport announced that the regional rail link will be placed in a full-depth cutting through Manor Lakes, and secondly, there was the beginning of works for the Williams Landing project. The Brumby Labor government has continued to listen to the Wyndham community regarding its needs and the cutting will run between Lollypop Creek and Ballan Road, Wyndham Vale. The government has also made a commitment that no new road-rail level crossings will be constructed as part of the regional rail link project. This means that up to 14 new road-rail grade separations will be built along the corridor between Werribee and Deer Park as part of the regional rail link. The announcement for the start of works on the Williams Landing project includes a new train station in Williams Landing and an overpass on Palmers Road, which will ensure that the government is delivering vital infrastructure to Melbourne's growing western suburbs.

Secondly, as part of the Williams Landing project a \$24 million road overpass will be built across the Werribee rail line and the Princes Freeway. The new overpass will extend Palmers Road and provide direct access to the future Williams Landing town centre and new train station. The station will have a new customer service centre, enclosed waiting areas with toilets and approximately 500 car parking spaces. These projects demonstrate the Brumby Labor government's commitment to ensuring Melbourne's growing west

receives the infrastructure it deserves as it continues to grow.

Economy: government performance

Mr WELLS (Scoresby) — Over 11 years of state Labor the Victorian economy has suffered from failing government services and infrastructure, despite record revenues of more than \$350 billion and a massive increase in state debt. The Brumby government has presided over record levels of taxation, including payroll tax, land tax, insurance tax and taxes on gambling and motorists, not to mention putting Victoria in the unenviable position of having the most onerous stamp duty taxation regime in the country.

State Labor has also slugged Victorians with 26 new or extended taxes, charges and tolls since 1999 as well as rapidly rising utility charges. According to the latest Australian Bureau of Statistics CPI (consumer price index) data, over the past four years under state Labor Victorian families struggling to pay their daily household bills have borne the brunt of massive cost increases across a range of state government influenced household charges.

From September 2006 to June 2010 power charges have increased by 60.4 per cent, water charges have increased 45.6 per cent and gas charges have increased by 32.2 per cent. These massive cost increases compare to an average increase in the CPI for Melbourne of 10.3 per cent over the same period. Things are only getting worse for Victorians under Labor with further massive price increases in their utilities forecast over the next few years to help pay for the desalination plant.

City of Moonee Valley: community awards

Mrs MADDIGAN (Essendon) — The City of Moonee Valley held its Spirit of Moonee Valley Community Awards on Friday night, which was an evening to recognise people who have worked hard to support the community of Moonee Valley. I would like to congratulate the winners. In the contribution to sport category the winners were Gwen and Carol Timmons; contribution to arts and culture, Paul Green; contribution to neighbourhood, Abdi Artan; contribution by youth, Erin Young; contribution to older persons, Graham Coulter; contribution to the environment, Chris Liparota; contribution to family, Ken Baker; and contribution by business to the community, Tamara and Scott Riddell.

The citizen of the year award went to Mr Artan. Mr Artan was born in Somalia, and his family was forced to flee Kenya due to the civil war when he was

only two. He spent two years in a United Nations refugee camp, where he witnessed abuses of human rights, before migrating to New Zealand and then Australia. At just 20 Mr Artan completed the Moonee Valley council's sustainable employment and economic development project, which was developed to help young job seekers find work. At the end of his placement he was offered a full-time job with Convenience Advertising and took on a role managing a national project.

Mr Artan was very excited to receive the award, and I think we can all congratulate him on his great effort. I am sure we will see a lot of him in the year to come around Moonee Valley.

Ambulance services: Port Fairy

Dr NAPTHINE (South-West Coast) — I call on the Minister for Health to investigate why it took 30 minutes for an ambulance to attend an emergency call to Port Fairy on 15 September. A lady attending a function at the Port Fairy Presbyterian hall collapsed, vomiting, and was quickly assessed by qualified nurses at the event as needing emergency ambulance care. Triple zero was called and after giving full patient and address details the caller was asked, 'And where is Port Fairy?'. I am advised by several witnesses that it took 30 minutes for the ambulance to arrive. Fortunately in this case the lady subsequently recovered in hospital, but there needs to be a full investigation into why it took so long for an ambulance to attend this life-and-death emergency situation.

Hawkesdale: Crown land development

Dr NAPTHINE — On another matter I call upon the Minister for Environment and Climate Change to personally assist the Hawkesdale community gain approval for the construction of a rotunda and signage on the common at Hawkesdale. The local development action committee and Hawkesdale youth have been trying since early this year to gain simple permission through Native Title Services Victoria for the community to erect a community rotunda on this site in time for the town's 150th celebrations in February 2011. Despite letters, emails and my raising this issue in Parliament there is still no decision. The community is waiting for the opportunity to erect this rotunda. Community members have already improved the area in terms of cleaning up the site, planting trees and putting in pathways. They need to build a rotunda, they need the signage and they need government action to cut through this red tape.

Williamstown: maritime heritage precinct

Mr NOONAN (Williamstown) — I rise to acknowledge the tireless efforts of the group of individuals who collectively make up the Seaworks Foundation, who on Friday, 27 August 2010, took a significant step forward in realising their vision to establish a maritime heritage precinct in Williamstown. What was once known as the 'old PMA site' has now been unlocked with the signing of a 21-year lease between Parks Victoria and the not-for-profit Seaworks Foundation. This lease has been complemented by the announcement that Victoria University will invest \$3.4 million to establish a maritime education facility on the site that fronts Nelson Place in Williamstown and arguably has the best waterfront views in Melbourne. Victoria University's new education facility will be the only one of its kind in southern Australia, and it will play a vital role in providing a skilled workforce to our local maritime industry. With the help of the Seaworks Foundation, Victoria University and the private sector I am confident that our community will establish a major waterfront promenade for Williamstown in keeping with the rich heritage of our unique seaport.

I thank the members of the Seaworks Foundation, including Rennis Witham, Patsy Toop, Trevor Huggard, Rod Page, Graeme John, Bill Jaboor, Shane Casley and Ray Horsburgh for their work to date and offer them my support in their quest to develop the site. I also want to place on the record my thanks to the Minister for Environment and Climate Change for his support, together with thanks to Andrew Minack and Rhonda McDonald from Parks Victoria.

Alexandra: Gunns Timber Products

Dr SYKES (Benalla) — The people of Alexandra and district are extremely concerned about the future of the Gunns Timber Products mill at Alexandra, which employs 50 staff and as such is a major employer in the district. Last week Gunns management addressed the mill employees and highlighted the company's concern about the lack of surety of supply of timber for the mill. Without assured access to quality logs at an affordable price the Alexandra mill has no future. Whilst recent bushfires have impacted severely on log availability, it is the Brumby Labor government's policies in relation to native forest management which are the biggest threat to the 50 jobs at Gunns. The Brumby government just does not get it when it comes to the fundamentals of business. Security of supply of inputs is one of the critical success factors for business.

Whilst Mr Brumby flirts with the Greens for their preferences at the 27 November elections, 50 jobs in Alexandra and thousands of jobs throughout regional Victoria are put in jeopardy. If elected on 27 November, a Liberal-Nationals coalition government would ensure security of supply of timber as part of sustainable and active management of native forests and thereby ensure jobs for the timber industry employees and ensure the financial wellbeing of the communities in which they live.

Victorian Multicultural Commission: excellence awards

Ms BEATTIE (Yuroke) — I rise today to acknowledge the terrific achievements and selfless work of two of my constituents, Mr Dilshan Fernando and Mr Deepak Vinayak. On Tuesday, 21 September, I joined the Premier and others at Government House to present the 2010 Victorian Multicultural Commission Awards for Excellence. As members know, these awards recognise work done in the community that promotes cultural diversity and cultural harmony. Both Dilshan and Deepak received an award for service delivery to multicultural Victoria.

Dilshan Fernando was recognised for the key role he plays in Victoria's Sri Lankan community. Dilshan is an inspirational role model who has developed a number of initiatives which seek to increase understanding and acceptance of the Sri Lankan community. He also did quite a lot of work around the time of the 2004 tsunami. Deepak Vinayak is a prominent member of Victoria's Indian community. Deepak works tirelessly to improve cultural understanding of the Indian community in Victoria and is committed to helping others. I take this opportunity to thank them both for their outstanding contributions to the multicultural communities in Yuroke. The service they provide to their local community should not be understated and I commend their achievements to the house. Well done, Dilshan and Deepak.

Wind farms: St Clair

Mr K. SMITH (Bass) — Today I wish to raise the issue of Synergy Wind Pty Ltd using the Brumby government's unusual love of wind power to propose a nest of 15 to 25 wind towers at St Clair on the Bass Coast, some 3 to 4 kilometres from the Wonthaggi township.

Members of this house should be aware that these eyesores are 130 metres high and will be well in view from the Wonthaggi, Inverloch and Wattle Bank townships. We already have six of these monsters on

the coast near the desalination plant. They rarely operate, and when they do operate they deliver only between 18 and 20 per cent of their capacity. Apart from their unsightly look and their under use they were forced on the community by the Bracks and Brumby governments, and they bring unwanted problems to the local community with sound vibrations that affect people's health. In fact, the Canadian government is proposing to look at the health effects on local communities of industrial wind turbine installations and the sound problems that they cause.

The Brumby government has conned the people of Victoria by saying the desalination plant will use only sustainable power sources, including wind power, knowing full well that these turbines create little usable power. The turbines are a blight on our landscape and create health problems for local communities. To propose to make Bass Coast and South Gippsland the wind turbine capital of Victoria is not on — not now and not in the future.

Stanley 'Jack' Barker

Ms MUNT (Mordialloc) — I rise to pay tribute to the life of Stanley John 'Jack' Barker, who was born on 11 March 1926 and passed away on 17 September. Jack had been in poor health for some time and was cared for lovingly in his later years by his devoted wife, Evelyn, and his stepchildren, Ian, Kerrie and Rosemary. He was also the father of a great St Kilda legend, Trevor Barker, and was the loving father of a little daughter whom he lost when she was just a child. It was said that he never recovered from the tragic loss of his daughter, which must have made the loss of his son, Trevor, in the prime of Trevor's life an impossibly hard burden to bear.

However, Jack did remain a great community supporter and gave his time unstintingly to the Cheltenham Bowls Club; the Cheltenham Football Club, at what is now named the Jack Barker Oval; the St Kilda Football Club; and the Trevor Barker Foundation. Jack would have loved to see his beloved St Kilda play in their two 2010 grand finals. He would have loved more to see them win. These clubs and groups paid tribute to Jack's dedication and his life at his funeral on 22 September.

Jack will be greatly missed by his family, friends and associates, and particularly by his wife of 20 years, Evelyn. I offer my deepest condolences to Jack's loved ones. He lived an exemplary life of which his loved ones can be proud, and he left a lasting legacy to his community.

Rail: Latrobe Valley passenger service

Mr BLACKWOOD (Narracan) — I take this opportunity to raise a matter for the attention of the Minister for Public Transport. The Central Gippsland Older Adults Recreation Network, based in Moe, has raised serious concerns about the lack of fairness and equity in certain aspects of the train service that is available to passengers, especially seniors, in the Latrobe Valley. Lois Williams, the long-serving and very hardworking volunteer project officer and treasurer of the network, raised these issues with me and the member for Morwell at a meeting last week. Lois indicated that the changes made in 2008 to the luggage booking policy have greatly impacted on members of the network and indeed on all senior residents in the Latrobe Valley, in particular those with a physical disability.

The Brumby government decided in 2008 that the Latrobe Valley would be classified as ‘inner urban’. This has meant that individuals and groups have to be responsible for their own luggage. The Bairnsdale train has a baggage car, but only passengers boarding the train outside the Latrobe Valley can use this facility. Members of the recreation network range in age from 65 to 82 years, and many have physical disabilities that make it very difficult, and in some cases impossible, for them to manage their own luggage. Social interaction and travel is extremely important for their mental and physical wellbeing. Station staff conductors are supposed to assist passengers with luggage, but generally there are not enough staff to assist.

I call on the minister to restore fairness and equity for Latrobe Valley senior train commuters by ensuring that the appropriate assistance and facilities are provided for the handling of luggage on the Gippsland line.

Housing: Westgarth development

Ms RICHARDSON (Northcote) — On 21 September I joined the Minister for Housing to officially open the wonderful new housing estate at 131 High Street in Westgarth. The new 6-star-rated building replaces the former Roberts Street estate and will become the new home to public housing tenants over the age of 55 years. The old bed-sitter units have been replaced by 47 spectacular apartments that include a flexi room to accommodate a carer or to be used as storage. Units are also fully adapted to cater for people with a disability. There are 20 on-site car-parking spaces, a tenants community room, a tenants communal garden and a communal workshop. Security has been improved, with a secure entry, an intercom system and remote access controls to each unit. By any measure

this is a vast improvement on what was there before, but it does not stop there. Environmental sustainability is a priority for all new public housing, and this new building is no exception. Features include a 6-star energy rating, natural lighting, cross ventilation, reticulated rainwater systems and solar hot-water systems.

I am very proud of what Labor has achieved. The replacement of this estate was one of my first goals upon being elected in 2006. Within two months the Minister for Housing visited the site and announced a vision that has now become a wonderful reality. I am also proud that we have delivered on our commitments to the tenants and locals. Extensive consultations under the umbrella of a community consultative committee were held. The final design reflected the views of tenants and locals, but most importantly — unlike other political parties — we did not just talk the talk, we delivered real outcomes, in this case for those very much in need. Improving the remaining estates in my electorate to a new standard is my ongoing aim, as well as increasing the amount of social housing. I do this knowing that only Labor believes in this important goal and that only Labor can and will deliver.

Water: Murray Darling Basin plan

Mr CRISP (Mildura) — At 4.30 p.m. on Friday, 8 October, the Murray-Darling Basin Authority will release the first stage of its basin plan, which is a guide to the Murray-Darling Basin Authority plan — a plan that will forever alter the landscape of our region. The plan will shape our future and the future of the industries, businesses and communities that owe their livelihoods to the Murray River. The plan will make clear that there will be less water for irrigation and that more water will be left in the river for the environment. How the water is to be removed from irrigators remains unclear. The federal government may claw back entitlements or purchase water from entitlement holders, but what is clear is that the effects will go far beyond the farm gate. I hope the release of the basin plan guide will address this issue, because if it does not, then it will have no credibility. I remind those who are preparing the plan and responding to the plan that there can be no culture without agriculture.

Nangiloc-Colignan and District Primary School: award

Mr CRISP — On another matter, about which there is some good news, I congratulate the Nangiloc-Colignan and District Primary School on being awarded a \$50 000 Schools First Impact Award for its partnership with the Murray Valley Citrus Board. This

community-focused school has fantastic staff, supportive parents and strong ties to its local industry. I thank the school's principal, staff, parents and students, and congratulate them on their marvellous efforts.

Ambulance services: Gembrook electorate

Ms LOBATO (Gembrook) — Yesterday the Brumby Labor government continued its commitment to our emergency services and the health of Victorians by boosting ambulance services with an \$81 million package. This package will significantly enhance ambulance responses throughout the electorate of Gembrook, with two new ambulance stations and two existing services upgraded to 24-hour services. I have been working closely with the Minister for Health to ensure that services throughout the electorate are improved. I am very proud that Emerald and Yarra Junction will both become 24-hour stations, with two new stretcher vehicles each and three additional paramedics each. The existing Pakenham service will now be provided from a new \$2 million station, with two additional stretcher vehicles. Funding will also be provided for six additional paramedics for this service.

To further bolster ambulance response for the Gembrook and Monbulk electorates a new 24-hour service will be established, and it will be provided from the \$2.21 million Lysterfield station, which will have three stretcher vehicles and 12 paramedics. To support this increase of 105 paramedics for Melbourne's outer suburbs we will also be investing in an additional 34 nurses in 14 key metropolitan emergency departments during periods of high demand. This increase will help paramedics to hand over their patients more quickly in emergency departments.

I congratulate and thank the Minister for Health and the Premier for their commitment to this package and to the health and safety of residents throughout the electorate of Gembrook.

Rail: infrastructure

Mr MULDER (Polwarth) — This afternoon there were no trains between Newport and Werribee, with Metro Trains Melbourne again announcing deferred travel due to a signal fault near Newport. On Monday morning Frankston line rail travellers were delayed for up to 15 minutes by what Metro said was a signalling problem. Frankston is already the least punctual railway line in Melbourne, with commuters in the Frankston, Carrum, Mordialloc, Bentleigh and Prahran electorates forced to endure an extraordinary 30.3 per cent of trains being 5 minutes late in both July and August.

Yesterday morning commuters on the Craigieburn and Upfield lines and other commuters from Melbourne's north and west were delayed by up to 10 minutes due to problems at North Melbourne. The points also failed at Watergardens station, resulting in commuters having to seek alternative transport between Watergardens and St Albans because buses were all on school runs. V/Line commuters from Bendigo were also delayed by this wanton neglect of rail infrastructure by the Brumby government. Until recently only eight sets of points and crossings were being renewed each year, compared with what the Department of Transport said was a recommended 22.

This morning there was a signal fault at Toorak, which delayed Cranbourne and Pakenham line travellers by up to 10 minutes, and at Alphington on the Hurstbridge line there were similar delays. Later this morning there was a repeat of equipment failures at the Sandringham terminus, with up to 15 minutes delay. This mirrored a points and signal failure at Sandringham on 23 September in the morning peak that not only saw Metro staff operating the points manually but led to delays of up to 20 minutes, with the 7.40 a.m. Flinders Street-bound train cancelled. It is wanton neglect by the Labor government.

John Nugent

Mr SCOTT (Preston) — I rise to celebrate the contribution to the community of Mr John Nugent, particularly his contribution to the community of Keon Park through his participation in the Keon Park Stars Junior Football Club. Mr Nugent's connection to the Keon Park football club stretches back to 1966, when he first attempted to join, although he was too young to play in any team at that time. He left the club to play football with other clubs but returned in two years, so he has had a connection to the club since the 1960s. He served as the president of the club for five years, he was secretary for many years and he also served as the public officer for the club. He has been very hands on in authorising the activities of the club, maintaining and cleaning the rooms and sporting grounds and liaising with other public clubs and communities.

Most importantly, John Nugent has been a tireless advocate for the club, particularly in terms of funding for facilities, such as increased lighting on Donath reserve, and also for disadvantaged communities who use the club. Keon Park has been an area that has traditionally been more socially disadvantaged than other areas of Reservoir; however, through John's work, the young people in the area have been well served with a football club that is focused on serving the needs of disadvantaged communities and improving

services and facilities for that community. John Nugent has been an asset to the community of Reservoir, and I am sure he will continue his work for the children and young people of the area.

Albert Park College: year 8

Mr DIXON (Nepean) — It was a pleasure today to table a petition from parents from the Albert Park area who feel they have been lied to by the Brumby government. The government closed Albert Park College and promised to reopen it this year. The opening has now been put off until 2011, but what has really upset families in the area is that they were told that when the school did open it would offer both years 7 and 8 in the first year. The Brumby government has now moved the goal posts and says only year 7 will be offered, putting the plans of many families into chaos. In a cynical attempt to hose this backflip down before the election, a farcical, very narrow survey has been undertaken by the department to keep the upset year 8 parents quiet. I applaud the parents who organised and signed the petition calling on this deceitful government to do what it promised to do in the first place — offer both years 7 and 8 at Albert Park College in 2011.

Tassells Beach: cliff erosion

Mr DIXON — On another matter, I recently inspected the cliffs at Tassells Beach, Safety Beach. The cliffs, which tower above the very popular beach, are undercut at their base, have large overhangs and are riddled with large cracks. Officers from the Department of Sustainability and Environment have looked at a number of ways of protecting the cliffs and also protecting beach users. Unfortunately the whole issue seems to have been put in its too-hard basket. There seems to be no interest in doing the work required. These soft cliffs present a real danger to visitors as the summer months approach. It is vital that in the short term warning signs and barriers are put in place and that in the long term a commitment to long-term stabilisation works is made.

Cablex and Marand Precision Engineering

Mr HUDSON (Bentleigh) — Recently I visited the Cablex electronics company in East Bentleigh with the Minister for Industry and Trade. Cablex, with the assistance of the Victorian government's Industry Transition Fund, is now winning major defence and aerospace projects, which will create 80 new jobs in the next four years. This includes the wiring harness for Tiger helicopters and supplying the US\$300 billion joint strike fighter program. In addition, Cablex is

undertaking highly intricate and complex wiring for the new trains being brought onto our metropolitan train network.

Another great manufacturing success story has been Marand Precision Engineering in Moorabbin, which employs 150 people and has been assisted by the Victorian government to expand into new overseas markets. Marand has for many years been engaged in highly skilled engineering work and has won contracts under the joint strike fighter program to produce JSF engine trailers for Lockheed Martin in the United States and JSF tooling for BAE systems in the United Kingdom. Marand is close to finalising a proposal to manufacture the complete vertical tail assemblies for the joint strike fighter program.

Both Cablex and Marand Precision Engineering are family-run companies. Michael Zimmer and his partner, Heidi Krebs, co-founded Cablex and have charted its direction to this day. David Ellul and his father before him have been at the helm of Marand Precision Engineering for two generations. Both companies have a commitment to investing in the best equipment and technology available and in high-level training of their longstanding and dedicated staff.

Greensborough: aquatic centre

Mr BROOKS (Bundoora) — I would like to commend the Banyule City Council and the Brumby Labor government for committing funding to the \$45 million redevelopment of the Greensborough aquatic facility. It is a fantastic redevelopment of a local community swimming pool which, when it is open, will be a fantastic asset to the local community in Greensborough and the wider north-eastern suburbs.

SUBORDINATE LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 2 September; motion of Mr HULLS (Attorney-General).

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise on behalf of the coalition to speak on the Subordinate Legislation Amendment Bill 2010. From the outset can I state that the coalition will not be opposing the bill that is before the house. The premise of this bill is to amend the Subordinate Legislation Act 1994 in order to promote greater scrutiny of legislative instruments. The bill proposes to extend legislative scrutiny, such as regulatory impact statements, to a broader range of subordinate instruments — for

example, guidelines and rules. These are guidelines and rules which are defined as being of a legislative character.

In terms of the main provisions of this bill, the government believes the bill will enhance the transparency of subordinate legislation, will provide more opportunity for public feedback and will enable parliamentary scrutiny of government action. The government believes this will be achieved by requiring legislative instruments, as defined in clause 25(1), which are likely to impose a significant economic or social burden on a sector of the public to undergo a regulatory impact assessment. It will also require new legislative instruments to be tabled in Parliament and published in the *Government Gazette*. It will also require ministerial certificates, including human rights certificates, accompanying both statutory rules and legislative instruments to be tabled in Parliament and scrutinised by the Scrutiny of Acts and Regulations Committee. It will allow SARC to recommend disallowance of a legislative instrument in certain circumstances, and it will also allow certain legislative instruments to be exempt from the consultation and regulatory impact statement requirements. This will occur when it is deemed that the legislative instrument does not have a 'significant' economic or social burden. This is an important point which I would like to come back to later. It is a change from the current provision of an 'appreciable' economic or social burden'.

In terms of background, this bill dates all the way back to 2002, when the Scrutiny of Acts and Regulations Committee, chaired by Ms Mary Gillett, the then member for the former electorate of Werribee, conducted an inquiry into the Subordinate Legislation Act 1994, which handed down its findings in September 2002. As part of its quite comprehensive report SARC handed down 55 recommendations in total. One would have thought, given that a government requested a committee of this Parliament to conduct an inquiry and given that the committee handed down a series of important recommendations about the operation of legislation within this state, that this government would have been moved to act on the findings of that committee. Well, the government was moved to act, but it took it eight years. It took the government eight long years to finally act on the findings of that committee.

One has to ask the question why it has taken the Attorney-General such a long period of time to act on the committee's findings. During the bill briefing when we were speaking to members of the department on that exact issue, it was brought to our attention that certain staff members had joined the department in 2007,

which we believe led to this bill or this change coming in. One can only surmise that it was only those staff members joining the department that was the driver for the government acting on the findings of the Scrutiny of Acts and Regulations Committee from all the way back in September 2002. We are talking about a committee that contained the former members of Parliament Mark Birrell, a former member for what was East Yarra Province, and Rob Maclellan, a former member for what was Pakenham Province, so we are certainly talking history when it comes to the members of that committee.

In late 2009 once the report with the 55 recommendations was handed down, the government released an exposure draft for a period of 60 days and sought public comment on the draft. During that process the government received 15 submissions from various organisations, including the Environment Defenders Office, the legal services board, Tim Harding and Associates, the Law Institute of Victoria, the Cemeteries and Crematoria Association of Victoria and so forth.

These organisations raised a number of concerns about the operation of the bill and more importantly about the way in which the government was seeking to have these matters determined by way of Premier's guidelines and the *Victorian Guide to Regulation*, to which I will come in a moment. The government then released its 28-page response to the submissions made by the 15 organisations. After the public comments process was completed and the government had provided its response we saw the introduction of the bill before the house. At this point I would like to thank my parliamentary colleague the honourable Gordon Rich-Phillips, a member for South Eastern Metropolitan Region, for his assistance when this matter was dealt with in the Legislative Council.

I move to the concerns that have been identified with the bill. Firstly, concern has been raised with regard to the scope of what has 'legislative character' in terms of subordinate legislation. In part 3, clause 25(1) defines a legislative instrument and excludes a number of elements; however, there is a lack of clarity as to what legislative character is in terms of identifying particular rules and regulations. This was something that was raised during the inquiry by the Environment Defenders Office, the legal services board, Tim Harding and Associates and the Law Institute of Victoria. There appears to be a lack of clarity as to the operation of those provisions and the way they are embodied.

Concerns have also been raised by the legal sector about the lack of transparency with respect to the

government's ability to issue an exemption certificate to exclude subordinate legislation in terms of regulatory impact statements. This is, similarly, related to the interpretation of the phrase 'a significant economic or social burden', which is being varied from 'an appreciable economic or social burden'. A regulatory impact statement (RIS) is generally conducted to identify the economic impact of a piece of legislation; that is the purpose of an RIS. It therefore seems potentially incongruous that the minister himself or herself will be determining the level of economic impact, which is effectively predetermining the need for a regulatory impact statement. So firstly there is a situation where a minister is making a predetermined decision as to what level of impact is or is not significant, and then you come back to the issue of what a significant impact actually is.

Concerns have been raised by various organisations. Liberty Victoria, an organisation that has participated in this process, has also provided its views on the bill. Liberty Victoria has expressed concerns that:

Section 8 of the bill seeks to provide a mechanism whereby the minister would be able to avoid the regulatory framework in circumstances where, in the minister's opinion, 'the statutory instrument would not impose a significant economic or social burden on a sector of the public'. Currently the act demands that where a statutory rule imposes an 'appreciable' burden the minister must create a regulatory impact statement. Liberty Victoria submits that the threshold concept of 'an appreciable burden' is adequate to protect the interests of the community and that the amendment provides too wide an opportunity for a future minister to avoid the regulatory framework set up by the act. Liberty Victoria submits that all statutory instruments that impose an appreciable burden on a sector of the community should be subject to the scrutiny of the regulatory framework set up by the act.

Clear concerns have been expressed by various members of the community, particularly within the legal profession and the like, about the operation of that provision.

Another area of concern relates to the operation of the Premier's guidelines, which provide an overarching assessment tool to identify the operation of the administrative instruments in terms of the application of the matters outlined in the bill. The Premier's guidelines and the *Victorian Guide to Regulation* have been identified through the Victorian government's response to the public consultation as being the mechanism by which these issues have been raised in terms of the operation of the definitions of 'legislative instrument' and the operation of significant economic impact. It has been identified that these documents will clarify the concerns, but we are seeking clarity as to the operation of a piece of legislation, and we are told that a separate document, which is not part of this legislative

process, is going to be changed at arm's length at some later time and separate to the operation of Parliament, and we are meant to assume that the government has the community's best interests at heart and that somehow in some nebulous process the Premier's guidelines and the *Victorian Guide to Regulation* are going to be changed and that all will be well. One can only hope that when the guidelines and the *Victorian Guide to Regulation* are changed they clarify the concerns that have been raised.

We are not debating the changes today because we do not have those documents before us. It seems quite ironic that we are debating changes to the legislation which talks about changes to definitions when in fact we do not know how they are going to be defined or how they are going to operate in practice because the said documents are not contained in this legislation. As I said at the outset, the coalition is not opposing the bill. It believes it is important that effective legislation be put in place to get off the back of business and its operations and to cut red tape, which is something which we supported when in government in the past and which we certainly support in opposition. That is why we have taken the view that we will be not opposing the legislation before the house. Having said that, there are clear areas of concern about how the bill will operate, how it will impact on industry and how it will affect Victorians. In its response to those organisations that identified problem areas, the government said, 'Trust us, all will be well. We will explain and clarify these points later in the documents', the documents being the Premier's guidelines and the *Victorian Guide to Regulation*.

It is important for all concerned to know exactly what the impact of this bill will be. I call on the government to ensure that it clarifies that at a very early stage so that all people — those in the legal profession, those in the business sector and Victorians in general — can understand how the bill will operate. I know other members wish to contribute to the debate. The bill has been eight years in the making, considering it started back in September 2002, but it is better late than never. It is probably fitting that we are debating this legislation in the final week of the current Parliament. With that, as I indicated, the opposition will be not opposing the bill.

Mr DONNELLAN (Narre Warren North) — It is an honour to speak on the Subordinate Legislation Amendment Bill 2010. The Subordinate Legislation (Review and Revocation) Act 1984 placed Victoria very much at the forefront of reform, being one of the first jurisdictions in the world to legislate for the provision of regulatory impact statements — and what a benefit that has been. The act introduced significant

changes to the regulation-making process. This included a requirement that ministers ensure that independent advice be obtained as to the adequacy of a regulatory impact statement and that the responsible minister ensure that the requirements of the act be met, including that the regulatory impact statement adequately assess the impact of the regulations, which is very important.

The act provided for the establishment of a regulatory review body known as the Victorian Competition and Efficiency Commission, which frequently does very dry but interesting reports on the importance for business of removing regulation, provided for the development of a business impact assessment process which scrutinises proposed legislation and provided for a reducing of the regulatory burden initiative. In 2006 the Victorian government was one of the first jurisdictions in Australia to introduce regulatory targets. We have reduced the burden of regulation by about 25 per cent. The estimates are that the savings to July 2012 will be about \$500 million.

The bill is part of the next stage of the process to look at applying that method of scrutiny to legislative instruments, because it is important that they are scrutinised as well. It will confirm Victoria's standing as one of the best practice regulators by extending the existing quality assurance processes to legislative instruments. It builds on our leadership in this area in looking at those instruments that are made under power delegated to Parliament. The bill also implements the government's response to the Scrutiny of Acts and Regulations Committee's inquiry into the Subordinate Legislation Act and takes into account the views expressed through the public consultation process. The bill will improve scrutiny and process, and it will give the public and others a capacity to comment on and be part of the process of improving legislative instruments. That will be welcomed by both the opposition and the public.

We will look at more types of subordinate legislation that impose a significant burden on the public. It will be subject to analysis and public consultation with scrutiny through the regulatory impact statement (RIS) process. The bill introduces a process for legislative instruments that parallels the existing process for statutory rules under the act; it mirrors that. The trigger for the RIS requirements of the act will be revised, and as the last speaker said, it will remove an appreciable economic or social burden — and I understand that guidance will be given to what will and will not be looked at in terms of legislative instruments.

The bill provides that the Scrutiny of Acts and Regulations Committee (SARC) can only report to Parliament on whether a legislative instrument appears to exceed the power authorised by the enabling act or statutory rule without clear authority in the enabling act or statutory rule, has retrospective effect, imposes penalties, shifts the burden of proof to an accused, provides for the subdelegation of delegated powers, is incompatible with the charter of human rights or has been prepared in substantial or material contravention of the act or the Premier's guidelines.

To assist the instrument makers, the government will prescribe in regulations under the act a list of legal instruments subject to the act, legislative instruments exempt from the specific requirements of the act and administrative instruments which are not subject to the act. The list aims to capture as many instruments as possible; however, it will not be exhaustive. The list will provide an easily accessible source for instrument makers to refer to when considering whether or not their instrument must undergo scrutiny under the act. Overall it will improve what bills come into the house, what goes through the house and will provide a very much more open environment for the consideration of these legislative instruments.

Briefly, looking at the previous SARC report on this issue, 55 recommendations were made, including that the Subordinate Legislation Act be extended to cover instruments which are legislative in character. As mentioned previously, initially the government did not support this specific recommendation, but it does now. The government moved on to improve the efficiency and effectiveness of regulation, particularly through its Reducing the Regulatory Burden initiative, so that recommendation is now supported. Through the bill, I understand, the government will fully or partly implement 17 of the 55 previously mentioned recommendations from SARC, including the key recommendation which is this recommendation. In total the government has fully or partly supported 47 of the 55 recommendations of the report.

Recommendation 1 of the committee was that the Subordinate Legislation Act be amended to apply to instruments, and the government has supported that recommendation. The committee acknowledged the special status of local government as a separate tier of government, and again this was supported by the government. The committee recommended that consideration be given to expanding the role of the regulation review subcommittee of SARC, which again was partly supported by the government. The committee recommended that all the legislative instruments be subject to review or certification by the

chief parliamentary counsel, and again the government partly supported that recommendation. The government recommended that an additional provision be inserted to the Subordinate Legislation Act allowing the chief parliamentary counsel to qualify section 13 certificates to indicate that the certificates do not cover material incorporated by regulation, and again the government has supported that recommendation.

Overall I think the government has listened to both the community and the Scrutiny of Acts and Regulations Committee and has acted upon those recommendations. At the end of the day this will improve the legislation that goes through the house and will provide the community generally, but specifically the legal community, and others with an avenue for putting forward suggestions so that hopefully overall the legislation will be better. I commend the bill to the house.

Mr JASPER (Murray Valley) — In dealing with the legislation before the house, we need to understand the process of legislation and the procedures of the Parliament of Victoria. We need to understand that bills that come before the Parliament are debated and become acts of Parliament and that there are provisions in those acts for regulations to be made. The critical issue is that, first of all, we need to assess legislation as it comes before the Parliament. I support the bicameral system of government which allows us to look at legislation in the Legislative Assembly and then the legislation is also assessed appropriately in the Legislative Council. Often changes are made to legislation as a result of the debate which has taken place in the Assembly, and often during debate in the Council amendments are brought forward as a result of the legislation having been appropriately reviewed by people outside the Parliament, not only by members of the Parliament itself. In the bills that go through Parliament, regulation-making powers are included, and under those regulation-making powers the government then institutes the regulations which control those residing in the state of Victoria.

As a long-time supporter of the regulation review process over many years and having entered Parliament and been part of the regulation review committee in 1976, I have seen the changes that have taken place, and, as well as two stints on other committees in my time in Parliament, I have been a member of that committee. It was interesting to have been involved in the work of that committee leading up to the bill that was introduced and proceeded through Parliament in 1984 — that is, the Subordinate Legislation (Review and Revocation) Act 1984. That act introduced major changes to the way regulations were being reviewed

within the state of Victoria. The legislation that came before the Parliament was originally introduced by a Liberal member in the upper house, Alan Hunt. After the change of government Labor brought forward the legislation that he had proposed to provide a more appropriate review of regulations. In fact that was when we saw major changes, including the introduction of regulatory impact statements for particular regulations which came before Parliament and as they were assessed by the committee.

It should be understood that there are a range of provisions whereby regulations are reviewed by the committee and that not all regulations need to go through a regulatory impact statement process. There are various provisions which provide for the committee to assess regulations and determine if a regulatory impact statement needs to be provided and if it has been provided by the government.

In 1989 I went to a commonwealth regulation review committee conference in London. Whilst the Victorian Parliament was not represented as a state Parliament at that conference, as then chairman of the committee I was requested to prepare and present a paper in London indicating the changes that had been made by the 1984 act, the importance of those changes and the fact that they were providing regulatory impact statements and other ways by which regulations were reviewed. This became a catalyst for many other jurisdictions to undertake changes to the implementation or the review of regulations, as has taken place throughout the Western world. Many countries have picked up the provisions within Victorian Parliament's act for the review of regulations.

This has been critical in looking at how we proceed with the review of regulations that has taken place. We come forward and see the changes that have been implemented and the need for further review to be undertaken. For many years I have been of the view that there needs to be an extension of the legislative instruments which are being reviewed by the regulation review committee. This was part of the Scrutiny of Acts and Regulations Committee's (SARC) 2002 report on the inquiry into the Subordinate Legislation Act 1994, which made appropriate recommendations for changes that would be included in some of the information and the bill that is before the Parliament. That report made important recommendations, including further instruments to be assessed by the regulation review committee. But what we see now with the changes that have been implemented in recent years is a Scrutiny of Acts and Regulations Committee which reviews not only acts that come before the Parliament but also regulations.

My view is that the new Parliament will need to consider separating the functions of SARC — that is, having one committee that looks at bills that come before the Parliament and another that looks at the regulations, because we are going to see an increase in the number of regulations that are being reviewed by the committee. That is what this bill is going to do. It will mean a lot more regulations will be reviewed by the committee. That may be under the provisions that already exist within the act which are duplicated in the bill we have before the Parliament, or these new provisions may seek to extend the regulations that will be subject to a regulatory impact statement. This is the situation that faces us now. Added to that we now have the Charter of Human Rights and Responsibilities. This is another issue as far as SARC is concerned when assessing legislation and regulations that are determined and acted on within the Parliament.

As a member of SARC I think we have a situation that needs to be addressed. The chair of SARC will be speaking in a few minutes, and I am sure he will confirm the information I have put before the Parliament. Yes, we support legislation to extend the legislative instruments that are being assessed by the regulation review committee, but I point out that the workload will be quite extensive. The committee had quite a bit of correspondence with the Premier's department in relation to this issue, and we are now concerned about the extension of the legislative instruments which would be reviewed by the committee.

I note in the second-reading speech on the bill that the minister indicated that work is being done to reduce the amount of regulation we have in the state of Victoria. Whilst I support the legislation I think we need to be mindful of the fact that we are becoming more and more regulated throughout the state of Victoria, whether that be by an act of Parliament or by regulations. What the government is saying is that it is spending millions of dollars looking to reduce the regulatory impact on business and industry within the state of Victoria, so this is a further concern.

Whilst this legislation looks to review additional regulations and make sure they operate within the act itself and to review the regulations that are brought before the committee, we need to be mindful of the fact that we need to be reducing the regulatory burden on business and industry. If you talk to people in business and industry in the state of Victoria, they will tell you that they are sick to death of the regulations and demands of state, federal and local governments when trying to operate their businesses effectively. If we are going to look at reviewing these regulations, we need to

make sure we are not increasing the burden on business and industry with the changes that are being made. This is an area of great concern which we need to be mindful of.

We need to make sure the legislation operates effectively, not only in relation to bills going through Parliament but also in relation to the regulations made under acts of Parliament which will be part of what are, under this legislation, additional regulations that will be brought before SARC to assess. These are the sorts of issues that are critical to us as we go forward. Yes, we need to have acts of Parliament and we need to have regulations, but we also need to make sure that whilst they are effective they are not impeding business and industry.

The other issue I want to mention briefly is something we are now seeing, and that is the introduction of Henry VIII clauses. Henry VIII clauses generally seek to allow governments to proceed by way of regulation without legislation coming before Parliament. We now have uniform legislation being introduced across Australia. SARC has been aware that regulation-making powers can be implemented across Australia without going back to the Parliament itself. This is what is meant by Henry VIII clauses. He was able to introduce things and take actions without referring back to the Parliament. This is an area of concern which will need to be addressed by the new committee as we go forward and look at bills that come before Parliament, along with regulations.

I say again that as far as I, as a long-serving member of the Scrutiny of Acts and Regulations Committee and earlier regulation committees, am concerned we will need to separate the functions of the committee because of the workload that will be imposed on it in reviewing bills and the increasing number of regulations that will need to be reviewed as a result of this bill going through Parliament. The time scale for this legislation to be introduced is also of concern.

Mr CARLI (Brunswick) — It is with pleasure that I rise in support of the Subordinate Legislation Amendment Bill. I am pleased to follow the member for Murray Valley, who has been an active member of the Scrutiny of Acts and Regulations Committee (SARC) for many years. Before that he was involved in regulatory scrutiny.

It is probably worthwhile reflecting a little on the role of the Scrutiny of Acts and Regulations Committee and what subordinate legislation actually is. We know that in the Parliament we debate substantive primary legislation, and in many cases there are amendments.

This is all significant, but within that legislation there are often clauses that allow for regulations, and those regulations do not go through the Parliament. SARC fulfils a role, a requirement if you like, of the Parliament in scrutinising those statutory rules to determine whether they are an unfair or excessive burden on Victorians and whether they infringe human rights, now that we have the Charter of Human Rights and Responsibilities.

There are 14 grounds on which SARC considers these regulations. It is quite a forensic piece of work. We have a constant dialogue with government departments, because as a committee we have the power to advise or recommend to Parliament a disallowance of regulations. It is quite a significant power. It allows, if you like, a point of leverage or negotiation with government departments, and it is really there as a protection for the Parliament and the people of Victoria.

It is an area in which Victoria has been a leader. Both the member for Murray Valley and I have been to many conferences around the country that have been attended by members of Parliament from other jurisdictions, and there is no doubt that Victoria has led the way in terms of reviewing statutory rules, ensuring that they are up to date and having statutory rules in this state that sunset after 10 years. There is constant scrutiny and a desire to reduce red tape.

It has been a feature of this Parliament that SARC has been supported by all parties and that the work of SARC has continued. Its work has often been unheralded, and certainly it has not often been viewed, but it has been a constant of this Parliament.

In 2002 SARC conducted a major inquiry into the Subordinate Legislation Act and made a series of recommendations, the most significant of which related to the proliferation of a whole range of other instruments which have a legislative character like statutory rules but which are not statutory rules. Those instruments are therefore not scrutinised in the way that statutory rules are, and yet they have an impact on Victorians. They have significant material impacts, so it was recommended back in 2002 that SARC should have a role in scrutinising them.

At that stage the government accepted a whole lot of recommendations but not that one. In fact that recommendation was not supported by the government. The government did not support an extension of the role of SARC. It was only later that there was a reconsideration within government and it saw the wisdom of the SARC recommendation that there was a role for SARC to scrutinise rules that are not technically

statutory rules but essentially have the same effect, and this legislation allows for that to occur.

The member for Murray Valley and I have had a series of discussions and correspondence with the people drafting the legislation and with people involved in the inquiry. Our concern was the added workload for SARC, as we did not want to be inundated with a whole lot of things of minor importance. We want to ensure that this scrutiny role involves 4 of the 14 grounds we have for scrutiny of regulations and also that the instruments we look at are those that have a significant impact, and there is provision for that in this bill. As I said, this bill covers 4 grounds for reviewing legislative instruments out of the 14 grounds that we would use for regulations. Those four grounds of review are: where the legislative instrument does not seem to fall within the powers conferred by the authorising act; where it might be incompatible with the Charter of Human Rights and Responsibilities; where there has been a substantial or material contravention of the Subordinate Legislation Act or the Premier's guidelines under that act; and where it has a retrospective effect, imposes penalties or shifts the legal burden of proof. The unfair burden aspect has been a major part of the role of scrutiny in this Parliament.

What we have done with this legislation is look at ensuring that SARC's role is extended and that this Parliament considers the whole series of instruments and statutory rules and their impact. It is about reducing the impact of red tape. It is about ensuring that we get rid of unfairness, that we provide a mechanism of checks and balances and that the Parliament is empowered. In a certain sense SARC is essentially carrying out its role on behalf of Parliament — that is, as an all-party committee it sits and conducts a very serious forensic scrutiny of statutory rules and all these other legal instruments to ensure that they do not transgress or trespass on human rights and that they do not impose an unfair burden and to ensure that the regulatory impact statement has been done correctly.

A lot of the work we do is to ensure that the processes are right, that the people who are affected are involved in the processes and have been listened to, that there is a constructive response from government departments, that we do not just see a bureaucracy imposing its will on Victorians and that basically the processes are clear and transparent and appropriate. The changes proposed in the bill are important improvements, and I am very pleased that the government saw fit to return to the 2002 recommendations and adopt them.

From SARC's point of view we have sought to contain the workload a little bit, but I do take the point made by

the honourable member for Murray Valley that the workload of SARC, particularly with the Charter of Human Rights and Responsibilities, has become quite a deal more onerous, if you like. There are certainly a lot of demands on the members of SARC. We are not quite sure what the workload created by these changes will mean for SARC. Perhaps there has to be some consideration of whether we separate the function of human rights scrutiny of legislation from that of regulation. I am not committed to doing that, but I think it needs to be considered in the next Parliament, because SARC certainly has had a fairly extensive workload in the current Parliament and the matter needs to be considered, given that this new measure will generate extra work for SARC.

Following on from what has been said in this debate, the important thing is to recognise that SARC's process of scrutiny of the Parliament has been a very important one that has had broad support. This legislation is largely about increasing SARC's role and function in the scrutiny processes of this Parliament. That is a good and positive change. Without any doubt it puts Victoria in the forefront as the leader among Australian parliaments, and — judging from the experience of the member for Murray Valley and other members of the committee — clearly one of the leaders in the world in its ability to scrutinise secondary or subordinate legislation, statutory rules and legislative instruments. I welcome this bill and wish it a swift passage.

Ms ASHER (Brighton) — I, too, wish to make a couple of observations about the Subordinate Legislation Amendment Bill 2010. Whilst it has a dry content, I acknowledge that it is actually a very important bill, particularly as regulations have the potential to add to business costs substantially, and there needs to be greater scrutiny, as the government has acknowledged in introducing this bill.

The bill increases the amount of scrutiny of legislative instruments to include a wider category than currently exists. It also requires legislative instruments which impose a significant economic or social burden to undergo a regulatory impact statement process under certain circumstances. It provides for new legislative instruments to be tabled in Parliament and published in the *Government Gazette*. It provides for the Scrutiny of Acts and Regulations Committee (SARC) to recommend disallowance, and it sets out a range of exemptions whereby a minister is not required to embark on this process if the legislative instrument does not have a significant economic or social burden.

As many speakers before me have commented, this is based on a SARC report of 2002, and I will not go over

that ground. I want instead to refer briefly to the government's Subordinate Legislation Amendment Bill discussion paper, which the Premier released significantly later than 2002. That discussion paper, which unfortunately did not receive widespread coverage, was accompanied by an exposure draft to allow a range of organisations to have input. The discussion paper put forward the point that the most common forms of subordinate legislation — statutory rules, orders in council, ministerial directions, codes of practice, standards of professional practice and declarations, in addition to others — should be subjected to far more scrutiny as they go through.

A point of demarcation between the bill, the discussion paper and the exposure draft was that the discussion paper said:

The government proposes to further improve the regulatory environment by targeting the scrutiny processes at all subordinate legislation that will impose an 'appreciable burden'.

The government started with the proposition of an appreciable burden and moved on, and again this discussion paper makes prominent reference to the fact that subordinate legislation can be incredibly significant. If you like, the discussion paper set the scene for the bill before the house.

Clause 12F of the exposure draft, which is about an area where we now see change before the house, said:

- (1) The responsible Minister may issue an exemption certificate in writing certifying that, in the opinion of the Minister —
 - (a) the proposed legislative instrument would not impose an appreciable economic or social burden on a sector of the public ...

That was in addition to other criteria. However, today we are debating a bill that contains a different phrase:

the proposed legislative instrument would not impose a significant economic or social burden on a sector of the public ...

I accept the government's explanation in the minister's second-reading speech that the language is more modern and tighter, given the way other processes work.

The Victorian Competition and Efficiency Commission's annual report 2009–10 underpins the reasons we need this continuing process of regulation review. At page vii, the report refers to the 'large returns to Victoria' from constant review of the regulatory impact statement process and the business impact assessment process, and VCEC claims that 'for

every dollar spent on these processes, gross savings of between \$28 and \$56 are identified'. VCEC goes on to say that this is particularly important, claiming that:

... the commission typically finds it is possible to save in the order of 10 per cent of the cost of regulation without compromising policy objectives.

VCEC goes on to set out a program of what it will do should this bill pass through both houses. I note at page 76 VCEC's proposed work to help departments meet the new requirements; I think some of these reforms need that level of assistance underpinning them. I also note that in the annual report VCEC is very proud of references to it in *Hansard* and has catalogued those at page 50. It can now add another one, because I find VCEC's work particularly useful.

I have a couple of minor comments to make about the government claiming that this is a very significant step forward. It is, but the government needs to do a lot of work as well. In my observation, there are still significant regulatory burdens, and these are itemised by VCEC from time to time. Again, I will not go through the commentary that VCEC has made on the number of pages of regulation, the number of regulations overall and the number of pieces of legislation that continue to impose burdens on the community and business. There is still a lot of work for the government to do; businesses and industry organisations constantly complain about the amount of red tape. Whilst it is a good step forward to have more rigorous scrutiny of subordinate legislation, there is still a lot that could be done to assist business by the removal of regulation.

The second observation I make is that the Treasurer issues an annual press release claiming how much he has saved the business community by removing red tape, but there are significant problems with the verification of the Treasurer's claims. The Public Accounts and Estimates Committee, which is an all-party committee, has made a number of observations saying that these claims have not been fully tested. VCEC's 2008–09 annual report makes reference to the government claiming an amount of money that was saved by business through its red tape reduction program, but VCEC itself says, 'Most of these savings are yet to be formally verified by the commission'. The government needs to look at that verification process.

The next observation I make is that whilst the bill before the house will require ministers to get independent advice about the adequacy of regulatory impact statements, some RISs are bad. Some of them are written very poorly, and some of them are ludicrous. By way of example, I wish to draw the

attention of the house to the *Liquor Control Reform Regulations — Regulatory Impact Statement*, dated August 2009. This is possibly one of the worst RISs I have seen in my 18 years in this place. Page 41 of that RIS says, 'The proposed risk-based renewal fees are not considered a burden on businesses'. That was one of the most ludicrous statements to make in an RIS, to say that a hike in liquor licensing fees for whatever reason the government wanted would not impose a burden on business.

Again, and I have made reference to this in the past, the RIS goes on to say at page 43:

... liquor licensing fees generally represent a small proportion of the total return to the industry and as such any increase in fees is not considered to be a significant burden upon businesses.

Whilst the bill before the house will allow ministers to get an independent assessment of RISs, if an RIS is bad, it is bad. This is an example of an RIS that is ludicrous. To say that an increase in imposts is not going to impose a burden is ludicrous. I suspect that one of the ways around this is to get a better quality RIS in the first instance, and it is the minister who should be overseeing that process.

The final point I want to make as a challenge to the government and to my own party concerns the accessibility of the RIS process to small businesses in particular. Large industry organisations understand the process and are able to make submissions. Small business operators do not know about RISs, do not have time to read them and do not have access to a process. Whilst a small business proprietor might send an email to a member of Parliament to complain about an example of increased regulation, the RIS process is not an accessible process for them. The process in the bill before the house is good in that it increases the amount of scrutiny of regulation. That is excellent, but I think the challenge for us now is to ensure that this whole process is accessible to small business. Currently it is not accessible, and that is an area in which we need to improve.

Mr SCOTT (Preston) — It gives me great pleasure to speak on the Subordinate Legislation Amendment Bill 2010. As has been noted by previous speakers such as the members for Murray Valley and Brunswick, this is a very important area of legislation which deals with subordinate legislative instruments that sit below acts of Parliament. They can have a very important impact on our society. By way of example, as I am a member of the Electoral Matters Committee, and I am familiar with the electoral regulations, so I thought I would pull out a regulation which sits underneath an act. What is

clearly a legislative instrument which would be dear to the hearts of members of Parliament in October 2010 is on page 28 of the Electoral Regulations 2002. It is the nomination form for a candidate for the Legislative Assembly or Legislative Council. I use that by way of example because regulations that exist as statutory instruments underneath bills are very important. There are a number of jurisdictions where nomination forms have been used as mechanisms to prevent people from participating in the electoral process.

While it is a very dry topic, it is also a very significant one, and people should be aware that regulations that sit underneath as subordinate to legislation can have a huge impact on our society and community and can be central to democratic or other processes, such as business, that exist within our community. The regulation of such an area is important and should be treated seriously by this Parliament. I have been heartened by the debate today. Although it is a very dry bill members are taking its provisions very seriously and giving them the respect they deserve.

The bill requires legislative instruments which are likely to impose a significant economic or social burden on a sector of the public to undergo a regulatory impact assessment, as has been touched upon by others. The bill is amending the Subordinate Legislation Act 1994, and it requires new legislative instruments to be tabled in Parliament, requires new legislative instruments to be published in the *Government Gazette* and requires ministerial certificates, including human rights certificates, accompanying both statutory rules and legislative instruments to be tabled in Parliament and scrutinised by the Scrutiny of Acts and Regulations Committee. The bill allows SARC to recommend disallowance of a legislative instrument in certain circumstances and allows certain legislative instruments to be exempt from the consultation and regulatory impact statement requirements in order to focus resources on high-impact legislative instruments and to allow for overriding public interest considerations.

I want to touch on an issue which previous speakers have canvassed, which is the requirement for legislation and in this case regulation to be succinct. Members may be familiar with William of Occam and the law of succinctness which is often referred to as Occam's razor and which argues that explanations should be as simple as is necessary. 'As is necessary' is an important phrase. I believe legislation and regulation should emulate that principle. Legislation, or regulation, should achieve its goal, but it should be a mechanism that is as simple as possible.

The scrutiny of regulation and the desire to improve the scrutiny of regulation, which the bill achieves in a way that I think is balanced and sensible, is an important aspect of that, because we are more likely to get good regulation if it is subject to a process which allows significant and appropriate scrutiny. However, in doing so it is important not to bury those who are scrutinising such regulations and other legislative instruments in unnecessary detail. It is important to balance the need for scrutiny with the need to ensure that the workload is not too great and that SARC, as has been noted by the members for Murray Valley and Brunswick, is able to perform its functions in the most effective manner possible. The bill does that by providing an exemption, as I discussed earlier, from the consultation and regulatory impact statement requirements based on a public-interest test, which I will come to in a moment.

The Subordinate Legislation Act 1994 was passed to ensure that the power to make subordinate legislation is exercised subject to the authority and control of Parliament; to regulate the preparation, making, publication and scrutiny of subordinate legislation; to provide for public participation in the preparation and scrutiny of subordinate legislation; and to make amendments to the Interpretation of Legislation Act 1984. It is the Subordinate Legislation Act 1994 which created the role of SARC in relation to regulations.

As I stated previously, this is a really significant and important area because it relates to the Parliament's ability to scrutinise actions, often of executive government, in making regulation and to ensure that those regulations are subject to appropriate parliamentary scrutiny and public debate. In touching upon what a legislative instrument is, I draw the attention of members to the clause notes and to clause 25, which inserts a new definition for a legislative instrument, which is similar to the definition contained in the commonwealth Legislative Instruments Bill 1996 and the current commonwealth Legislative Instruments Act 2003. The definition of 'legislative instrument' is as follows:

... means an instrument made under an Act or statutory rule that is of a legislative character ...

Legislative character is not defined in the definition of legislative instrument. However, what is an instrument of legislative character depends on a range of factors which have been identified through court action — for example, an instrument that is mandatory in effect is more likely to be a legislative instrument than one that is voluntary and an instrument which creates rules of a general effect rather than that of a specific effect on the

individual or in an instance is more likely to be considered of legislative character.

These sound like very dry, specific clauses which are not going to excite public debate. I note the empty galleries and the non-attendance of journalists at this debate, but this is very important work of the Parliament. It is work of the Parliament that ensures the accountability of regulation and ensures that we have efficient regulation which meets the needs of the community. It is incumbent upon the Parliament to deal not just with legislation that will generate excitement or media interest but also that which will ensure the most effective running of our community. That is the job of a parliamentarian ultimately; it is not to hold public office per se, but to hold public office for the purpose of improving the life within the community for the citizens who we are lucky enough to represent.

In dealing with this I would like to pay tribute to the members of Parliament who serve on SARC for their work. SARC is one of the committees that provides the Parliament with information which really assists other members in performing their duties. The workload of members of the committee is very onerous compared to the work of members of many other committees. I have been lucky enough to serve as the chair of the Electoral Matters Committee, and I read SARC reports. I can honestly say that the responsibilities of members of SARC have been very significant and onerous; they have been performed by members across parties with a spirit of intention to drive a greater understanding of the legislation and regulation that comes before both this house and the Legislative Council. The work of the committee has provided members with an ability to participate in debates with a much greater understanding of the legislation which has been brought before this house and will go before the Legislative Council.

The member for Murray Valley raised a significant point concerning the workload of SARC and the increased workload of members of the committee that will take place as a result of bills like this and the increased legislative workload that parliaments have taken up over time. That should be given due consideration, and we should ensure that in performing their duties parliamentary committees are able to deal effectively with the workload they have been given both by self-reference and by legislation and by reference by the executive or the houses of Parliament themselves.

In conclusion I would like to note again that it is important in that context to think about the exemptions that have been provided in this act as not just being

about withdrawing from scrutiny certain forms of legislative instruments but also about ensuring that only those legislative instruments which need to be subject to the scrutiny process are given that process, ensuring that instruments that have no significant impact on the broader community are not subject to lengthy consultative and regulatory impact processes.

This is an excellent piece of legislation that reflects well on this house as a body dedicated to the wellbeing of the community of Victoria and of course reflects well on the government in its agenda for assisting the community in developing and ensuring that regulation is succinct and performs the task required under the legislation, which creates the authority to create that regulation and other legislative instruments. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The parliamentary procedures under which we operate in this place, as has been alluded to in the press today, have taken 1000 years to evolve. The practices and procedures of delegated legislation are reflective of the levels of detailed considerations where statute law provides the broader framework and delegated legislation provides the administrative detailed structure against the skeleton of the empowering act.

Through four Parliaments I have had a role on the Scrutiny of Acts and Regulations Committee (SARC) and through some of those Parliaments I have served on subordinate legislation review committees. Parliamentary committee staff have done outstanding work in assessing every new regulation in this state against the principles in subordinate legislation in Victoria. On occasion there have been some matters which have been more keenly evaluated. A former member for Doncaster was particularly enthusiastic in reviewing regulations in this place. On one occasion there was a regulation about not throwing an object in a national park. The question arose as to whether it extended to a tennis ball on a camping picnic as opposed to a boomerang in Kakadu. There were differential impacts where there were appropriate questions asked to ensure that regulations made sense and had worthwhile practical outcomes.

The bill before the house proposes to extend legislative scrutiny, such as by a regulatory impact statement, to a broader range of subordinate instruments, where some guidelines or rules have been defined as being of a legislative character. Going back a number of years the port of Melbourne had some regulations that applied to hazardous substances being transported within Port Phillip Bay and within the port of Melbourne. Whether

the guidelines fell within the ambit of the act was one of the matters being considered.

The opposition has a number of areas of concern in relation to the bill before the house. The legal sector has raised a concern regarding the lack of transparency with respect to the government's ability to issue an exemption certificate to exclude subordinate legislation from undergoing a regulatory impact statement. This concern is linked to the interpretation of 'significant economic or social burden'. I know in the report of a review that was undertaken in relation to the abalone industry entitled *Abalone — Taking Stock* there were some very significant prospective burdens that could have impacted upon a great industry that Victoria had at the time harvesting some of the last sustainable supplies of abalone in the Western world.

An issue that came to my attention as a member of the Scrutiny of Acts and Regulations Committee a few years ago was the role of section 85 clauses. It was an accompanying role of the committee to report to the Parliament where a section 85 clause was to be involved. At the time the former Premier, Steve Bracks, was opposition leader, he was reported to have stated in an issue of *Law Institute News*:

... a future Labor government would scrap more than 200 pieces of legislation that stop Victorians from appealing against government decisions in the Supreme Court.

That view had earlier been iterated by Mary Delahunty, the then ALP member for Northcote, when she addressed the November president's luncheon at the Law Institute of Victoria in 1998. She said that the Kennett government had restricted the legal right to appeal to the Supreme Court in about 200 bills and acts. She went on to say:

This is absolutely unprecedented in Australia and, no doubt, in most of the Western world. It is a savage and cynical attack on the democratic notion of judicial review.

Back in the late 1990s Mr Bracks said that a future Labor government would scrap more than 200 pieces of legislation that would stop Victorians from appealing against government decisions in the Supreme Court and the then member for Northcote stated that it was a savage and cynical attack on the democratic notion of judicial review.

A few facts are pertinent to that matter. The Labor Party has not apologised to the Law Institute of Victoria for those remarks, which were patently wrong. The court's jurisdiction has been restricted by governments since at least 1854. Despite the Labor Party's criticism of the practice by the Kennett government, the Attorney-General's department estimated that the

Labor government varied the jurisdiction 180 times, and arguably a further 182 times, between 1985 and 1992. Furthermore, during the current term of the Labor government — since 1999 — it has in over 100 cases introduced section 85 clauses or acts which limit the jurisdiction of the Supreme Court.

A study of *Hansard* going back to the 1990s shows that many Labor members supported the introduction of section 85 provisions in bills under the then Kennett government. Members stated that the limitations on the court's jurisdiction were necessary, clearly justifiable, welcome and commendable. I refer to a letter I wrote to the *Law Institute Journal* in February 1999, which states:

A member of the opposition stated in relation to one such bill:

That is a clearly justifiable amending of section 85. It is not at all an extraordinary thing for this sort of bill. I welcome it as a necessary change to the legislation. It clearly puts the legislation in line with similar legislation ... I commend the bill and am pleased to be a part of an opposition —

a Labor opposition —

that clearly sees the need at times to support legislation that is of benefit to the state and our economy.

There remains a clear dichotomy between what the Labor Party said when in opposition — that is, that section 85 clauses were a savage attack on the Westminster tradition and the political process and that it would repeal over 200 acts that varied the jurisdiction of the Supreme Court — and what Labor has done in Victoria over the last 10½ years. Not only has Labor substantially failed to repeal the overwhelming majority of the 200 acts that Labor had referred to but it has also introduced more than 100 section 85 clauses in the current term. The reporting of these variations is not undertaken with the same frequency. A new legal interpretation has been applied, and the statistical assessment does not necessarily include every clause but is rather a collation of the acts which include section 85 clauses. So the account of over 100 times may not be as fulsome as some earlier statistical counts of the 1980s and the 1990s in alluding to the number of times the jurisdiction of the Supreme Court has been varied.

It is relevant to draw attention to these matters, because I remember a time, some 22 years ago, when a former Labor member was speaking to a Rotary club. That member remarked that parliamentary committees do some of the best parliamentary work, and here we have an example of the Scrutiny of Acts and Regulations Committee. The member for Murray Valley is probably

the longest serving member on subordinate legislation review committees in the history of this place since 1854, and he is in the chamber at this moment. The great member for Murray Valley, who has served in this place for more than 34 years, has been a very good member — an outstanding member — of SARC and in particular of delegated legislations committees. He has applied his mind to these matters, and parliamentary committees work best when people apply their minds fairly, equitably and truthfully to the matters under consideration.

In the Subordinate Legislation Act there are a range of benchmarks against which parliamentary committee staff assess every new regulation that comes in in Victoria against a range of statutory principles to ensure that the regulations that are implemented are fair and equitable and are not an undue burden. Yet we have this example within the ambit of the Scrutiny of Acts and Regulations Committee's reporting obligation in relation to section 85 clauses where senior former members of this house have wittingly or unwittingly misled the people of Victoria and the law institute on what is in many ways a complex issue but also a simple issue. The Labor Party has failed to implement in government what it promised to do in opposition on a very serious area of legislative responsibility.

Mr BROOKS (Bundoora) — I am speaking in support of the Subordinate Legislation Amendment Bill, and at the outset I will restate the case. This is a very positive bill. Any bill that casts further scrutiny on regulation and red tape is a good thing. It is always difficult for government to find the right balance in terms of the level of resources applied to scrutinising regulations. As a member of the Scrutiny of Acts and Regulations Committee (SARC) that is very apparent to me. I have sat through a number of lengthy regulation review subcommittee meetings. It is great that the government has picked up on some recommendations made in the Scrutiny of Acts and Regulations Committee report on its inquiry into the Subordinate Legislation Act 1994, which was published in September 2002.

I think it was the member for Ferntree Gully who reported concern from business or other sectors about the impacts of this bill. A number of speakers have highlighted the fact that this bill is good for business and other sectors of our community because it applies further scrutiny to legislative instruments that would have the same character as a regulation. I think it is fantastic that further scrutiny is being applied to pieces of regulation or instruments that have a legislative effect and which can affect quite significantly the way in which people lead their lives.

By way of example, the report SARC completed in 2002 mentions, I think on page 22, the East Gippsland Estuarine Fishermen's Association and its members concerns through submission to that inquiry about the use of licence conditions on, for example, the Fisheries (Scallop) Regulations 2000, which in their view affected that industry significantly. Because it was not a regulation and because it did not have to go through the scrutinised process of running the gauntlet of SARC or its subcommittee, the association's members felt there was a lack of proper parliamentary scrutiny of that instrument.

Similarly one local government authority expressed concerns about the development of best practice guidelines for audit committees and internal auditing in August 2000. When I talk to local councils in my area they sometimes raise concerns about different pieces of government regulation. In my view they are sometimes not justified, but the point is that if legislative instruments are subject to the same parliamentary scrutiny as regulations currently are, there is then at the very least the opportunity for these groups, communities and organisations to make representations to their members of Parliament and to the Scrutiny of Acts and Regulations Committee and to have those concerns aired and listened to, even if they are not ultimately agreed to.

The member for Murray Valley, who has already contributed to this debate, has raised a number of times outside this place in discussions on this piece of legislation his concern, and the concern of other members of SARC, about the impact this bill might have on the workload of SARC. As a member of SARC I know there is a significant workload. The executive team at SARC does a fantastic job in providing substantial advice to members of that committee, which is ultimately debated and passed on to members of both houses.

It is important to remain aware of the fact that this bill proposes that the legislative instruments being talked about and considered will only have four grounds to be considered on, whereas at the moment regulations are measured against 14 different grounds. The time taken to consider these new pieces of regulation or legislative instruments will be much less than the time devoted to current regulations.

It is also important to remember that SARC will not be asked to consider a whole range of things that could possibly have been considered legislative instruments but for obvious and common-sense reasons will not be. They are listed in the bill under part 3, clause 25, 'definitions'. It states that 'legislative instruments' will

not mean a statutory rule; a local law made under part 5 of the Local Government Act; a proclamation of commencement of an act or provision of any act; a planning scheme amendment; Victoria planning provisions; a practice note or practice direction issued by or on behalf of a court or tribunal; an instrument of purely administrative character; or a prescribed instrument or prescribed class of instruments. The range of legislative instruments that could possibly have been corralled and included in consideration by SARC has been narrowed by the exclusion of those particular instruments. In fact the bill sets out the factors which will be considered in defining what is of legislative character.

In terms of the importance of this bill to particular communities, as I said, on an almost weekly basis the issue of regulation is important at local government level. The example given in the previous Scrutiny of Acts and Regulations Committee report in relation to a local fisheries organisation was really important in terms of ensuring that licence conditions were not used as a way of imposing unfair conditions on that particular community.

In concluding, I just want to make the observation that the consideration of this bill and the lead-up to it being presented in this house has involved significant consultation between the department and the Scrutiny of Acts and Regulations Committee. I want to thank the department because it has certainly listened to the concerns that were raised in the discussions it had with the Scrutiny of Acts and Regulations Committee. I also want to commend other members of the Scrutiny of Acts and Regulations Committee, particularly the chair, the member for Brunswick, and the deputy chair, the member for Murray Valley, both of whom contributed significantly not only to the main committee, the Scrutiny of Acts and Regulations Committee, but also to the regulation review subcommittee, which did a lot of work in considering how this bill should be shaped. It is great that that work was done in a very cooperative manner and that the department listened to the issues raised by SARC. I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to rise and speak on the Subordinate Legislation Amendment Bill 2010. What this bill seeks to do is to amend the Subordinate Legislation Act 1994 in order to promote greater scrutiny of legislative instruments. The bill also proposes to extend legislative scrutiny, such as regulatory impact statements, to a broader range of subordinate instruments, which are defined as being of legislative character.

Debate on this particular piece of legislation occurred in the Legislative Council on 12 August, and I want to refer to some comments made in that debate by Gordon Rich-Phillips, a member for South Eastern Metropolitan Region. In part he referred to the fact that the legislation now before us follows work that was undertaken by the Scrutiny of Acts and Regulations Committee (SARC) in 2002. In his contribution he remarked on the appalling amount of time that elapsed following that work in 2002 before the inception of this legislation.

Previous contributions today from members of the Scrutiny of Acts and Regulations Committee have emphasised the importance of SARC's role within the Parliament. I endorse the comments made by the member for Murray Valley on the vital role that SARC plays with respect to regulation and legislation review and around the impact of regulatory impact statements and the charter of human rights. The member for Murray Valley said that the introduction of this legislation was probably going to see an increased workload for the members of SARC into the future. That is probably correct. I take this opportunity to commend the member for Murray Valley for his work with SARC and also his contribution to this Parliament, which has been an amazing achievement.

I want to refer to a couple of the main provisions of the bill. One of those is the requirement for legislative instruments which are likely to impose a significant economic or social burden on a sector of the public to undergo regulatory impact assessment. I will talk further about that later in my contribution. It also allows SARC to recommend disallowance of a legislative instrument in certain circumstances. It also allows certain legislative instruments to be exempt from the consultation and regulatory impact statement requirements. This will occur when it is deemed that the legislative instrument does not have a significant economic or social burden.

The legislative instruments are outlined in clause 25(1) in part 3 of the bill. The coalition has expressed some concern over the clarity or lack thereof of this particular definition. Clause 25(1) inserts a couple of definitions. One of those is of 'instrument maker' and the other is of 'legislative instrument'. Under this definition eight examples of items that are not legislative instruments are included. Then in clause 25(2) another nine instruments are listed that are deemed to be of an administrative character. Yet it is the perception of what is legislative character that creates some concern. The subordinate legislation that falls within the scope of the legislative character is not spelt out.

The member for Ferntree Gully in his contribution spoke about the issuing of exemption certificates and concerns expressed by the legal sector and others on the lack of transparency with regard to this aspect of the legislation. I commend the member for Ferntree Gully for his commitment and work with respect to this piece of legislation. In new part 2A, proposed by clause 30, new section 12F refers to exemption certificates and to legislative instruments in terms of the certificates. A range of provisions are included under proposed section 12F, but it is proposed section 12(F)(1) that I want to speak briefly about. This states:

The responsible Minister may issue an exemption certificate in writing certifying that, in the opinion of the Minister —

- (a) the proposed legislative instrument would not impose a significant economic or social burden on a sector of the public ...

The proposed section then goes on to list some other aspects with respect to the exemption certificates. However, there is really no description of what a significant economic or social burden is. Just recently in this house we debated the climate change bill, which included provisions enabling the EPA (Environment Protection Authority) to impose regulations with respect to carbon emission targets. These were to be applied retrospectively to existing power generators in Victoria. In terms of the impact of the EPA regulations, they were to be determined effectively by the Minister for Environment and Climate Change. At the time the coalition made the point that as that legislation had enormous social and economic implications for Victoria, there should be some involvement on the part of the Minister for Energy and Resources, in terms of energy security, and on the part of the Treasurer, with those regulations.

It is important that legislation that comes before the Parliament has had appropriate input from the ministers who should have some involvement with it. When we are talking about social and economic burdens, which fall not just on local communities but on the whole of Victoria, we have to ensure they are considered thoroughly. As other speakers have said, the opposition on occasion has sought to disallow particular regulations in this Parliament.

The members for Murray Valley and Brighton also spoke about regulations and the impact they can have on local businesses. I have had experience of this over these last nearly four years. I have had contact from many businesses, including a business today contacting my office with concerns about regulation. I realise regulations can be local government, state government or federal government regulations. The intent of the

legislation before us is certainly something we support in principle. If we can reduce the regulatory burden on our businesses, all the better. However, I do have some concerns relating to the question of whether we will see a reduction in practice or not; I am not so sure. I believe in terms of our obligation to businesses, particularly to small businesses, which are really the fabric of many regional communities, we must do all we can to ensure that the regulatory burden is reduced into the future.

In his contribution the member for Ferntree Gully spoke about some aspects of the Premier's guidelines with respect to this legislation and his concerns about that matter, and I endorse those comments.

In summary, whilst not opposing the legislation, the coalition has some concerns about transparency with respect to subordinate legislation and the real impact on small businesses and businesses in regional communities, which are really the fabric of small communities. We must do all we can to support such businesses. I know of instances where businesses have walked away from prospective developments. I can certainly attest to that in terms of the Morwell electorate. In some instances regulations, particularly local government regulations, are so daunting that businesses are deterred from investing in regional communities. As a Parliament and as a community we must do all we can to try to support businesses throughout all of Victoria to make our regions grow and prosper into the future. If we are deterring small businesses from setting up operations, that is having a direct impact on local regions' economic output and also affecting employment within regions. There is much more that we as a Parliament can do to support businesses in this manner. If we can reduce the regulatory burden on businesses, that should go a long way to ensuring that as a state we grow and prosper into the future. With those few words, I add that the coalition will not oppose the legislation before us.

Ms BEATTIE (Yuroke) — It gives me great pleasure to rise in support of the Subordinate Legislation Amendment Bill 2010, the main purpose of which is to make various amendments to the Subordinate Legislation Act 1994 to facilitate the operation of that act and to extend the application of certain provisions of that act to legislative instruments. This bill will come into operation on 1 January 2011, which is one of the reasons we are debating it now; part 3 of the bill will come into operation on 1 July 2011.

I intend to talk about two particular aspects of the bill: its implementation and the changes to the role of the Scrutiny of Acts and Regulations Committee. Like

many members who have spoken on this bill, I have been a member of SARC. In 1999, in my first term in Parliament, I became a member of SARC. One of the reasons I did so was that unlike many members of this Parliament I do not have a law degree, and I thought it would be a very good way to learn how legislation goes through the Parliament. Indeed it was a great learning curve and provided probably some of the most satisfying work I have done in Parliament.

One of the committee inquiries I co-chaired looked into the laws surrounding Anzac Day. We have seen our recommendations taken up by the government, supported by the opposition, I have to say, and brought into the Parliament. For me as co-chair of that committee, alongside the Honourable Mark Birrell, a former member for East Yarra Province in the Council, it was a source of great pride to see that legislation go through the house.

I understand very well the important role played by the Scrutiny of Acts and Regulations Committee. Speakers before me have expressed some concern about the workload of members of SARC. I hope we are not shutting the stable door after the horse has bolted, because I note that both the chair, the member for Brunswick, and the deputy chair, the member for Murray Valley, will be giving their valedictory speeches on Thursday. We are losing both a very competent chair and a very competent deputy chair, and I hope the workload of SARC has nothing to do with that. I am sure it has not, but we must always bear in mind when we are doing these things that there can be an impact on workload. Indeed that has been recognised by this government, given the fact that during this Parliament the remuneration has been altered for the chair and the deputy chair of SARC, and I commend the government for that.

In September 2002 the committee published a report on its inquiry into the Subordinate Legislation Act 1994. There has always been a recognition that Victoria has led the way in regulation reform and in its regulatory system. SARC made 55 recommendations, including that the Subordinate Legislation Act be extended to cover instruments which are, by their very nature, legislative in character. That was later reconsidered in light of the government's focus on improving the efficiency and effectiveness of regulation, particularly through its Reducing the Regulatory Burden initiative, and that recommendation is now supported.

Through the bill the government will fully or partly implement 17 of SARC's 55 recommendations, including the key recommendation that the Subordinate Legislation Act be extended to cover instruments which

are legislative in character. Many of the other recommendations have already been implemented. In total, the government fully or partly supported 47 of SARC's 55 recommendations.

I want to talk a little bit about the legislative instruments. The bill introduces a new requirement for legislative instruments and accompanying certificates and other material to be laid before Parliament. There are probably many members, both inside the chamber at the moment and in their offices, who are thinking, 'What are these people rabbiting on about with SARC?'. They fail to see the importance of the Scrutiny of Acts and Regulations Committee, but I can assure the members in the house and those listening in their offices that the role of SARC is an extremely important one. The committee plays a very important role in scrutinising legislation before it goes to the Parliament.

SARC will have four grounds for reviewing legislative instruments, and I will go through them. They are: that the legislative instrument does not appear to be within the powers conferred by the authorising act under which it is made; that without clear and express authority from its authorising act, the legislative instrument has retrospective effect, imposes a penalty, purports to shift the legal burden of proof to a person accused of an offence or provides for subdelegation of powers; that the legislative instrument is incompatible with the human rights in the Charter of Human Rights and Responsibilities Act; and that the legislative instrument has been prepared in substantial or material contravention of the Subordinate Legislation Act or the Premier's guidelines made under the act.

I want to go back to the Charter of Human Rights and Responsibilities Act, and I was reminded just this morning how important it is. I remember the arm-wrestle, if you like, that we had in this house to get the bill passed. There were many on the other side who said, 'We don't agree. We don't think we need a charter of human rights and responsibilities, and we don't think that as a state we should have such an act'. As I said, I was reminded of that this morning. People who come from overseas, perhaps from war-torn countries or from dictatorships where there are no such things as any human rights or social responsibilities, know how very precious such an act is. I see my good friend the member for Derrimut in the house. He comes from one of the countries where human rights were trodden on for many years. As a very enthusiastic member of SARC, he is all the time defending our Charter of Human Rights and Responsibilities Act.

I talked about the valedictory speeches that are coming up on Thursday. When they leave this Parliament I am sure members on this side of the house will look at the Charter of Human Rights and Responsibilities and think, 'That is one of the finest things we have done'. I put my hand up for this legislation, and I think for everybody who voted for it it will go down as being one of the finest things they have done.

This is good legislation. As I said, I am concerned about the workload of SARC, particularly as its chair and its deputy chair are leaving this house very shortly. I hope the workload has not had anything to do with that. I commend the bill to the house, and I commend the fine work of the chair and the deputy chair of the Scrutiny of Acts and Regulations Committee.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Subordinate Legislation Amendment Bill, and I note that The Nationals in coalition are not opposing it.

The purpose of the bill is to amend the Subordinate Legislation Act 1994 in order to promote greater scrutiny of legislative instruments. The bill proposes to extend legislative scrutiny, through measures such as regulatory impact statements, to a broader range of subordinate instruments — for example, the guidelines and rules that are defined as being of legislative character.

The government believes the bill will enhance the transparency of subordinate legislation, provide more opportunity for public feedback and enable parliamentary scrutiny of government action. This will be achieved by requiring legislative instruments which are likely to impose a significant economic or social burden on a sector of the public to undergo a regulatory impact assessment; requiring new legislative instruments to be tabled in Parliament and published in the *Government Gazette*; requiring ministerial certificates, including human rights certificates, accompanying both statutory rules and legislative instruments to be tabled in Parliament and scrutinised by the Scrutiny of Acts and Regulations Committee; allowing SARC to recommend disallowance of a legislative instrument in certain circumstances; and allowing certain legislative instruments to be exempt from the consultation and regulatory impact statement requirements. This will occur when it is deemed that the legislative instrument does not have a significant economic or social burden.

Like many others I would like to pay tribute to the work done by members of the Scrutiny of Acts and Regulations Committee, in particular by the member

for Murray Valley. However, in the second-reading speech much is said about reducing red tape by 25 per cent and the burden of red tape on business. When I look at it I think, 'You have got to be joking'. If you ask anyone if red tape is reducing, they will tell you that it certainly is not and they will come up with numerous examples. Only today my phone has been ringing in relation to locusts. We have declared war on locusts here in Victoria. Members of the public report a locust infestation to the Department of Primary Industries and then the farmers take action.

However, on public land there appears to be some buck-passing occurring even today. The example that is being used is what was called the Millewa line road; Millewa Road runs west of Mildura towards Werrimull. The road is the council's responsibility and there is no argument about that; however, between the road and the fence line there is an old rail reserve, and that seems to be in contention. The locals there are concerned — particularly around Merinee, where I am led to believe there is a significant infestation on this parcel of land — that if we are not all in the program, it will not be effective.

Red tape keeps popping up all over the place and causes great stress to people. It is similar in the area of planning at times, last year the Minister for Planning dropped planning amendment C58 on Mildura, which certainly did not help the people of Mildura in their handling of red tape and did not help their lives. Then followed planning amendment C65, which most of Mildura is still trying to figure out, including how to arrange their lives around these sorts of constraints and how this red tape has affected their lives with considerable restrictions on planning.

In Mildura we are facing a long recovery from the drought. Mildura needs investment and it needs confidence, and the issue of red tape continues to dog people. If we have reduced it by 25 per cent, as claimed in the second-reading speech, then we are going to have to go a lot further, because most people in the electorate are telling me that it is not getting any easier — it is just getting harder. With those concerns over a phantom red tape reduction, as it appears to be, we will not oppose this bill; however, I look forward to seeing some real benefits from the reduction of red tape.

Debate adjourned on motion of Mr LANGUILLER (Derrimut).

Debate adjourned until later this day.

**EDUCATION AND TRAINING REFORM
AMENDMENT (SKILLS) BILL**

Council's amendments

**Message from Council relating to following
amendments considered:**

1. Clause 3, lines 15 to 21, omit all words and expressions on these lines and insert —
 - “(ii) the student is 20 years of age or older on 1 January in the year the study is undertaken, and the study is required by the student in his or her current or prospective employment or to re-enter the workforce, whether or not the study leads to the same or a higher level of vocational education and training qualification already obtained by the student — “.
2. Clause 6, page 9, lines 1 to 6, omit all words and expressions on these lines and insert —
 - “(ii) quality assurance, business management, institutional governance, law, finance and industry; and”.
3. Clause heading to clause 49, omit “**Schedule 5**” and insert “**regulation-making powers**”.
4. Clause 49, page 66, after line 31 insert —
 - ‘() After section 5.10.2(4) of the **Education and Training Reform Act 2006** insert —
 - “(5) The regulations may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 23 of the **Subordinate Legislation Act 1994**.”.’.
5. Clause 55, page 77, lines 1 to 4, after “consistent with,” omit all words and expressions on these lines and insert “and is designed to facilitate, the carrying out of the functions referred to in subsections (1) and (2).”.
6. Clause 55, page 77, after line 4 insert —
 - ‘(4) The board of an institute must use any revenue generated by engaging in the type of commercial activity referred to in subsection (3) for the purposes of carrying out its functions under subsections (1) and (2).’.
7. Clause 57, omit this clause.
8. Clause 58, omit this clause.
9. Clause 70, lines 24 to 34 and page 89, lines 1 to 22, omit all words and expressions on these lines.
10. Clause 70, page 89, line 23, omit “(6)” and insert “(4)”.
11. Clause 70, page 89, line 23, omit “60” and insert “58”.
12. Clause 70, page 89, line 30, omit “60” and insert “58”.

13. Clause 70, page 89, line 32, omit “(7)” and insert “(5)”.
14. Schedule, line 2, omit “71” and insert “69”.

Ms PIKE (Minister for Skills and Workforce Participation) — I move:

That amendment 1 be disagreed with.

The reason I move this amendment is that the government is well under way with the implementation of what is the most comprehensive skills reform agenda in the history of Victoria. As part of that skills reform agenda, we are providing an ongoing guarantee that where a person is upskilling their qualifications, a government subsidy will be provided. Anyone under 20 is also guaranteed a place.

The guarantee sets a floor, not a ceiling, and we believe it provides a very generous minimum basis on which to strengthen the vocational, educational and training system in Victoria. This amendment attempts to unravel the training guarantee to provide a completely uncapped system and write a blank cheque. We believe that this limitless opportunity is not fiscally responsible, that the current framework of the training guarantee is appropriate and that the open-ended, vague and unreasonable burden that the amendment would place on the taxpayer would be irresponsible. For this reason I have moved that this amendment be disagreed with.

Mr DIXON (Nepean) — The opposition also disagrees with this amendment, and we agree with the government on the terms of this amendment. After much discussion with the shadow minister, a member for Eastern Victoria in the other place, Mr Hall, I have nothing further to say on this amendment at this stage.

Mrs VICTORIA (Bayswater) — I am seeking ministerial guidance on this amendment. I certainly understand that, together with the government, we have agreed to disagree with this amendment, but today I received an email and I am not quite sure how the circumstance described in this email fits in with the legislation and whether it would fit in with amendment 1 in another guise. I will read a small excerpt from that email, which is from a lady who writes about her daughter. It says:

I live in Bayswater and have a daughter that completed her certificate III in hairdressing in May this year. She completed her certificate at the academy in Melbourne. This is a private course, not a TAFE government-funded course. The cost of the course was \$5500.

Since completing her certificate she has not been able to get a job due to the certificate meaning she is fully qualified but not having the experience no-one wants to pay her full rates — that is fair enough in my book.

My daughter ... decided that to get a job she was happy to start as a second-year apprentice.

A hairdresser in Hawthorn agreed to put her on as an apprentice.

She:

... started there on Wednesday last week. Unfortunately the salon has been informed she cannot redo her certificate as an apprenticeship at a TAFE as she has already done it. I don't understand this; she didn't do it through a TAFE and if someone wants to repeat, why can't they?

The problem now is the hairdressing salon have been told they have to pay her full rates as a qualified hairdresser. They cannot afford to do this as she is not experienced and is quite slow due to this and still needs a lot of training. They are now saying they can only afford her for three days a week at those rates.

What concerns me is they will eventually they will put her off due to the high rate of pay.

I am wondering if the minister can give some guidance as to how this fits in with either this or one of the other amendments but specifically with this amendment. Where does this leave a young woman who is 18½ years old, quite within the boundary of being under 20, as far as being able to go on and use a TAFE service is concerned. She has done a privately funded course but is not considered adequate enough to be given a full-time, full-wages job, yet she is not able to go back and do an apprenticeship.

Ms PIKE (Minister for Skills and Workforce Participation) — I obviously do not know every detail about this specific case, but what I can broadly say to the member is that as part of our response to the Ernst and Young review the government, last week in fact, announced \$37.6 million in additional funding. As part of that, \$15 million was provided to give every apprentice across Victoria access to the Victorian training guarantee. Whatever apprenticeship one may be doing there has been a subsidised place made available. The particular salon may not be aware that that exemption for apprentices, that guaranteed training place, exists. I would be very happy to receive a copy of the letter and follow this matter up personally.

Motion agreed to.

Ms PIKE (Minister for Skills and Workforce Participation) — I move:

That amendment 2 be agreed to.

Motion agreed to.

Ms PIKE (Minister for Skills and Workforce Participation) — I move:

That amendments 3 and 4 be agreed to.

Motion agreed to.

Ms PIKE (Minister for Skills and Workforce Participation) — I move:

That amendments 5 and 6 be disagreed with

Motion agreed to.

Ms PIKE (Minister for Skills and Workforce Participation) — I move:

That amendment 7 be agreed to with the following amendment:

Insert the following New Clause to follow Clause 56 —

'AA Board directorship

(1) In section 3.1.16(1) of the **Education and Training Reform Act 2006** —

(a) before paragraph (a) **insert** —

“(aa) the chairperson of the board who must be appointed by the Governor in Council;”;

(b) for paragraph (a) **substitute** —

“(a) a number must be appointed by the Minister that together with the chairperson is more than one-half of the directors of the board;”.

(2) In section 3.1.16(3) of the **Education and Training Reform Act 2006**, for “referred to in” **substitute** “appointed by the Minister under”.

In this particular amendment the government is proposing a compromise in relation to council amendments 7 and 8. The reason we are doing this is because we have consulted and had much conversation with the opposition and with people in the TAFE sector. The whole intention of the changes to governance arrangements was to in a sense boost the accountability for TAFE boards in the context that under this act TAFEs themselves and other training providers are being given additional trading powers and the opportunity to engage in a broader range of commercial activities, therefore increasing the state's commercial exposure. That was the intent of the governance changes.

This amendment proposes that the chairperson of each board be appointed by the Governor in Council, instead of being elected by the board as it is at present, but that the other categories of appointment would remain as

they are under the existing act. They would remain unchanged. The government will consider the advice of the existing boards in its nomination of the chair to the Governor. As part of this the constitution of every TAFE board would be reviewed within 12 months to be brought within the new parameters set by the amendment to the act.

We think this is a very workable compromise. It satisfies the government's requirements for greater accountability in the context of heightened opportunities for commercial activity but also allows TAFE boards themselves to nominate a certain number of members — people they think are important for them in their local community. Then the minister has responsibility for the appointment of the other members.

Mr DIXON (Nepean) — The opposition agrees with this amendment because it is very important. We got a very clear message from TAFE institutions that they wanted the status quo to remain with regard to their boards. It is really a matter of trust. I think our TAFE institutions do a wonderful job. They represent their communities well. They represent skills that are needed in their area of responsibility, and it is very important for them to have that flexibility in nominating the members of their boards. This is not something on which they have called for a change, and we welcome the government's decision not to change the status quo because, as I said, we received a very strong message from the TAFE sector.

We are happy with the Governor in Council appointment to the chair, but with the proviso that the advice of the board is listened to by the Governor in Council. I think once again that board members have a very strong knowledge of the needs and the skill sets that are required and the sort of person that is required to head their board. They know where their TAFE institute is at and where it is going to go, and obviously the leader of that board is the most important person. So I hope — and I take the minister at her word — the Governor in Council will take the advice of the board. I strongly recommend that, and I look forward to that working. We will see strong leadership of our boards. As I said, we are very pleased that the status quo regarding the appointment of the boards remains.

Mr NORTHE (Morwell) — I support the comments made by the member for Nepean, who is also the shadow Minister for Education. I also take the opportunity to thank him for the work he has done on behalf of the Victorian community and also the government on coming to this agreement. I think it is a sensible step in the right direction. As was said

previously, it is important that we retain local knowledge, local skills and local expertise on our TAFE boards. It is vitally important to have the status quo remain with respect to TAFE boards, particularly for our regional communities. It allows them to have flexibility in running those organisations with a local content in mind. With those few words, I support that amendment

Motion agreed to.

Ms PIKE (Minister for Skills and Workforce Participation) — I move:

That amendment 8 be agreed to with the following amendment:

Insert the following New Clause to follow Clause 57 —

'BB Removal of directors

In section 3.1.18(1) of the **Education and Training Reform Act 2006**, after "remove" insert "the chairperson or".

Motion agreed to.

Ms PIKE (Minister for Skills and Workforce Participation) — I move:

That amendments 9 to 14 be disagreed with.

Motion agreed to.

Ordered to be returned to Council with message intimating decision of house.

CONFISCATION AMENDMENT BILL

Council's amendments

Message from Council not insisting on a certain amendment and insisting on the following amendment disagreed with by the Assembly considered:

Clause 5, line 5, after "proceeds of" insert "certain".

Mr HULLS (Attorney-General) — I move:

That this house does not insist on disagreeing with amendment 1 made and insisted on by the Legislative Council.

Mr CLARK (Box Hill) — I appreciate the opportunity to speak on this motion. It is amazing what a difference three weeks makes to the attitude of the Attorney-General. We had him carrying on last time as though the world would come to an end if there were any acceptance of any of the amendments proposed by

the Legislative Council or any acknowledgement that there was opportunity to improve the degree of accountability of the confiscation regime. Lo and behold, we have seen quite a transformation. I think the ubiquitous Mr Tee, a member for Eastern Metropolitan Region in the other place, has played a far more constructive role in this matter than has the Attorney-General. Whereas the Attorney-General was telling this house that it was absolutely impossible to improve the accountability of the Confiscation Amendment Bill and that the amendments proposed by the Legislative Council were completely unacceptable, we now have a far more satisfactory outcome.

The Attorney-General is agreeing to make it clear that the objects of the act relate to depriving persons of the proceeds of certain offences, rather than of all offences, which is a point that Ms Pennicuik, a member for Southern Metropolitan Region in the other place, correctly picked up. But more importantly we have had a range of commitments made in the other house that actually acknowledge the case that was made by the Liberal-Nationals opposition and by the Greens that there should be a greater degree of accountability than the Attorney-General was prepared to agree to.

Whereas the Attorney-General was telling us the world would come to an end if any greater degree of accountability and information were provided than the extraordinarily limited amount that has been provided at the moment. Mr Tee has given the commitments — we presume they have been made on behalf of the government, and we presume the Attorney-General will stand by them — as follows:

... that the government will work with the asset confiscation operations in expanding its reporting on the scheme to include a breakdown of the funds realised under the scheme to include the following: the total number of forfeiture orders and the aggregate value of property forfeited; the total number of automatic forfeiture cases and the aggregate value of property forfeited; the total number of civil forfeiture orders and the aggregate value of property forfeited; and the total number of pecuniary penalty orders and the aggregate value paid under these orders. In addition, it is proposed that the information reported on the scheme by the asset confiscation operations could include the total number of restraining orders made and the total number of civil forfeiture restraining orders made.

As automatic forfeiture and civil forfeiture represent the most serious end of cases dealt with under the confiscation regime, these figures would provide a picture of the relative total value realised by the most serious cases.

Mr Hulls interjected.

Mr CLARK — I am quoting it, if the Attorney-General had been paying any attention. Three weeks ago the Attorney-General was telling us this was totally

impossible, and that none of this additional information could possibly be provided. Now Mr Tee has given these commitments, which I assume the Attorney-General will confirm and uphold in due course. Trying to put things in very simple terms to the Attorney-General has felt like leading a horse to water and eventually inducing it to take a drink, and at long last we are actually getting a reasonable outcome. As I say, it is remarkable what a difference three weeks makes. If the Attorney-General had been more constructive and taken a more proactive role and attitude towards his legislation in this Parliament than he has displayed, we could have got this matter resolved a lot more quickly and we could have perhaps even got it incorporated in the legislation.

We are prepared to take Mr Tee at his word. As I say, we hope the Attorney-General will confirm that this does in fact represent government policy and that we will see these reforms made. If there is a change of government on 27 November, there will certainly be no difficulty seeing these reforms made and incorporated in legislation. We have believed all along that there should be far greater disclosure to the people of Victoria of the basic and fundamental information relating to the operation of the confiscation regime. We hope for this outcome. It is only a pity that it has taken so long and so much effort to get the Attorney-General to this position.

Motion agreed to.

PERSONAL PROPERTY SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL

Second reading

Debate resumed from 2 September; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Personal Property Securities (Statute Law Revision and Implementation) Bill makes consequential and other amendments in relation to the commencement of the new commonwealth legislation to establish a national personal property securities (PPS) scheme. This bill now before us follows on from legislation that was dealt with in this house last year, the Personal Property Securities (Commonwealth Powers) Act. I will not go over the history of the move to commonwealth regulation of personal property securities that we discussed in relation to that bill. In brief, however, the proposals for a national scheme had their origins in April 2006, when we saw the release of an options

paper by the Standing Committee of Attorneys-General, following which the cause for a national PPS scheme was taken up by the then federal Attorney-General, the honourable Philip Ruddock, under the Howard government. Proposals have proceeded at a commonwealth level notwithstanding the change of government in 2007, and the commonwealth scheme is now moving close to implementation.

We on this side of the house strongly support the principle of a national PPS scheme, because, as I said in the earlier debate, as the Australian economy becomes more integrated and as commercial transactions increasingly extend beyond the boundaries of any one state there are huge potential advantages in achieving uniformity of law and ready registration and enforceability of security interests across Australia. It is important that the scheme that is implemented be got right in detail, and there was considerable debate in relation to the previous bill as to whether the commonwealth scheme would in fact achieve that.

It is worth noting that in relation to the previous bill, issues were raised by the Scrutiny of Acts and Regulations Committee (SARC), which I raised in turn during the course of the debate, relating to the twin issues of the secession of the control over matters such as this to the commonwealth and a diminution in the applicability of state scrutiny regimes, in particular in relation to the issue of privacy. That is an issue which has again arisen in relation to the bill now before us.

In structure and concept the bill is quite straightforward. It repeals various parts of Victorian legislation which are being superseded by the commonwealth scheme. It closes various registers that are currently kept under state law. It allows information kept on registers under state law to be transferred to the commonwealth scheme. It excludes various rights under state law from the definition of personal property and therefore from the commonwealth scheme — for example, casino and other gaming licences, racing licences, electricity and gas licences, fishing industry licences and exploration, mining and petroleum licences, all of which will continue to be regulated under Victorian law.

The bill also provides for the determining of priorities for collateral under various state acts and the commonwealth act, and it provides in clause 21 for an immunity from liability for the state in the carrying out of various functions and responsibilities under the bill.

This bill was the subject of concerns raised by the Scrutiny of Acts and Regulations Committee in its *Alert Digest* No. 11, and the Attorney-General responded to those concerns in correspondence that was covered and

reproduced in *Alert Digest* No. 12. The concerns raised by SARC were in relation to the privacy of information that was handed over to the commonwealth and in relation to clause 21, which provides that Victorian authorities are not liable for anything done or omitted to be done in good faith in the exercise of a power or in the reasonable belief that they were exercising powers under new section 41 of the Chattel Securities Act 1987 or sections 18, 19 and 20 of the bill.

The Attorney-General made a number of responses to that concern raised by SARC. He argued that the inclusion of the qualifying words in clauses 18 to 20 that refer to information 'that is necessary' is intended to limit the scope and the purpose of the transfer of data and that this was consistent with the information privacy principles in the Information Privacy Act 2000. It may be questioned whether those words alone are sufficient to safeguard privacy concerns, but certainly it is appropriate that those words be included.

The Attorney-General went on to provide a range of fairly detailed information on the mechanics by which data is proposed to be transferred from state to commonwealth bodies. He went on to argue that the immunity given in clause 21, in conjunction with the information transfer powers in the bill and the extent to which they raise any privacy considerations, does not limit the right to privacy. He argued that on the grounds that the immunity was not unlawful or arbitrary, it does not preclude an individual from making a complaint to the privacy commissioner and does not preclude the merits of judicial review of the state's handling of personal information under these information-sharing powers.

What the Attorney-General's response seems to overlook is the fact that the immunity means that if anybody's privacy or other right or entitlement is infringed by mistakes made in the transfer of information, they will have no right to compensation. It may be of little comfort to them that they can make a complaint to the Victorian privacy commissioner about what has occurred or that they can seek judicial review if some bungle has occurred in the transfer of information and they have been disadvantaged and suffered loss as a result. As in many other instances where charter concerns are raised, the Attorney-General seems to brush them aside rather than recognise that there is indeed a charter issue.

More generally, what is important in a practical sense for Victorian citizens and businesses is how well the mechanics are going to work whereby this data transfer is to occur. What opportunity is there for parties involved with various transactions to check that the

information has been correctly transferred to the commonwealth level? What mechanisms will there be to ensure that if errors are detected, those errors can be corrected expeditiously and any adverse consequences prevented or minimised?

The officers who provided the opposition with a very helpful briefing on the bill indicated that the need to effect a careful transfer of data was recognised by the authorities concerned. Obviously if the data transfer arrangements proceed as intended, then all is likely to go well. However, as so often is the case, the issue is not what happens if things go as planned; it is what safeguards there are to prevent things going other than as planned or to remedy the problem if things go otherwise than as planned. I think further information could well be expected from the government on that score. The government stands warned of the potential for risk and needs to make sure that practical measures are put in place to make sure that risk is addressed and protected against.

There is a second aspect of the privacy issue that is raised, which is what happens at a commonwealth level following the transfer of data. In that respect the Attorney-General provided to SARC a copy of a submission by the Victorian privacy commissioner on the commonwealth draft regulations which raises a number of concerns about the operation of the verification statements and about access to the register and the grounds for it.

The privacy commissioner's submission indicates that there is still a certain amount of work to be done at a commonwealth level to sort out these matters, which in turn goes back to a point that we made when the previous bill was debated — that the commonwealth under the current federal government seems to be in a flat rush to get its legislation implemented under timetables that put enormous pressure on the process. We are now, approaching a year later, still sorting out some of the mechanics of the commonwealth scheme.

As far as the Victorian bill goes, subject to the reservations that I have mentioned, the opposition parties do not oppose the bill. We certainly hope that the transition to the commonwealth scheme goes smoothly and that the commonwealth scheme can be got up and running in a way that provides the potential advantages that I have referred to and avoids the disadvantages of cost and complexity that certainly need protecting against.

Sitting suspended 6.31 p.m. until 8.04 p.m.

Mr PERERA (Cranbourne) — I have great pleasure in rising to speak in support of the Personal Property Securities (Statute Law Revision and Implementation) Bill 2010. Reforming personal property security law is the key commitment of the Brumby Labor government's justice statement 2. This bill will implement key legislative amendments to the regulation of personal property security (PPS) interests in Victoria to make way for the new commonwealth-administered system. These reforms will facilitate the introduction of a new national register of personal property securities.

We have come a long way as a nation in realising the socioeconomic benefits of aligning with our federal system to achieve common goals. However, Australia's current mixed regulatory system is behind best practice PPS frameworks long established in Canada, the United States and, more recently, New Zealand. In 2004 a review of the New Zealand PPS system that was introduced in 1999 revealed positive responses to the system from New Zealand business. In 2007 the Council of Australian Governments (COAG) elevated the PPS reforms to one of its national regulation reform priorities and provided in-principle support for establishing a single national system supported by a referral of legislative powers from the states to the commonwealth.

The current regulatory framework in Australia governing the rights and obligations of parties in relation to PPS is unsatisfactory. There are approximately 70 commonwealth, state and territory acts governing various types of PPS interests with a number of registers established to record those security interests under different acts. Accordingly, the current ability of a lender or borrower to create a security interest, notify the world at large of that security interest and enforce a security interest in personal property will depend on many variables. These include the type of personal property being offered as collateral for a loan; the jurisdiction in which the property is located or whose laws under which financing transactions occur; the availability, or lack thereof, of public and legal registers on which these interests can be notified; and the use of archaic or outmoded systems of registration in some jurisdictions, whilst others are more modern and efficient.

In 2009 the commonwealth enacted the Personal Property Securities Act, which was supported by the enactment of a Personal Property Securities (Commonwealth Powers) Act 2009, the referral act. These referral acts have been enacted in the four main states, and other states are in the process of enacting them. All jurisdictions are in the process of preparing and settling consequential amendment legislation prior

to the lead-up to the anticipated commencement of the PPS system in May 2011.

This bill will give effect to the national PPS scheme in Victoria by amending key Victorian laws to facilitate the closure of Victorian registers of security interests which are no longer needed in their current form due to the new PPS register. This bill will facilitate the transfer of information held on some of the Victorian registers to the PPS register to ensure that currently recorded security interests continue to be recorded in the new register; ensure that existing rights and obligations under Victorian law continue to apply to the extent necessary to protect current security interest holders and the grantors of those interests before, during and after the commencement of the PPS scheme; remove inconsistencies that would arise between the new PPS legislation and existing Victorian law; seek to avoid potential constitutional issues, particularly where the state's interest in personal property is concerned; and repeal and update various provisions of Victorian acts that will become redundant as a consequence of the commencement of the PPS scheme. The bill will ensure that the existing rights attached to the security interest are appropriately protected during the changeover period.

It is expected that line agencies, particularly affected Victorian registers, will communicate with their stakeholders on the amendments proposed in this bill, especially in relation to the registers that are to be closed. The commonwealth government will undertake a broad education campaign in the lead-up to the implementation of the national PPS in May 2011, and the Victorian government is therefore not contemplating duplicating the same educational campaign.

These reforms will simplify the current regulatory system and help Victorians by saving time and money and cutting the administrative burden for businesses across the state. The PPS reforms, by establishing a one-stop-shop register on which securities in personal property can be lodged, searched and enforced, will avoid the current duplication in laws and the resulting inefficiencies and costs for financiers, bankers, borrowers, businesses and consumers.

This bill is another example of the Brumby government's continuing commitment to fostering an efficient and competitive economy and removing the regulatory obstacles to achieving a streamlined national economy by working with other state and commonwealth jurisdictions to make business more efficient and workable for all Victorians. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Personal Property Securities (Statute Law Revision and Implementation) Bill. The Nationals in coalition are not opposing the bill. The purpose of the bill is to make consequential and other amendments in relation to the commencement of the new commonwealth legislation to establish a national personal properties securities scheme. The provisions of this bill are essential in that it repeals various parts of Victorian legislation being superseded by the commonwealth scheme; closes various registers currently kept under state law; and allows information kept on registers under state law to be transferred to the commonwealth scheme. The bill excludes various rights under state law from the definition of 'personal property' and thus from the commonwealth scheme — for example, casino and other gambling licences, racing licences, electricity and gas licences, fishing licences and exploration of mining petroleum licences. It also provides for the determining of priorities for collateral under various state and commonwealth acts.

Of particular interest to me at this time is the casino licence exclusion at section 22 of part 6 of the act, which under the Casino Control Act 1991 allows the state to continue to control the issuing of casino licences. Currently this issue is being debated in my electorate. Casino licensing is Victorian government business. Once a government decides to grant or vary a licence, the act clearly lays out the process. That process is that once the Premier and the Minister for Gaming have decided that we will have a second licence in Victoria, the matter then goes to the Victorian Commission for Gambling Regulation, which calls for and assesses applications for a second casino licence in Victoria. The VCGR determines the successful application and prepares a management agreement which contains the terms and conditions of the licence. Then at the very end a management agreement comes to Parliament for ratification.

Although we are talking about personal property, a casino licence is not personal property. The VCGR is the umpire, and just as you cannot build a casino without proper scrutiny, you cannot acquire a licence without proper scrutiny. There are no shortcuts in getting a casino licence, otherwise every man and his dog would have one, and you cannot build a casino without that scrutiny.

I am angry that my community is being mucked around by a government whose members only seem interested in dividing the community with this issue at the moment. The Brumby government has turned it into an issue that sees my community treated like a political

football that is kicked around for entertainment. What Mildura is witnessing is nothing more than some cruel politics. The state does not need to keep control over this whole casino issue.

The state needs to keep control of electricity and gas licences, and that issue is covered in section 23 of the act. These licences are vital cost-of-living contributors, particularly as Victoria moves into a period where our energy security is far less than certain. Population growth equals more energy consumption. If you have increasing population expectations, then you have more devices that use more energy. Sure, we are involved in conservation measures, but the figures show us that despite all the things we are doing, our energy demand is growing. The challenge will be to add enough generation to the grid to equal demand for energy, otherwise we will have price rises beyond the consumer price index, which will impact on our cost of living more than should happen.

I turn to the introduction of smart meters as a demand management tool. We are all familiar with smart meters as interval accounting measures; however, they can also be used for regular load shedding and managing who loses power when there is load shedding and who does not on a household-to-household basis. Smart meters also allow the cost of energy, and the risk of the cost of energy, to shift to the consumer, due to interval charging. With 48 billing periods in a day, retailers are using the terms and conditions that have been awarded to them to shift the risk of setting a price for electricity in a way that most people are very used to. How would people know in real time what their energy use is? It is not only the energy use but also the cost of the energy because of those intervals that is a problem.

Due to some of these issues our smart meters are dumb meters, and they were a dumb decision that will ultimately harm Victorians. Those who are most likely to be injured by this measure are those who can least afford it.

There are a number of licence exclusions in this legislation. The two exclusions that concern me are, firstly, of casino licences, which is having an impact on the people of Mildura — and they are tired of being used as a political football on this issue for the entertainment of others — and secondly, of energy licences given the concerns and risks in relation to energy. Both of those issues are Victoria's business. This bill makes it Victoria's business. What we need to do is get on and do that business properly. The Nationals are not opposing this bill.

Mr NOONAN (Williamstown) — It gives me great pleasure to rise and speak in support of the Personal Property Securities (Statute Law Revision and Implementation) Bill. The objective of this bill is to provide Victorian businesses and consumers an opportunity to benefit from a national overhaul of the personal property securities (PPS) regulations. It has been well documented that the current personal property securities regulations are governed by around 70 acts and administered by more than 30 agencies across Australia. The reforms that are expected to commence in May of next year should eliminate confusion and slash red tape and any hidden administrative costs associated with registering and monitoring security interests taken out by lenders over borrowers' personal property.

A media release issued by the Attorney-General on 29 July states:

One of the most important benefits to come out of these reforms will be 24-hour access to a single searchable and comprehensive national register, which will be overseen by a commonwealth registrar for personal property securities...

It goes on to say:

This ensures that when consumers are purchasing personal property, such as motor vehicles, they will be able to identify whether a vehicle is subject to any security interests.

Last year the Brumby Labor government passed legislation referring powers to the commonwealth in the area of personal property to ensure that these changes could be captured under the national system. The Personal Property Securities (Commonwealth Powers) Act 2009 was enacted in the Victorian Parliament in October 2009. I note that similar acts were passed in the New South Wales, Queensland, and South Australian parliaments last year.

It is also worth pointing out that the Victorian government flagged these reforms as part of its justice statement 2. These reforms generally are designed to make our justice system fairer, more accessible and more responsive to the Victorian community.

The main purpose of this bill was outlined in the Attorney-General's second-reading speech in this Parliament, in which he stated:

The purpose of this bill is to make amendments to certain Victorian acts as a consequence of the enactment of the new commonwealth PPS scheme and to facilitate the transition of security interests currently recorded on certain state registers to the national PPS register.

I guess there are two broad questions to consider in this bill. The first is really the broad question about what a

personal property security (PPS) is, and the second is why do we need PPS law reform in this state and across Australia? Firstly, to go to the question of what a PPS is, it can be broadly defined as any form of property, other than land or buildings, which would allow a creditor to deal with that property on default by a debtor. Property, as defined, could mean both tangible and intangible property. In terms of tangible property this could include many things, such as cars, boats, aeroplanes, business machinery and equipment, office equipment and even crops. Intangibles could extend to intellectual property, such as trademarks or patents, contract rights, uncertified shares and transferable statutory rights created under commonwealth, state and territory laws. Security on each of these types of personal property would most commonly include mortgages, charges, and pledges as well as financing leases and hire-purchase agreements.

Moving to the second question, which is why we need personal property securities reform, as I mentioned briefly in my opening comments in relation to this bill, there are approximately 70 commonwealth, state and territory acts governing various types of PPS interests across Australia. There are also multiple registers that have been established to record those security interests under the various acts. Under these circumstances there are many variables that impact on the capacity of a lender or a borrower to create a security interest in personal property. These variables might include the type of personal property being offered as security for a loan; the jurisdiction in which the property is located or under the laws of which the financing transaction occurs; the availability of public and legal registers on which these interests can be appropriately notified; and finally, the difference between the various registration methods in the different jurisdictions. Some, it would be fair to say, are more modern and efficient, whilst others are probably considered outmoded.

Clearly in this sort of environment you have a situation where there are some losers. One loser can be easily identified as business, which up until this point has been faced with multiple registers of security interests where multiple sets of fees may apply, and where different registration and notification requirements are in place. The current system includes unnecessary red tape for business which, it could be argued, ALSO wastes valuable government resources. The current system is also probably unclear for consumers of personal property who may not be aware that property is subject to security interest at all.

There has been a considerable pathway to national reform in this area. The origins of this reform process nationally can be traced back to an Access Economics

report which was commissioned by the Standing Committee of Attorneys-General in 2006. That report concluded that the establishment of a single national law to govern PPS interests with a single national online register would help reduce costs for all concerned, but also create greater efficiency in this area, and increase confidence among lenders and borrowers.

From that point in 2006 it would be fair to say there was a relatively robust process undertaken to move us collectively forward. Early in 2007 COAG (Council of Australian Governments) reached an in-principle agreement to establish a national system for the registration of personal property securities, which was to be implemented through commonwealth legislation, supported by a referral power by the states to the commonwealth.

A draft consultation bill was then released by the commonwealth for discussion and input, and that was assisted or supported by a range of seminars for interested parties around the country. It was not until late in 2008 that COAG formally signed off on an intergovernmental agreement to formalise this commitment to the reform of Australia's personal property securities laws and arrangements.

After a range of further consultative processes and investigations the Personal Property Securities Bill was introduced to the commonwealth Parliament. On 14 December 2009 the Personal Property Securities Bill 2009 and the Personal Property Securities (Consequential Amendments) Bill 2009 received royal assent. Move forward to 2010, and here we have before our Parliament a bill to assist with the implementation of this new national scheme. The bill provides a sensible pathway to a law reform measure in the area of personal property securities which will help simplify an overlapping and inconsistent set of national arrangements. It is clearly a measure that is supported by other jurisdictions in Australia, and I note with interest that it follows similar measures that have been undertaken in countries such as Canada, the United States and New Zealand.

I understand that the move to introduce this bill to the Victorian Parliament has been the subject of consultation with multiple stakeholders in terms of these reforms. These consultations have included, among others, the Australian Bankers Association, the Australian Finance Conference, the Council of Small Business of Australia, Seafood Industry Victoria, the Victorian Farmers Federation, the Law Institute of Victoria, the Victorian Bar and a number of others.

In conclusion I want to place on record my support for this bill. Like many bills that come before this Parliament, particularly those that involve commonwealth referral, many years of preparation have gone into its making. I want to thank our reformist Attorney-General and pay tribute to his commitment to modernise our justice system and in the process reduce red tape for business and increase the benefits and safeguards for consumers. I commend the bill to the house and look forward to the new commonwealth-administered personal property securities system being put in place.

Mr LUPTON (Pahran) — I rise tonight to make some comments in support of the Personal Property Securities (Statute Law Revision and Implementation) Bill 2010. The reason we are debating this bill is that the Personal Property Securities Act 2009 passed through the federal Parliament, and the state jurisdictions are being asked to pass complementary legislation in order to set up a nationally consistent regime for the regulation of personal property securities.

The bill before the house consists of eight parts. A couple of those parts, 1 and 8, deal with the introductory and formal parts of the bill and consequential amendments to other pieces of legislation, but the six other parts contain significant amendments to current Victorian law. When we are talking about personal property securities we are talking about a range of interests people may have in personal property, the way in which a person's interest in that property might be registered, the way in which the interest they have in that property may be given precedence over somebody else's potential interest and the way in which the law categorises these matters in an orderly way so that the ownership and interest people have in personal property might be ascertained and maintained.

Part 2 of the bill before the house deals with amendments being made to the Chattel Securities Act 1987, which regulates the priority and registration of security interests in goods in Victoria. There is an expression about a person's goods and chattels, and as members of house will be aware, chattels are effectively goods that are not fixtures and not interests in land. These are the sorts of interests people may have in what might be described as essentially movable goods. The way in which this matter has been regulated in Victoria up until now has been through arrangements contained in the Chattel Securities Act 1987. Consistent with the enactment of the commonwealth Personal Property Securities Act 2009 new security interests in personal property — and I might say that includes

motor vehicles — may be registered on the personal property securities register established under that commonwealth act. The 2009 commonwealth act will therefore govern the priority of new security interests in goods.

Consistent with the enactment of that Personal Property Securities Act 2009, part 2 of this bill repeals parts of the Chattel Securities Act 1987. It repeals in particular the part that establishes the Victorian vehicle securities register for the registration of security interests in motor vehicles, and it substitutes a new part of the Chattel Securities Act that includes savings and transitional provisions in relation to the relevant repeals.

The important part of that is that the Victorian vehicle securities register, which has existed under the Chattel Securities Act, will now effectively be transferred to a commonwealth register. It is important to understand that the vehicle securities register has played a very important part in making sure that ownership and interests in motor vehicles in Victoria were able to be ascertained by potential purchasers of motor vehicles.

The register was quite a landmark in its time. But of course one of the problems that arises in a country such as Australia, which is made up of numerous state and territory jurisdictions, is that when motor vehicles are being transferred between parties and between one state or territory and another, it is not much comfort to a potential purchaser if the motor vehicle register is handled by one state jurisdiction but the potential buyer of that motor vehicle is in another jurisdiction. It is very complicated for people to be able to do checks around numerous jurisdictions to make sure that the car they are purchasing from somebody is being purchased in good faith and that the person selling the car has good title in the car and is in fact legally able to dispose of it in that way.

I think that is a very practical example of the way in which national complementary legislation is going to work to the benefit of consumers. It is obviously a significant and appropriate type of consumer protection to ensure that one consistent register will operate and be applicable throughout the length and breadth of Australia. It is not only a good thing for consumers, important as that is, but it is also very important for business that we manage as best we can to eliminate the need for businesses to be consistently looking to comply with regulations which apply across state and territory borders. As we know, many businesses operate beyond the boundaries of any one state or territory, and to the extent that we can sensibly and appropriately eliminate the need for them to have to go through multiple regulatory regimes, that is good for business

and, as members of the house would obviously realise, when it is good for business in that sense it is good for investment and it is good for jobs, and that is something that we on this side of the house are very supportive of.

The way in which this new complementary legislation will operate will no doubt be of great advantage not only to consumers but also to businesses. There is also considerable advantage to governments at different levels in ensuring that the arrangements between the commonwealth, state and territory jurisdictions work in unison so that the amount of government involvement in these sorts of activities can be streamlined and appropriately minimised. The way in which this legislation will therefore operate is an example of the way in which the Victorian government, certainly over the last decade that our government has been in office, has been leading the national reform agenda and making sure that at all levels, whether it be through the Council of Australian Governments process or through the Council for the Australian Federation and other intergovernmental arrangements and ministerial councils, we have as much appropriate uniform legislation in all matters that pertain to issues that cross state and territory borders as it is possible to obtain.

In modern 21st century Australia that is exactly what governments should be doing — trying to eliminate and minimise the regulatory differences between state and territory and commonwealth jurisdictions and ensuring that in important ways, such as with these personal property securities which really go to the property rights and interests of many Australians, these matters are dealt with in a uniform way. For those reasons, I commend the bill to the house.

Debate adjourned on motion of Mr BROOKS (Bundoora).

Debate adjourned until later this day.

EDUCATION AND CARE SERVICES NATIONAL LAW BILL

Council's amendment

Message from Council relating to following amendment considered:

Insert the following New Clause to follow clause 14 —

“AA Tabling of annual report

In addition to the requirements of section 280 of the Education and Care Services National Law (Victoria), the Minister must make arrangements for the tabling of the annual report of the National Authority, and the

report of the public sector auditor with respect to the financial statement in the report, in each House of the Victorian Parliament.”.

Ms MORAND (Minister for Children and Early Childhood Development) — I move:

That the amendment be agreed to.

When this legislation was debated a few weeks in the Assembly I committed to tabling the annual report of the new national authority in the Victorian Parliament. This amendment confirms my earlier commitment by putting it into the bill that the Victorian minister, whomever that might be when the new national authority is established and when the annual report is published on the website and available to the public, will table it in the Victorian Parliament. I commend the amendment to the house.

Ms WOOLDRIDGE (Doncaster) — The coalition is very pleased to support the amendment. In fact, this is an amendment that we moved in the lower house. At the time the minister said an amendment was not necessary. We believed that it was very valuable to have the annual report tabled in the Victorian Parliament as a matter of course and not just on the authority's website. As the minister said, at the time she made a commitment to table it, but we are very pleased that while the bill was between the houses the minister saw fit to decide that an amendment was necessary, that the legislation should be changed so the annual report will be tabled in Parliament and that this is an amendment the government can support. We are very pleased to support the changed position, which is the position we have held all along. We commend the amendment and the bill to the house.

Motion agreed to.

ROAD SAFETY AMENDMENT (HOON DRIVING) BILL

Council's amendment

Returned from Council with message relating to amendment.

Ordered to be considered later this day.

TOURIST AND HERITAGE RAILWAYS BILL

Second reading

Debate resumed from 2 September; motion of Mr PALLAS (Minister for Roads and Ports).

Mr MULDER (Polwarth) — The Tourist and Heritage Railways Bill 2010 does not spark the level of controversy that we quite often have with bills relating to our railways infrastructure here in Victoria. In fact we are dealing with a group of volunteers. Talking about heritage and old trains, the former Minister for Transport, now the Minister for Energy and Resources, has just made his way to the table.

Mr Batchelor — And you are still here.

Mr MULDER — I am still here, and I am still doing the job.

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

Mr MULDER — The bill comes about as a result of the tourist heritage railway operators, the manner in which their organisations were functioning and the fact that they were looking for a significant level of support in terms of viability and ongoing operation for their visitors. They provide a great tourist attraction here in Victoria in promoting the heritage of our railway networks, and it is commendable that the government has picked up this issue and decided to throw its support behind these organisations, many of which are run by volunteers and people who are absolutely passionate about trains and particularly passionate about some of the older trains that were on the tracks hauling passengers on our railway network in the very early years.

The bill will establish a register of tourist and heritage railway assets in Victoria, but it excludes static displays. I will have a little to say about that later on in the debate, because I am bewildered about why static displays have not been included in the bill, particularly when they involve the same situation with volunteers who put their heart and soul into the restoration and preservation of these old train and railway assets we have in Victoria. Without that level of interest and concern we would not have those particular pieces of rolling stock to put on display for future generations.

The registering of an asset on the register will not affect, add to or detract from the Victorian Heritage Register. The bill also seeks to provide improved land tenure and give certainty by revoking a number of the

old leases and establishing new leases for operators along with the allocation and preservation of state assets under the control of operators. I understand community leases will cost somewhere in the order of \$104 per annum. That is more than fair, and it is in recognition of the fact that we are dealing with volunteer groups who, given the work they undertake in the preservation of these assets, which is extremely time-consuming, put in an enormous number of hours of their own time. We would not like to see any sort of penalty imposed on them in relation to these leases, and they should be provided with peppercorn rates so that their work is recognised and their contribution to the heritage of our railway network and railway assets is recognised by the broader Victorian community.

The registration scheme for tourist and heritage railway groups will be voluntary; however, the support provided will encourage participation, and I understand from the briefing that there may be some grants available to assist those groups and organisations that become accredited under this particular scheme, that are part of it and that have their assets registered. That in its own right — along with having tenure of lease, being on the asset register, being able to identify where these assets sit around the state and being able to track down bits, pieces and parts — will be a great part of that assistance. It will make the whole system work a lot better and provide greater flexibility than has been provided in the past.

As I said, being part of the asset register will entitle an operator, I would hope, to some form of funding for training, perhaps for some of the materials that are required for the restoration projects, and perhaps these organisations will be given access to small grants if and when they are made available. I assure those groups that if there were to be a change of government later this year, then most certainly the coalition would be honouring the intent of this legislation and would give these organisations the level of support they desire.

Mr Nardella — In your dreams.

Mr MULDER — Do not be arrogant up there in the back corner. This bill also sets up an advisory group of eight members. Four members of the advisory group will be from government and four will be from the sector, with support from within the Department of Transport. It appears from the bill that there will not be an onerous monetary burden on organisations that are part of the scheme; the administrative support is going to come from within existing government resources.

Registration will be voluntary; however, as I pointed out before, access to grants and tourism promotion will

ensure that there is support for the provisions within this legislation. We are talking about providing support, but as we start to advertise through Tourism Victoria there will be information available about where these operators and assets are located.

As I know very well from my role as shadow Minister for Public Transport and shadow minister for roads, there is a unique group of people who absolutely love railways. They spend hours and hours on the internet talking to one another, discussing different issues about trains and train timetables. I have someone working with me who has a tremendous interest in railways and could almost recite the metropolitan train timetable. These people can recall things such as the numbers on the different carriages of trains that have been around for many years. As I said, they are quite a unique group of people who are very passionate about railways and trains, and they will ensure that this bill is supported, in particular by the organisations the bill seeks to address.

Registration will attract a modest fee and, as I have stated before, can be withdrawn if an operator fails to meet the prescribed criteria. This will ensure that the assets those rail organisations have are on the register, that if there is any movement of those assets reported to the registrar the appropriate insurance is in place and that the organisations abide by any other requirements for being on the register.

Another issue I want to make a brief comment about is the insurance arrangements. Throughout the briefing on the bill it was mentioned that arrangements, including some of the lease arrangements, have been somewhat ad hoc in the past. There were cases where leases had expired and were only being renewed on a month-to-month basis. The bill seeks to address the issue of the leases, but after seeing the provisions in the bill I am not 100 per cent sure how the insurance arrangements are going to be arrived at. In other words, is there going to be some form of insurance arrangement negotiated under the register on behalf of all these operators? If that is the case, how do you then apportion the cost of insurance across the operators? Or is it up to each individual operator to insure their own assets? If there are state assets, is it up to the operator to provide the insurance surrounding those assets, or is there going to be some form of shared arrangement?

It was indicated in the briefing that these matters will be sorted out as things move forward. The level of support for this bill — and I have emails of support from a couple of the operators — indicates to me that the negotiations the operators have had with the government have been conducted in a pretty fine spirit and that they have no real concerns that this

arrangement is going to end up being a financial burden. But once again, the sooner this is worked out the better, because public liability insurance and insurance of the assets as we move forward are things that will need to be addressed.

In terms of the industry, these not-for-profit organisations have very little money for training and development. It was indicated in the briefings, and it is indicated in the bill, that there will be some level of support as we go forward. These railways are mostly run by volunteers and in regional areas often with strong community involvement and support. I only have to look at the miniature railway in Cobden in my electorate — although it is not covered by the bill — to see the passionate railway enthusiasts, particularly those interested in steam railways, who spend hours and hours at that railway. It is a great outlet for retired farmers. They have a couple of major events during the year, and people come from all around Australia, and indeed from overseas, to attend them. It is an incredible tourist attraction. It always amazes me to see it, given our multicultural mix across the country and the number of different types of hobbies and pursuits that people have. This is just another one, but they are a very unique and passionate group of people.

The sector contributes directly and indirectly to local communities by attracting tourists and by providing people with opportunities to undertake volunteer work. There are 17 organisations affected by this bill. Operators use a mix of rolling stock provided by former government transport entities as well as purchased and borrowed equipment. I imagine there would be quite a deal of swapping and trading between the various operators, particularly when you are dealing with older rolling stock. Spare parts would be quite rare, given the age of some of the rolling stock that is out there.

As I said, a couple of organisations responded when I put out feelers on what the industry thought about the bill. I have an email from Bryan Slader, Alexandra Timber Tramway president, who says:

We appreciate your efforts to seek comments on the Tourist and Heritage Railways Bill 2010. We expect the bill to have a favourable impact on the Alexandra Timber Tramway's operations and thank you for your consideration.

I have another email from Kym Smith of the Melbourne Tramcar Preservation Association, who says:

The Melbourne Tramcar Preservation Association supports the new bill and has been adequately and extensively consulted by the Department of Transport during the planning and preparation of the bill. While our organisation will not be impacted nor will it benefit from the bill to the extent of most

other heritage rail operators, we believe that the bill will assist and improve our efforts and those of our kindred organisations to continue to preserve Victoria's public transport history.

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! Can we have a little less chat in the chamber please?

Mr MULDER — The operators involved and covered under the bill include the Bellarine Peninsula Railway at Queenscliff, the Central Highlands Tourist Railway at Daylesford, the Mornington Railway Preservation Society at Moorooduc, the Yarra Valley Tourist Railway Society at Healesville, the Castlemaine and Maldon Preservation Society, the South Gippsland Tourist Railway, the Alexandra Timber Tramway and Museum, the Walhalla Goldfields Railway, the Redcliffs Historical Steam Railway, Bendigo Tramways, the Ballarat Tramway Museum, Portland Cable Trams, the Melbourne Tramcar Preservation Association, Steamrail Victoria, R707 Operations, the Seymour Rail Heritage Centre and the Diesel Electric Railmotor Group — a very extensive group of rail organisations indeed.

I want to touch on the issue I raised at the start of the debate — that is, static displays. I know that the member for Williamstown has an extensive static display in his electorate. The railway museum is located on Champion Road, near the intersection with Kororoit Creek Road, close to North Williamstown railway station. I have been down there on a couple of occasions and have had a look at the display. I would hope the member would get to his feet on this particular issue and explain to his community why there has been no support whatsoever from the government to assist this group of people, volunteers in their own right, who are preserving these old, historic railway engines and carriages, and maintaining an incredible display which is basically sitting out in the open and rusting and rotting. You have a lot of these people, particularly very elderly volunteers, who are working extremely hard to get that situation resolved. They are asking for assistance from the government to give them something in terms of some direction and somewhere to get these old carriages and steam engines out of the weather so that they are not down there doing all this unnecessary work in trying to halt the rust and the decay of what is Victoria's rail heritage.

I would have thought that was a great challenge for the member for Williamstown and that he would get in touch with the Minister for Tourism and Major Events and say, 'This is worth protecting. I want this as a real tourist attraction here in Williamstown, and I want

some assistance'. But all we have been told about this is that there is no interest whatsoever from the government. Given that that seat was occupied by the former Premier, I would have thought the new member for Williamstown would have been in there batting hard for those people, but that is not the case.

When you are fortunate enough to have these sorts of displays and have an operator running a historic railway in your community you have to understand just exactly how fortunate you are. We lost the old Beechy train that used to operate from Colac to Beech Forest and on to Crowes. It closed in about 1962; I can remember that I rode that old train as a boy. Even to this very day the people in my electorate continue to say, 'If only we had saved the Beechy train. What a fantastic tourist attraction that would have been for our region and for our community'.

I have gone back over some of the old documents and history of that train line. During the very early days of that train line we used to have racecourses out at places like Beech Forest. Can you imagine those days when the local community would have gone to the races on the train? They would put the horses on board and take them out there to the races and then turn around after the races and come back again. Imagine the fantastic social events they would have had. As I say, it has now been turned into a rail trail, but I honestly do regret for my community the fact that those who have gone before us did not have the foresight to save that railway line. Can you imagine going through the Otway Ranges on an old steam train to places like Crowes and up through Beech Forest and staying for the day and then returning? It would have made a great tourist attraction at the Beech Forest end of the rail line and would have really put Colac on the map as being a destination for steam train travel.

I spoke earlier about some of the organisations. It is interesting to look at the information on the Bellarine railway group's web page. It includes a small section on the types of volunteers that it needs: gardeners, locomotive drivers — steam, diesel and rail motor, publicity skills, welders, fitters and turners, car conductors, electricians, archivists/historians, carpenters, painters, boilermaker, track workers, sign-writers, signalmen/guards, carriage builders, upholsterers, firemen — steam and diesel, carriage cleaners, plumbers, booking officers and shop staff. There is a great photograph here of a heap of people who are involved with that particular organisation and group. But it just goes to show, particularly for people who have a passion for railways, and people who have these types of skills who are retired, the great

fellowship they would have being involved in such an organisation.

As I say, the bill does set out to offer a significant amount of support for these individual groups, and I fully support it. I absolutely support the bill and what the government is attempting to do in this regard, but I do have some reservations because, having gone and looked at a static display, there seems to be absolutely no support for that organisation through this bill. I would hope at some stage in the future the member for Williamstown in particular would come into this place with an amendment to include his group of people who are out there working as volunteers and who get very little recognition and very little help, so that they can find somewhere to house their static display. I hope they will be given the same level of support that will be provided to other groups and organisations under this bill.

I wonder what went on in Labor's party room when this bill was reported and why the member did not rise to his feet and support his people, his operators and his volunteers. I am really disappointed that they have missed out, because I saw this as a golden opportunity to ensure that they were included in the provisions of the bill and given that small level of support that they absolutely need. I say that as somebody who is in the position of representing an electorate that lost that type of tourism potential. If we had a static display or a rail operator in my town that had that sort of tourism potential, we would never, ever let it go in this day and age. I suggest members opposite should think about it as the bill proceeds. They should think about including static displays, have a talk to their minister about the potential for an amendment, go and talk to the groups that operate in their communities, and throw the level of support behind them that this bill has thrown behind other operators. Without further ado, I wish the bill a speedy passage.

Mr NARDELLA (Melton) — The shadow Minister for Public Transport had 30 minutes to make his speech. He had 8 minutes and 23 seconds to go. Did he tell us what his policy was going to be? No. Does he have a policy? No. Has he got any idea? No. He has absolutely no ideas. All he does is whinge, carp and complain. This shadow minister is bereft of any ideas.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member for Melton on the bill.

Mr NARDELLA — I am on the bill, Acting Speaker.

He comes in here and all he does is criticise my colleague the member for Williamstown, who is a strong advocate for the Williamstown heritage railway. During the time that he has been a member of Parliament he has advocated strongly with ministers of the Crown, and he has actually raised it on the adjournment. The only speech made by the shadow Minister for Public Transport on the heritage railway system in Victoria is his contribution here tonight. He has never before raised it in this Parliament, and yet he has the gall to come in here and criticise my good, honest and honourable friend from Williamstown who has been advocating on this issue. We have only hollow policies from the hollow man. This big sook comes into the Parliament with no policies. He is bereft of policies or ideas. He had 30 minutes in which to make his contribution to the debate, and with 8 minutes to go on the clock he could not put anything on the table other than to berate my honourable friend.

This bill is very important for all those volunteers who are out there at weekends, who are out there week in, week out, and who are out there during the week. These volunteers are passionate about their heritage railways. They are passionate about the trains and the engines, and especially the old boilermakers. I worked with some of the boilermakers who worked on Victorian railways and worked on the steam engines, and I know that these people are the salt of the earth! These are the people who keep these heritage and tourist railways running.

I have had experience, and my family has had experience, over at the Bellarine railway. We have also had experience at the Ballarat heritage tramway, which this bill is also about. Is it not great that we have assisted in filling up Lake Wendouree? The Brumby Labor government has assisted in filling up Lake Wendouree and adding to the tourism potential of the Ballarat heritage tramway system that exists at the moment. You see both the Ballarat tramway and Bellarine railway operating every weekend. Over half a million people go and use these tourist railway and tramway systems every year; they are just fantastic, as are the volunteers. That is what this bill is about: assisting those volunteers by upskilling them and working through the insurance issues and lease arrangements with the heritage groups in our society.

They are just fantastic people; they are so passionate. It behoves us to really understand the passion they put into it. They go out there week in, week out. They are the ones who maintain and paint the carriages and the engines and take the rust off them. They are the ones who operate them on a weekly basis. They maintain the

railway lines and they maintain the crossover tracks for the roads.

This is the first review in the last 25 years. Under the 7 long, dark years of the Kennett government — and we all remember those long, dark years — was there a review? Was there a time when the Liberal and National parties were actually passionate about the heritage and tourist railway systems? No! They closed down country rail lines. That is how passionate they were about the railway system in Victoria. They closed six lines. Not only that, but they were so passionate about the railway system and the heritage and tourist railway system in Victoria that in 1993 they put in place the summer timetable and then they kept it like that and sold off all the excess carriages and trains, and that is what we have been rebuilding over that period of time. That is where some of these carriages and engines have actually gone: to these volunteers to look after, maintain and use. The only thing those people on the other side of the house can do is destroy and get rid of things — they sell off things and give away public assets. These volunteers maintain and look after them. They make sure that the people who have missed out on those experiences can have them into the future.

The lease arrangements are very important for these groups. The lease arrangements mean that they can have a secure position where they can use those assets of the rail lines and tramlines. At the moment they come under the Transport Integration Act and that security is not there. It is really important to establish the asset register, and also for the state-owned rail assets.

Mr Eren — He has gone!

Mr NARDELLA — Has he? The shadow Minister for Public Transport has gone. He is off to catch a train, is he? I doubt it. No, he has lost the plot.

Mr Noonan — He is working on his policy.

Mr NARDELLA — He has gone off to work on his policy; absolutely! He has only had 11 years.

This bill is about modernising the community leases. It is also about assisting the training and education of the volunteers in Victoria. That is such a critical aspect of this bill. We want to assist the volunteers and make sure they can upskill, but the bill is also about bringing other people in and teaching them the skills that would otherwise be lost.

I have had a talk to my friend the member for Williamstown about the National Railway Museum in York in the UK, where there is a workshop in which

staff fix up and maintain exhibits and also train people to continue that work into the future. That is what this bill does. It is about bringing in our young people, some of the apprentices who do boilermaking or fitting and turning, to do those specialised trades that keep these carriages and engines running. This bill will assist them to do that. I suggest to honourable members that if they ever get an opportunity to go to York, they should pop into the railway museum there. It is just fantastic. If the shadow minister were there, I reckon he might be able to develop a policy, but I doubt that that would be the case. He has only had 11 years to do this.

The bill is also about developing and building the networks for these volunteers and organisations to share information and knowledge, to work through problems and not to reinvent the wheel — and that is extremely important. It is important to have better access to industry knowledge and a strategic and equitable distribution of grants when they are available. As I said, this is the first review in the last 25 years, and it will allow the groups to use the lands because of the leases. The bill is also being developed with a lot of consultation with the peak bodies, the volunteers and the organisations that operate these heritage and tourist facilities. They have been consulted. They are happy, and the union is happy. They are pleased that we were actually able to talk to people and develop that policy, and now the fruits of that consultation are in this bill. All the departments support the bill, and there can be further reform in the future.

We on this side of the house support the bill. Unlike those on the other side, we actually have a policy. I urge that the bill be given a speedy passage through the house.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Tourist and Heritage Railways Bill 2010. The Nationals in coalition are supporting this bill. It is always interesting to follow the member for Melton, having listened to some of his contribution. Of all the things that the member for Melton has said, claiming the rain and the filling of Lake Wendouree to be an action of government is about the peak of his career. If he can claim that he can make it rain, we can probably claim that he can make a drought, which will no doubt be back again.

The purpose of the bill is to provide a regulatory framework for tourist and heritage railway operators. It does this through the provisions to establish a register of tourist and heritage railway assets through Victoria, excluding static displays. Any asset on the register does not affect, add to or detract from the Victorian Heritage Register. The bill will improve land tenure, giving

certainty by revoking all old leases and establishing new leases for operators, along with the allocation and preservation of state assets under the control of the operators.

Community leases will cost about \$104 a year, and the registration scheme for tourist and heritage railway groups will be voluntary; however, the support provided will encourage participation. The bill sets up an advisory group of eight — four from government and four from the sector — with support from within the Department of Transport. Registration is voluntary; however, access to grants programs and tourist promotions will ensure support for the legislation's provisions. Registration will attract a modest fee. Registration can be withdrawn if an operator fails to meet the prescribed criteria for registration, and this can be reviewed by the Victorian Civil and Administrative Tribunal.

As always, the concern of these tourist groups, as with any community groups, is insurance. Insurance arrangements have been ad hoc in the past, and lease agreements will reflect that insurance requirements are to be determined by an advisory group and by regulation. There are some concerns about how individual insurance arrangements or industry-wide coverage will be provided, and if coverage is industry-wide, there are concerns about what the allocation or division of the premium will be between the various tourist railways. There is concern about how that is going to be done and how to keep everybody happy.

In my area we have a couple of static displays; one is an old locomotive in Jaycee Park. Our working railway is at Red Cliffs, where we have the Red Cliffs Historical Steam Railway. I notice from the shadow minister's consultation list that he has talked to them. I too have talked to them and spent some time there.

By way of interest, the Red Cliffs group was formed in 1992, when it commenced restoring its steam engine. By 1998 it had started to operate on a few kilometres of track just south of Red Cliffs. It carries about 3000 passengers per year, which is important in the Mildura tourist offering, and it runs on the first Sunday of every month, except in January and February. The railway runs at Easter and on the Queen's Birthday weekend. It also does school and kinder specials and trips for senior citizens and nursing home and hostel residents.

The steam locomotive the group uses is a 1901 Lukee. It was built in England, and it went to India, to Tasmania and then to the South Australian Riverland. It was then taken by paddle steamer to Mildura, where it

worked until the 1950s. It is the only one of its type left in the world. It has a second engine, which is a Baldwin diesel engine. The engine was built in Sydney, and there are only two of them left in the world.

All of this work is a passion and a calling for the volunteers. The group has 17 regular volunteers, and it can manage up to 25 volunteers for working bees. In briefing me on this particular bill the group members told me they are open to having more members and asked me to give that a plug, because, as with so many of our volunteers, it is a small group of people who are doing so much.

What is of interest to this rail group is very much the statement that registration is voluntary but that access to grants programs and tourism promotions will ensure support for the provisions of the legislation. This has to be the only plus for my particular group, because it has received no funding from the Victorian government. The group would like to expand by restoring another carriage and also doing a small line extension. However, in the past its applications to government for dollars have not been successful. That is a shame, given that it is a sector which the member for Melton told us is so well resourced by this government.

The federal government has assisted with this particular railway, in particular with some of the infrastructure so that water could be provided for the steam locomotive. The railway has also had some support from MADEC, a local employment group which has done some of the site works and restored a coal skip and also a worker's hut. The station, which is south of Red Cliffs, was relocated with volunteer labour and local support from nearby Irymple.

As with all these things, the maintenance is continuous and the costs and difficulties are a solid imposition on those few who volunteer. I am very much hoping that there is something in what has been said about this bill and that the Red Cliffs railway group will have access to grant programs and tourist promotions, because this is a hardworking group. The group members have worked hard, and they have built something up that is valued and that does attract tourists; it just has not had a lot of support. That is something that we very much need to address.

There are an enormous number of these railways in the state, as shown by the long list of speakers to come, and everybody wants to talk about the needs of their particular groups, but this is one group that has worked very hard and has done a wonderful job. I commend the members of the group for that, and I look forward to them having access to some grant moneys.

Mr HARDMAN (Seymour) — I wish to speak in support of the Tourist and Heritage Railways Bill 2010. It is rare for me to have a local interest group contact me asking me to support a government bill. The Seymour electorate is blessed with tourist railways, and my understanding is that they support this bill very seriously. The Alexandra Timber Tramway and Museum wrote to me and called up my office as well, asking me to support this bill, and it is with great pleasure that I get to do this. I will be visiting this weekend when it holds a heritage festival in the form of the Steam and Wood Gala at Alexandra. I encourage all members to go to Alexandra this weekend and experience the wonderful things on offer there.

I wish to put on record that I have been to meetings with the member for Williamstown, who has taken the time to make clear to the government his support for the Williamstown heritage railway and this bill. Certainly we both support this bill. Williamstown has a fantastic tourist railway centre. In the Seymour electorate we have the Alexandra Timber Tramway, the Yarra Valley Tourist Railway and the Seymour Railway Heritage Centre. We have a number of other tourist railways not included in this bill; there is the Kerrisdale Mountain Railway and Museum, which is a private concern in the Trawool area. There is a small miniature railway in Kilmore, and there is also a tramway museum in Kilmore. This bill is about modernising and updating the legal arrangements that have emerged often in an ad hoc manner over the years. It is also about registering our great rail heritage. It is the most comprehensive review in 25 years.

As I have said, in Seymour we are blessed with a number of tourist railway and heritage societies, and they all do a great job. They are very important to our local communities. The people involved know this, and in the end it is the people behind these ventures who are dedicated to the local community. Like those involved in historical societies, they want to ensure that their local heritage remains in the area and is there to be enjoyed into the future, in the decades to come. In the government's view this legislation provides an opportunity for the state's tourist and heritage railways to continue to provide a fantastic experience for people and to continue the important task of retaining our heritage into the future. The groups involved in tourist and heritage railways do a great job in many different ways. My family and I have enjoyed the fantastic experience these organisations offer locals and tourists alike.

Recently I was in Healesville with the Minister for Tourism and Major Events, where we had the great pleasure of launching the first train to run on the Yarra

Valley Tourist Railway since the railway closed in Healesville. It was a great experience and was enjoyed by all. It is really important to talk about. The rail motor that ran on the track was totally rebuilt; it was put back together by both local people and people from all over the state, and they brought that train back to its former glory. It was a wonderful experience to see the dedication of these people bring that about. A lot of people from the community and businesses supported the project, and that cannot be underestimated. It demonstrates the importance of the Tourist and Heritage Railways Bill. This is seen by people in Victoria as an absolutely important part of our state's history.

The experience of speaking on that day caused me to reflect on the benefits of heritage railway societies to our local communities in Victoria. They provide a tourism experience for people. That is really important because tourism is an economic driver in places like the Yarra Valley. In Seymour we also like to have tourism; it is becoming a very important thing. In Alexandra the community is always looking for different ways it can encourage people to visit, spend money and invest, and the Alexandra Timber Tramway does the same thing. It preserves our state's heritage, which is very important. Tourist and heritage railways give people a great outlet for their own interests, whether it be running a station, rebuilding our heritage or renovating and making sure these railways continue on.

I must admit that on the day of the launch in Healesville we spoke a lot about the benefits of men's sheds, especially in bushfire-affected areas, which make up a large part of my electorate. The tourist railways are a great big men's shed in most of these communities; they provide a great point of interest and a lot of support for a lot of people. There is a lot more involved than just the economic and tourism side; it is also about the mental health of people and how they interact and are connected into their communities.

It is great to see that the coalition is supporting the Tourist and Heritage Railways Bill. I have to say that the coalition does not always support what we do, but we know that in the end, when it is in government, the best support it gives to tourist and heritage railways is to actually close railways down.

An honourable member — It creates heritage

Mr HARDMAN — It creates heritage and then puts that back on the community. That is okay; that is how it does things.

The Labor government supports the viability and sustainability of the tourism and heritage railways sector through actions like this legislation. Over time the land tenure arrangements are important for these railway heritage groups. That is what made representatives of the Alexandra Timber Tramway come to see me about this bill. They felt that was important for their viability into the future. The bill ensures that Crown land investment in VicTrack is covered by the same core terms. This will mean you have more open, consistent and fair arrangements across the sector, which means that volunteers can continue to get on with what they enjoy doing rather than worrying about some of the bureaucratic red tape issues that tourist and heritage railway people have complained to me about over time.

The bill has been welcomed by the industry, and as I said earlier in my speech it is very rare for me to have a group come to me and say, 'Ben, will you make sure you support this legislation, because it is really important to us?'. I have great pleasure in doing that. We need to say to these people that we think they are important, they are doing fantastic work and we support them in that. This bill goes some way towards recognising the efforts of the volunteers, and I therefore commend the bill to the house.

Ms ASHER (Brighton) — As has already been indicated, the opposition is supporting the Tourist and Heritage Railways Bill. The bill does a number of very simple things. It will establish a register of tourist and heritage railway assets. Puffing Billy, which is the major tourist or heritage railway that might come to mind, has its own act and is not covered by this bill. A range of smaller groups will come under the jurisdiction of this act when it passes through the Parliament.

The bill removes old leases and establishes new leases, and there will be a new lease — a community lease — which we told is going to cost something like \$104 per annum. A key feature of this bill — and I understand why the government is doing it this way — is that registering one's tourist or heritage railway is voluntary. However, there is always a catch — that is, if various railways wish to participate in grants, government grants or tourism promotions or advertising, then they must be registered. It is all very fine for the government to say it is voluntary — technically it is — but in order for these railways to participate in the things that they really want, which is tourism promotion, there will be a requirement to be registered. The opposition has been told that the cost of registration will be a small fee, and I call on the government to deliver a small fee, because many of

these groups are very small, short on cash and reliant upon volunteers. There is provision for the Victorian Civil and Administrative Tribunal to review this.

Heritage railways have appeal for two groups. First of all there are what I call the railway buffs. According to the second-reading speech there are 3500 volunteers, employees and the like in this sector. Those people make a terrific contribution to tourist and heritage railways; however, there is also an added tourism benefit, and people who are interested in tourism would see this as a second component of tourism and heritage railways. Again I refer to the second-reading speech, which states that these railways attract over 500 000 visitors each year.

Tourism is a hugely important industry for Victoria. It is a very significant industry. Anything that generates a visit is positive, and anything that generates an overnight stay is even more positive. These railways have great potential. Many railways covered by this bill are very small. As I said earlier, Puffing Billy has its own act. The railways covered by this legislation are operated by very small groups, but anything that generates an overnight stay is a key factor in tourism, so anything the government can do to have a range of attractions to generate overnight stays adds to the economy of Victoria. I think this is a good bill, and while there will always be the railway buff element, the tourism element is obviously of interest to me.

The benefits of the scheme as proposed by the government are, firstly, modernisation of the lease arrangements, the registration arms and so on and so forth. Secondly, the government has clearly indicated that it will provide training for many of the professionals and the volunteers, which is desirable. Thirdly — and this is the element I am most interested in — the government has indicated, again in the second-reading speech, that there will be some business development opportunities for these railways.

When the coalition was in government, which I know was a long time ago — —

Mr Helper — Seven dark years.

Ms ASHER — No, it is 11 years ago, Minister. When we were in government 11 years ago I met with many of the people involved with many of the tourist railways, and I travelled on them as a matter of fact. They certainly have potential. They are small groups, often operating on their own with mainly volunteers, who are often railway buffs. They are run by people with enormous dedication, and there is significant potential for many of these railway lines to become

significant tourism attractions. As I have said, Puffing Billy stands out on its own; it comes under a separate act. It is a different iconic attraction, and obviously there is different government funding and different Community Support Fund funding which has been made available to it, so Puffing Billy is in a separate category. I am pleased that these railways have an act of their own and that the government is attempting to assist by way of the revision of leases and this registration scheme.

I note further that the government released a regional tourism action plan to cover the years 2009 to 2012. These railways are not mentioned in that regional tourism action plan, and I understand why. It is because there is a low economic return, except for the iconic one — Puffing Billy. If the government is serious about the tourism impact of these railways, there may be some significant opportunities for the future and it needs to look at the role these railways can play in boosting visitor numbers and attracting overnight visitors, which is what the tourism industry is all about. Having made those few comments, I indicate that the coalition will support the bill.

Mr EREN (Lara) — I am very pleased to speak in support of the Tourism and Heritage Railways Bill. Before I start my contribution to the debate I would like to make some personal comments. Like many members in this house, I had my own memorable and favourite toy when I was younger — a train set. My train blew some steam and tooted as it went along.

Mr Helper — And you claim a pecuniary interest?

Mr EREN — Not quite! My train set brought me many hours of pleasure, and I enjoyed playing with it. Since that time I had not paid much attention to the railways until I had to represent the minister at an event which involved the railways. I had not thought how people were railway enthusiasts until I attended that event, the celebration of the 150th anniversary of the official opening of the Geelong–Melbourne rail line, which initially opened on 25 June 1857. As many members would know, that 64-kilometre railway line was the first long-distance country railway in Australia, and it equalled the combined length of any other railway in the country. Geelong played a huge role in leading the way in railways.

Before I forget I must congratulate once again the committee of Geelong Rail 150, which included Michael Menzies and Ferg Hamilton, who organised the day. I did not realise how many people are railway enthusiasts. Literally hundreds of people turned up to the Geelong railway station to watch the steam train

come in. We had boarded in Newport and caught the train to Geelong. Some aeroplanes followed the train, and it was probably the most fun I have had in representing the minister at any event, so I can certainly understand why this bill is so important to many members of the community.

This bill aims to provide a smart, fresh and modern legislative framework, which is needed in order to secure the long-term viability of the tourist and heritage railway sector in Victoria. The bill does this by giving operators greater certainty about their interests in rail assets and land, whilst also promoting improved operations as part of an integrated and sustainable transport system. The bill will ensure that this sector is best equipped to continue the great contribution it makes not only to the tourism industry but also to the communities railways operate in, as well as the preservation of our cultural heritage.

Given Victoria's vast areas of land, railways obviously provide a good means of transport overall, so they have played a huge part in our culture and the way we have come to know various sorts of transport modes, and that is why the bill before us is so important. The tourist and heritage railway sector comprises a large number of not-for-profit volunteer-based organisations that preserve and operate our vintage trains and trams and provide education services about them. This sector attracts more than 500 000 visitors each year, which makes it a significant contributor to the tourism industry, with a clear economic value to the state of Victoria.

The previous speaker gave us some tips about tourism. Let me tell you, Acting Speaker, that Victoria is doing very well in relation to tourism. Geelong has diversified its economy over the last 10 to 15 years in relation to making sure that Geelong gets its fair share of tourists. A perfect example at the weekend was the UCI Road Cycling World Championships on Sunday, which attracted over 150 000 people to Geelong.

We are very conscious of tourism and how we can improve tourism activity, particularly when the dollar is so high. This is one of the issues which slows down tourism to a certain extent. I suppose it is the way the economy rolls. But the state can be confident it is in good hands when it comes to tourism because we have a minister who is proactive and looking for new ways to create tourism.

Of course, you would not find many people today who have not heard of *Puffing Billy*, which has been mentioned before in this debate. It is one of the most popular heritage steam trains in the world. Likewise,

Bendigo is well known for the operation of trams to the town's main tourist attractions, such as the Central Deborah Goldmine. Ballarat is also well known for its vintage tram that operates through the beautiful botanical gardens beside Lake Wendouree, which is now filling. We are very proud of our water policies. I want to make a bit of a point about this because it is directly related to tourism and Ballarat is one of those regional cities — —

Mr Helper interjected.

Mr EREN — That is correct, and steam engines use water, as the minister says.

Regional centres like Ballarat, Geelong, Bendigo and Mildura are very much dependent on water as are any of the regional areas of this state. One of the very important policies we have put into place sees those regional areas flourish. Going back three or four years Lake Wendouree was very dry and Ballarat certainly had lots of problems in relation to water. As we know, water for regional areas such as Ballarat is very important, particularly when Ballarat is home to the begonia festival.

This bill supports the important groups that operate our tourist and heritage-related rail and tram services. It addresses many of the sector's concerns regarding clarity and consistency surrounding land tenure arrangements and land occupancy rights and responsibilities, as well as addressing the difficulties these groups encounter when managing heritage rail assets, including those that are owned by the state.

I might mention that other important contributions made by this bill include the establishment of a register of tourist and heritage assets to provide a central and consistent source of information; the establishment of a voluntary registration scheme giving tourist and heritage railway operators access to training and development packages to help secure the sustainability of the sector — the cost of which will be largely absorbed by the Department of Transport; and last but not least, the introduction of more equitable access to funding assistance, ensuring funding is provided to groups in a more transparent, fair and accountable manner. All of these new measures demonstrate that the government is taking the necessary steps to preserve our cultural heritage by providing the groups, volunteers and operators of tourist and heritage railways with clear and consistent legislation to support this valuable sector for many more years to come. I commend the bill to the house.

Mr MORRIS (Mornington) — It is a pleasure to have the opportunity to join this debate and speak in support of the Tourist and Heritage Railways Bill 2010. The sustainability of our tourist and heritage railway operators is something that is not easily achieved, but I think this bill does in fact achieve it. We need to improve certainty in terms of access to various easements and so on used by the groups, we need to increase certainty in terms of their investment in assets and their investment in land, and we need to strengthen in general terms the whole heritage railway sector.

The minister's second-reading speech identified the extent of the heritage railway sector, which of course includes tramways as well as railways. It has half a million visitors a year and 3500 people involved, be they in terms of membership activities and volunteers. It is a very successful sector and one that has perhaps to some extent — unless someone has a reason to be involved as a volunteer or a passenger — gone under the radar. It is important that the sector be considered as a genuine partner and as having an important part to play in the state's public transport system. We must ensure the ongoing viability not only of the sector but of the individual participants as well.

To a large extent the bill provides the sort of supportive framework that is required for a successful future for the heritage railway sector. The bill does not include static or non-operational rail assets. There has been some comment on that in earlier contributions. It excludes mines, amusement parks and also Puffing Billy; the Emerald Tourist Railway of course has its own act of Parliament. The bill seeks to establish a framework for continued success by establishing a position of tourist and heritage railway registrar, by establishing a register itself, by providing arrangements for leases of land and assets, by establishing a voluntary registration scheme, and of course by making a range of other consequential amendments. It is important reform because the bill will effectively secure a sector for which growth has largely been organic.

Often groups have formed reasonably soon after the closure of a railway line, although some are formed many years after the closure of a railway line. However, whether formed as a spin-off or protest or as a genuine heritage group, these organisations have always been formed from within the local community and not initiated by others outside the community. They have been genuinely organic in their growth. As a consequence of that, the governance arrangements and the relationships between the groups and the state of Victoria have largely been ad hoc.

It is my understanding that the arrangements have been mostly specific and tailored to meet the needs of individual railways. That is certainly the case in the instance of the Mornington tourist railway, where the device of order in council was used. It has worked reasonably well for the time being — for the last 19 years or so that the group has been operating — but as a method it lacks some consistency and minimises the sorts of opportunities that should be available.

While I have the opportunity to speak on this bill, I will make some comments about the Mornington Railway Preservation Society — that is, the incorporated association that manages the Mornington tourist railway. It was formed in 1984 with the objective of securing access to the Mornington rail line, which had been closed in 1981, for the purposes of running a heritage railway. Right from the start the intention was to operate a heritage railway. The group was granted the rights to the line under an order in council in the early 1990s. An enormous amount of work was required, and the group has met quite a few challenges along the way.

Twice in that time the integrity of the line itself has been threatened. The first time involved the construction of what is now the Moorooduc Highway, originally Three Chain Road, at Moorooduc, which had a level crossing on it. When the road was duplicated the contractor simply bulldozed, pulling out the railway lines and removing the level crossing, so the tourist railway was essentially landlocked. Fortunately that situation was reversed by the Kennett government; the level crossing was reinstated and the railway now crosses the Moorooduc Highway.

The second and very much more recent threat was Peninsula Link. Once again the original plans did not take account of the need to cross the railway or have the railway cross the freeway. Thankfully those plans have been amended, and the Mornington Railway Preservation Society has developed a very strong relationship with Abigroup.

We also need certainty. We need certainty not just between government and the railway groups themselves but also among other stakeholders. When the Mornington Railway Preservation Society was first established in the early 1990s it had some pretty ambitious plans, but it was not quite sure of its role in life. I was the shire president of Mornington in 1993, and we had a discussion with the society about what it would do at the Moorooduc station site, now green wedge land. The society had the view that it had the same powers as the then Public Transport Corporation. Unfortunately for the society, the council disagreed. We

had the view that the Hamer convention applied: planning rules applied to public bodies insofar as they possibly could and certainly to private organisations.

The outcome of that was that I was challenged by the railway society for my council seat. Fortunately I developed a very good rapport with the gentleman the society put up against me. The outcome was that I had a fairly convivial challenger, I was returned and the cooperative relationship we had hitherto enjoyed was resumed and endures to this day.

The group has worked tirelessly to re-establish track crossings. It has restored the K163 steam locomotive, which has operated for many years. Taken off the track earlier this year, it was stripped down again and the boiler was replaced or transplanted. It was a major undertaking and a very successful one. The society also operates a couple of T class diesel locomotives, the T411 and the T334, as well as historic rolling stock. The railway currently operates between Mornington and Moorooduc station on three Sundays a month. During recent discussions with me, society members have talked about substantial further plans, including extending the operation of the line from Moorooduc to Baxter, with the aim of eventually connecting with the main line again.

Since its formation, the story of the Mornington Railway Preservation Society has been one of incredible commitment to the ideal of a tourist railway. The society has depended on a great deal of hard work performed by a band of dedicated volunteers. I congratulate its members on the great work they have done so far and wish them well with their plans for the future — and they are big plans. I commend the bill to the house.

Mr HOWARD (Ballarat East) — I am pleased to speak in support of the Tourist and Heritage Railways Bill, which, as we have heard from previous speakers, seeks to modernise the legislation relating to tourist railways, providing certainty in relation to asset management and the lease of rail tracks from VicTrack and support around training and insurance issues.

I was pleased to receive correspondence from the Daylesford Spa Country Railway organisation, which is in my electorate and runs a railway between Daylesford and Bullarto. That organisation involves a terrific group of volunteers who have worked on the railway over a number of years, upgrading the rail motors operated on the track and providing a great tourism opportunity for people who come to Daylesford, Bullarto or the places in between.

The group wrote to me advising that it supports the bill and encouraging me to speak on it. In its letter it said:

We have, through the Association of Tourist Railways (ATR), worked closely with the department attending two workshops earlier this year on the construct of the bill. We are firmly of the belief that this (the bill) is the most significant development towards the sustainability of the sector since the Transport Act 1983 established the legislative framework for tourist railway operations in Victoria.

With your close relationship with us over the past 11 years we believe you are able to give the Assembly a unique insight into some of the issues faced by the heritage railway in your electorate ...

As such, the group has asked me to speak on the bill. I am pleased to do that because the Daylesford Spa Country Railway involves a terrific group of people who have worked enthusiastically over a number of years to upgrade the rail motors and the rolling stock that they have managed to gain access to, to keep the track generally well maintained and to maintain the Daylesford station and other physical facilities both at Musk and Bullarto. Groups such as this, while they enjoy it, find it a challenge, and clearly with the spa country railway the group has shown great insight in gaining museum status and working to ensure it attracts tourists to travel in its various railway carriages but also in coming to Daylesford station every Sunday. The group operates a tourist market, in conjunction with its rail travel opportunities, which provides an opportunity to bring in funding to support the operation. It has been very insightful in the way it has continued.

The group has not done this without lots of challenges over the years in terms of its work to try to reinstate the rolling stock it has gained. I have been pleased that in our time in government we have been able to provide a number of grants to enable the group to further upgrade and maintain the station facility and to support it in its work to upgrade some of its rail motors.

The group experienced a great challenge in February 2009 when the Musk Vale fires burnt out a significant section of the track, which saw it not being able to operate its rail motors on about 1 kilometre of track for about 18 months. I was pleased that through the Victorian Bushfire Reconstruction and Recovery Authority the group was able to gain funding to enable it to reconstruct the railway line and reopen the line as far as Musk. In August I was pleased to join many people for the first trip out from Daylesford to Musk, and pleased to see that services have reopened, at least to Musk. There is further work to be done to reopen the track to Bullarto, and obviously the group is hopeful that the state government will support it by providing some further funding to assist it to reopen the track

right out to Bullarto and then to do work on the platforms at Musk and Bullarto to reinstate buildings on those stations.

The group has also been frustrated that the majority of its rolling stock has been kept out in the open, which has left it open to the weather and to vandals and people who have graffitied the trains. Earlier this year I was pleased to announce funding of \$80 000 to enable the group to erect a building so it can put its rolling stock under cover. That work will happen once the rain has stopped and the construction site has been allowed to drain.

They are a terrific group of people. They are very supportive of this legislation, and I am pleased to see them move forward. I am pleased to continue to work with the Daylesford Spa Country Railway and to see it developing and providing great opportunities for the region in which it operates. I am therefore pleased to support the bill.

Mr THOMPSON (Sandringham) — The Tourist and Heritage Railways Bill is a very important bill, which does a number of things including aggregating the tourist and heritage railway assets. In the Sandringham electorate there is very strong constituent interest in the preservation of tourist railways covering rail lines such as the one for *Puffing Billy* and the one at Queenscliff as well as other rail lines across the state.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Planning: Balwyn developments

Mr CLARK (Box Hill) — I raise with the Minister for Planning the issue of continuing overdevelopment in suburbs across the Box Hill electorate, and I call on the minister to abandon his policy to impose high-rise, high-density development across established suburbs contrary to the wishes of the community. The most recent development causing seemingly well-justified concern is a proposal to build a 17-unit development of three storeys and 35 bedrooms on a single suburban block near the Belmore Road end of Belgrove Avenue in Balwyn. Belgrove Avenue is a suburban street where most properties are single dwellings, some of which are dual occupancy. There is a roughly even mix of single and double-storey dwellings.

Neighbours argue that the planned development does not meet the requirement of being in sympathy with the character of the neighbourhood, it will dominate the skyline in the street and cause a major loss of amenity to the existing residents. I am told that the plans provide for only 22 car-parking spaces, including 3 for visitors. However, given the relatively poor public transport along Belmore Road, it can reasonably be expected that many of the adults living there will require a car.

I am told a traffic study commissioned by the developer refers to seven distinct bus services on Belmore Road, but residents argue that three are school buses only and that only one bus service is a service to the city. I am also told that Belgrave Avenue is used as an all-day car park by staff who work in the nearby Belmore Road strip shopping centre and by those who use the street as a park-and-ride for taking the bus to the city. The entrance to Belgrave Avenue from Belmore Road is already badly choked by parked cars.

Other similar high density proposals are also being made for the electorate, such as an 18-unit development proposed in Whitehorse Road, Balwyn, which neighbours say has problems of overshadowing, overlooking, visual bulk, a double driveway dangerously close to a tram stop and a lack of space for putting out 36 wheelie bins for collection. I am told that the owners of this block won permission from the Victorian Civil and Administrative Tribunal a few years ago for a 12-unit development which did not proceed, but they are now seeking permission for an even bigger development, apparently based on the government's policy to impose high-density developments along public transport routes.

I have previously raised in this house other massive developments approved by the minister himself, including a 30-unit development in Mangan Street, Balwyn, and a 10-unit development on a small single block in Koonung Street, Balwyn North, as well as the 38-storey tower proposed for the corner of Station Street and Carrington Road in Box Hill, which the minister has referred to a department-led working group which has recently started meeting. These sorts of developments are changing for the worse the amenity and way of life in our suburbs. Unlike a well-designed and sympathetic development that respects neighbourhood character, the massive and poorly designed developments being encouraged by the government's policy profit the proponent at the expense of dragging down everyone else. The government must abandon its policy of imposing massive high-density developments on our suburbs and instead give local communities the right to have a say in shaping their

future and way of life and preserving what they value and cherish in their neighbourhoods.

Le Page Reserve, Cheltenham: facilities

Ms MUNT (Mordialloc) — I wish to raise a matter for the attention and action of the Minister for Sport, Recreation and Youth Affairs. The action I seek is for the minister to support the endeavours of a local football club in my electorate that has been working very hard to improve its facilities. In fact a lot of the facility work has been done through its own actions and fundraising. Le Page Reserve in Cheltenham is the home of the Cheltenham Junior Football Club, known as the Cheltenham Panthers, during the winter months and the Le Page Park Cricket Club in the summer. The reserve facilities are also regularly used by the adjoining primary school, also called Le Page, for its outdoor activities and sports days. It makes quite a community hub with the preschool next door and also scout facilities nearby.

I recently toured this facility with some dedicated representatives from the Panthers football club, who have been working hard to identify ways to improve the reserve to cater for the growing demand from local families. It was pointed out to me by Frank Globan, a parent at the club, that the Cheltenham Panthers currently field 17 junior teams and that the participation of local children is still on the increase.

I was also very impressed to learn that the football club has been working closely with local netball clubs, with a view to sharing the clubroom facilities, and encouraging more young girls to get involved in sport by locating some training sessions and netball matches at the existing netball courts. All of these positive and proactive steps that have been taken by the hardworking members and parents of this club have, in my opinion, combined to make a very strong case for some government and local council investment to ensure that the facility can cater to the increasing needs of young people and others in my community.

Specifically, the club has identified the need for investment in change rooms for male and female participants and umpires, a water management scheme to ensure adequate playing surfaces on the two ovals, lights to provide for night-time training and matches, an electronic scoreboard, upgrading of the pavilion, resurfacing of netball courts to provide a safe playing environment, change rooms for netball players and lighting for the netball courts.

Having visited the facility recently, it is my strong view that the improvements requested by the club are

essential to ensuring the club's continued ability to cater for the growing number of junior football and netball players coming through its doors. It would be terrible if young boys and girls who want to be part of this club had to be turned away due to the constraints of the facility at the moment. I therefore request that the minister continue to work with the Cheltenham Junior Football Club — Cheltenham Panthers — with a view to ensuring that the local council supports the club's funding application and that the application receives favourable consideration from the minister.

Electricity: smart meters

Mr CRISP (Mildura) — I raise a matter for the Minister for Energy and Resources. The action I seek is to have the rollout of smart meters delayed due to security concerns. The minister needs to assure Victorians that overseas security concerns about smart meters will not expose Victorians to meter-reading data manipulation and disruption or disablement of energy supplies. There is international chatter about the vulnerability of smart meters to either viruses or similar forms of attack that can disrupt or disable energy supply to a customer. In March this year a security researcher, Joshua Wright, writing in the United States of America, identified a number of security vulnerabilities with smart meters being installed in the United States. The vulnerabilities could be exploited remotely via wireless technology or by physically tampering with the meter, including the ramping up of bills and shutting off power supply to consumers. The US research was commissioned by three utility companies.

Is the minister aware whether such research has been carried out on Australian meters? Do the Australian meters use encryption? Is there a requirement to have authentication before software updates are installed or customers are cut off from the grid? If smart meters follow past patterns, the security model will focus on preventing customers from tampering with meters but not on making sure that the technology is truly secure. Some are even suggesting that you could disconnect someone's power without a password.

I ask the minister whether the Victorian smart meter system is vulnerable to typical attacker techniques such as buffer overflows, persistent and non-persistent route kits and self-propagating malicious software and worm attacks. The Brumby government has rushed to install smart meters and appears to be trusting its meter manufacturers to ensure that they are secure. Has the technology been subjected to a systematic analysis of security risk against known threats? What measures has the Brumby government taken to assure the Victorian

public that smart meters will not put either supply or accounts at risk from software-based attack.

Concerns have been expressed about privacy should personal data thieves find the weakest link, which is the lack of encryption from meter-to-meter communication, and also that people with solar power will not be able to use that power in their houses if they become grid disconnected because of the necessity for matching their solar power through the grid.

Francis Street, Yarraville: dust reduction

Mr NOONAN (Williamstown) — The matter I raise is for the attention of the Minister for Roads and Ports, and the action I seek is for the minister to investigate ways to reduce the impacts of dust on a section of Francis Street, west of the railway line between Cemetery Road and the Millers Road–Princes Highway intersection in Yarraville. In making this request I acknowledge that Francis Street forms part of the state's arterial road network. As the minister would know, Francis Street is an extremely busy road and is subjected to annual traffic counts by VicRoads in March each year. The latest counts for the March 2010 period show that there are about 12 000 vehicle movements per day on Francis Street, west of Williamstown Road, and that trucks account for about 1 in 6 of the overall number of vehicles using this section of Francis Street.

Late last year the Environment Protection Authority started a dust monitoring program to gain evidence on the extent and impact of dust emanating from the nearby Brooklyn industrial precinct. Since the dust monitoring commenced the EPA has issued more than 20 pollution abatement notices to local businesses in the Brooklyn area. Roads have been identified by the EPA as also being a potential source of dust, although pinpointing the actual roads is problematic. At a recent community meeting in Brooklyn, residents were asked to identify the roads they considered to be the greatest sources of dust. Residents identified Jones and Bunting roads in the Brooklyn industrial precinct, which are both the responsibility of the local Brimbank City Council. Residents also raised concerns about the western section of Francis Street, Yarraville. Whilst this section of Francis Street does not form part of the Brooklyn industrial precinct, it serves as an important access road to the area.

I have met with local representatives from the Yarraville-based 'On the Nose' group about its concerns. It has advised me that it has made representations to both VicRoads and Hobsons Bay City Council about Francis Street. Of particular concern

to the group is the state of the road surface and the shoulders. It has asked whether anything can be done to sweep the road to identify which company or industry is carrying mud onto the road and contributing to the dust problems in the area.

It is clear that any investigation into improving this section of Francis Street would need to be carried out with the local Hobsons Bay City Council. This would be a sensible approach, particularly given that the council is responsible for the verges and side roads. This is not an easy problem to resolve, but I would welcome any action that can be taken by the minister to investigate ways to reduce the overall impact of dust on this section of Francis Street, Yarraville.

Roads: Glen Iris level crossing

Mr O'BRIEN (Malvern) — The matter I raise is for the attention of the Minister for Public Transport, and the action I seek is for the minister to take action to plan for and fund the grade separation of the railway level crossing on Burke Road, Glen Iris, at Gardiner station. I raised the matter of level crossings in my electorate, including on Burke Road, on the adjournment in May 2008. In typical Labor government fashion, no meaningful action has occurred, yet as I and the many thousands of long-suffering motorists who use Burke Road can attest, the Brumby government's neglect has not made the problem disappear. In fact it has deteriorated.

The October 2010 edition of the RACV's (Royal Automotive Club of Victoria) magazine, *RoyalAuto*, lists the worst traffic bottlenecks in Victoria, based on an assessment of risk, traffic volumes, road function and connectivity. The article notes that over 8000 nominations were received for traffic 'red spots'. The level crossing at Burke Road, Glen Iris, is listed as the fourth-worst in the entire state. The RACV states:

You say: long delays at the rail crossing and through traffic congestion. Peak times are the worst, although school pick-up time also features.

RACV says: This location is in the top red spots for the third time running. Trains crawl through the Burke Road crossing, creating long delays on Burke Road which regularly extend onto Monash Freeway. Boom gates stay down for up to 4 minutes to allow just two trains through. Minimising boom gate down times may help traffic flow. In the past two years there has been work to improve the operation of the traffic lights, but it hasn't been enough.

The article goes on to say:

... RACV believes an overpass or underpass is necessary.

Reporting on this finding the *Stonnington Leader* of 21 September noted this bottleneck had risen on the list from fifth-worst in 2008 to fourth-worst this year. The newspaper also reported:

In June, *Stonnington Leader* tested the Burke Road snarl. Our driver took 9 minutes to travel less than a kilometre over the crossing during evening peak hour and 11 minutes over the same distance about 8.35 a.m. on a Friday.

Between 8.00 a.m. and 9.02 a.m., the crossing boom gates were lowered for 25 minutes and 21 seconds while 16 trains passed through Gardiner station.

The DEPUTY SPEAKER — Order! I quickly interrupt the member to say that while he has raised this matter for the attention of the Minister for Public Transport, I think he will find that it should be directed to the Minister for Roads and Ports.

Mr O'BRIEN — Deputy Speaker, when I raised the matter previously you told me it was for the Minister for Public Transport.

The DEPUTY SPEAKER — Order! I can assure the member that it should be directed to the Minister for Roads and Ports.

Mr O'BRIEN — I will happily direct it to the Minister for Roads and Ports.

The government advised me that addressing this matter will cost \$70 million to \$90 million, but if the government had not wasted \$400 million on a cost blow-out on the M1 upgrade, which went from \$1 billion to \$1.4 billion without one extra centimetre of roadway being laid, it would have the money to deal with this horrendous traffic snarl that is a daily reminder to the people of Malvern and surrounding suburbs of the incompetence of this government.

Pine nuts: health risk

Mr SCOTT (Preston) — The matter I raise this evening is for the attention of the Minister for Agriculture. It concerns 'pine mouth', a bitter metallic taste in the mouth that can develop after eating pine nuts and can last for several days. The action I seek is for the minister to ask his department to investigate this phenomenon and to take appropriate action to warn and protect the public.

Recently a friend developed pine mouth after eating pine nuts purchased from a local nut shop in Preston. He reported that he and his family had a bitter metallic taste in their mouths beginning 2 days later and continuing for 10 days. Since a change in taste sensation may be a symptom of a serious illness, he and his family became quite worried. On further

investigation it became clear that his and his family's symptoms were the result of eating suspect pine nuts.

I quote from the *Wikipedia* entry on the subject:

A small minority of pine nuts can cause taste disturbances, developing 1–3 days after consumption and lasting for days or weeks. A bitter, metallic taste is described.

The article goes on to speculate that the nuts may have spoiled and gone rancid or that the condition might be caused by post-harvest insecticidal or fungicidal treatments.

I would like the minister to ask his department to investigate pine mouth and assess whether there is any risk to the health of people eating pine nuts. I also ask that he take appropriate steps to warn the industry and consumers of the risks of eating pine nuts. As the safety standards for foods that are imported are likely to be set and regulated at a federal level, and if indeed imported pine nuts are responsible, I also ask for the minister's assistance in drawing these concerns to the attention of the Australian Quarantine Inspection Service and/or Food Standards Australia New Zealand.

Wild dogs: control

Mr INGRAM (Gippsland East) — I raise a matter for the Minister for Agriculture. The action I seek is for the government to implement the wild dog program proposal, which is a new strategy outlined in a document dated June 2010 presented to the government by the Gippsland Wild Dog Management Group.

The issue of wild dogs, as many members of this Parliament who represent regional areas would know, is very traumatic for primary producers right across my electorate, particularly in the north-east. It is a very difficult issue to deal with, and I have raised this matter on a number of occasions in this place. The proposal that has been presented to the government says, and I quote from the document:

The Gippsland Wild Dog Management Group is seeking additional financial support of \$3 million over three years shared between the Gippsland and North East Wild Dog Group areas to assist the implementation of a new strategy for wild dog control in Victoria.

The group has outlined three strategies that are based on very thorough research and scientific information about how to control wild dogs. Its view is that, firstly, increased resources are needed to reduce the gross population of wild dogs through permanent baiting to a level that reduces the extent of the threat. Secondly, it believes that the use of electric fencing, which is a proven technique for reducing wild dog entry to private

land, is essential. Thirdly, it believes there is a need to continue wild dog trapping activity to ensure that areas which are most impacted by wild dog attacks are dealt with.

The group believes the program currently in place has not achieved the correct balance across those three strategic control techniques over the last few years and that the issue has got a bit out of balance. It is a fairly complex issue to deal with the high level of concern within the community. It has also outlined where it believes some improvements to the program could be achieved, including its operation by DPI (Department of Primary Industries) staff. It also recommends increased land-holder advice and participation in bait station locations within certain areas. It suggests that some of the baiting program could be delivered through contractors, managed by DPI.

The program that has been outlined is a very positive, good initiative which would reduce the impact of wild dogs on primary producers in my electorate, and I encourage the government to implement the strategy to improve the outcomes and reduce the effect on primary producers in my electorate and other areas that are heavily impacted by this problem.

Jasper Road, Ormond: pedestrian crossing

Mr HUDSON (Bentleigh) — I raise a matter for action by the Minister for Roads and Ports. The action I seek is for the minister to arrange for the installation of a pedestrian crossing on Jasper Road between North Road and McKinnon Road, Ormond. Jasper Road is a very busy arterial road that runs from North Road to South Road, and it is a major thoroughfare for motorists wishing to drive north to connect with Dandenong Road or south to connect with Nepean Highway. Traffic has increased considerably on this road in recent times, as it has on many middle-ring suburban roads.

In recent years Glen Eira City Council, with the assistance of the state government, has upgraded Joyce Park on Jasper Road to include walking tracks, a playground, barbecue facilities and toilets.

Joyce Park is also home to Box Cottage, a historic homestead which depicts the farm community of the 19th century, when the district was settled. It is also home to the City of Moorabbin Historical Society. Joyce Park also houses the Glen Eira McKinnon Bowls Club, with over 150 members. Needless to say, Joyce Park is a very popular and well-used sporting and recreational space, given that the city of Glen Eira has one of the lowest levels of public open space per capita in the whole of metropolitan Melbourne. It is also a

popular route with parents who like their children to walk to McKinnon Primary School and McKinnon Secondary College.

However, a major barrier for residents to the west utilising Joyce Park is the level and speed of traffic along Jasper Road. Parents are worried about letting their children go to the park alone, and older residents are reluctant to attempt to cross the road for fear of being caught in oncoming traffic. Their only alternative is taking their chances crossing Jasper Road to walk at least 300 metres to cross at the pedestrian lights at either the North Road or the McKinnon Road intersection and then walk back a similar distance to get to the park.

The installation of a pedestrian crossing would have many benefits. Both McKinnon Primary School and McKinnon Secondary College have large student populations, with over 750 and 1580 students respectively. All those students on the western side of Jasper Road could use the pedestrian crossing and walk through Joyce Park as a pleasant way of getting to school. For primary school students in particular it would encourage the formation of walking school buses, and parents would no longer feel that they have to drive their children to school for road safety reasons. It would also encourage McKinnon Secondary College students to walk to school, as Joyce Park runs through to the north-western edge of the school's boundary.

Overall a pedestrian crossing would encourage greater use of Joyce Park, resulting in significant recreational and health benefits for those who use it. It would also provide much safer access for seniors and people with a disability, who need more time to cross the road safely.

I therefore urge the minister to take action to install a pedestrian crossing on Jasper Road adjacent to Joyce Park for the benefit of the residents of McKinnon and Bentleigh.

Water: city of Knox sportsgrounds

Mr WAKELING (Ferntree Gully) — I wish to raise with the Minister for Water a matter of importance to many people in my electorate. The action I seek is for the minister to work with Knox City Council and sporting clubs in the Ferntree Gully electorate to assist in the installation of stormwater harvesting facilities at sporting grounds and recreational reserves. More specifically the sporting reserves maintained by Knox City Council in the Ferntree Gully electorate include Eildon Park, Lakesfield Reserve, Pickett Reserve, H. V. Jones Park, Windermere Reserve, Dobson Park,

Ferntree Gully Reserve, Liberty Reserve, Seebeck reserve and Fairpark Reserve.

The Knox community is recognised for its provision of sporting facilities throughout the municipality. Knox residents pride themselves on the sporting opportunities that are provided to residents, both young and old. In relation to outdoor activities, the number of Knox residents participating in football, cricket and soccer is amongst the highest in the state. However, over recent years the quality of local sporting ovals has been such that it has made it difficult for these ovals to operate effectively, with many ovals resembling mud pits in winter and dust bowls in summer. Sport is an important part of our culture, and the closure of local ovals and reserves is incredibly painful for communities such as Knox, particularly when the closure of sporting grounds is avoidable.

Drought-proofing sporting grounds involves common-sense policy making and an eye for the future — two qualities which this government has failed to deliver for Knox residents. The installation of stormwater harvesting and the consequent warm season grass growth will give local sporting grounds increased supplies of water at the same time as reducing the amount of water required to maintain the grounds to safe and playable standards. This will allow sporting grounds to survive through periods when water is denied due to restrictions or simply because it becomes prohibitively expensive.

Drought-proofing such grounds in Knox will also assist local sporting clubs to cope with the impending rise in the cost of water due to this government's incompetent management of the desalination project, which will cost Victorians \$570 million per year, come rain, hail or shine. This a significant cost burden that this government will place on local sporting clubs through its sheer ineptitude and lack of foresight.

The installation of stormwater harvesting facilities is a sensible and forward-thinking approach to making sure that local sporting grounds can remain open throughout potential periods of dry weather in the future, as well as minimising the cost burden of water use which our local community will face.

I therefore ask the minister to take action to support local sporting clubs in Knox by working with Knox City Council and the clubs to ensure that stormwater harvesting facilities are provided at sporting grounds in the city of Knox.

Ashwood College: rebuilding

Mr STENSHOLT (Burwood) — My intervention tonight is directed to the Minister for Education, and the action I seek is that she provide funding for the complete rebuilding of Ashwood College. Located on a large property bordering High Street Road, with its main entrance off Vannam Drive, Ashwood College is a mid-size secondary college that provides an excellent education to 500 or so students. It provides a full range of courses, including some outdoor education courses. It has a fine reputation for both plastic and dramatic arts.

Several years ago I was able to secure a \$1 million grant to help build a performing arts centre which is the envy of many other local schools. Last year I also advocated for and helped Ashwood College to be placed on the Building Futures program. I am sure many members would be familiar with that, because that is the process for securing a school rebuild in line with the education philosophy and plan for the school. Ashwood has been through that plan.

But then several months ago the school suffered a tragedy when two of its main buildings were set on fire and some \$5 million damage was done to the college. I was at the school early on the morning after the fire, which occurred in the evening, supporting the principal and other staff and students. I attended the staff meeting, and I was very pleased that the Minister for Education was able to visit the college later that morning and immediately pledge support from her department to the college to reorganise and rebuild it.

More recently the Premier visited the college and was principal for a day there. It was quite an interesting time. We even had some debates and attended some classes. He attended a media class for the Victorian certificate of education group and heard and saw some fine singing and acting performances by the students. But importantly he also saw firsthand the need to rebuild this school. Work with architects and the department has advanced on the master plan for the complete rebuild of the college. It will cost somewhat over \$10 million. The action I seek is that the minister stand ready to provide that funding for rebuilding the college once the master plan is completed.

Responses

Mr HELPER (Minister for Agriculture) — The member for Preston raised a matter for my attention regarding pine mouth, which he described as the metallic taste in the mouth after consuming pine nuts. To inject a personal note into this response, I

thoroughly enjoy eating pine nuts. I reckon they are a terrific thing to snack on, and I feel quite fortunate that I have not experienced pine mouth.

The member asked that I request my department to look into this potentially quite difficult issue relating to pine nuts that may be occurring as a consequence of imported pine nuts being rancid or in some other way being spoiled. I will certainly undertake to have my department investigate the matter to the extent it is able or to subsequently refer it to food authorities such as Food Standards Australia New Zealand or import authorities such as the Australian Quarantine and Inspection Service. I will undertake to do that on behalf of the member for Preston.

The member for Gippsland East raised a matter for my attention regarding a proposal developed by the Gippsland Wild Dog Management Group. On a visit to East Gippsland a little while ago I had the opportunity to discuss that proposal. I have also had the proposal sent to me subsequently, and the member for Gippsland East has made me aware of the proposal.

The issue that the member raises of the wild dog impact on landowners in the communities of East Gippsland — or in the north-east of the state, where wild dogs are also a problem — is well understood by me and the government. That is why we have significantly increased resources to control wild dogs. I readily acknowledge at the outset that a lot more remains to be done in this space, but I certainly understand the difficulties.

The number of doggers that we have in the field, for example, has doubled under this government compared to the previous government, but again I stress the need to constantly work at making sure that we have the most appropriate response — the most effective, efficient and well-resourced response — to wild dogs. That is a set of priorities that I share with the member for Gippsland East. He understands the problem and makes constant and strong representations on behalf of his communities in relation to the devastating effects of wild dog attacks, and I understand the devastating nature of those as well. I look forward to continuing to work with the good people of the Gippsland Wild Dog Management Group together with the good endeavours of the member for Gippsland East to maximise our efforts to control wild dogs in Gippsland East as well as in the north-east of the state.

The member for Box Hill raised a matter for the Minister for Planning regarding a three-storey development in Belgrove Avenue in Balwyn. I will refer that matter to the Minister for Planning.

The member for Mordialloc raised a matter for the Minister for Sport, Recreation and Youth Affairs, seeking support for the endeavours of the Cheltenham Panthers football club to improve its facilities. I will raise that with the minister.

The member for Mildura raised a matter for the Minister for Energy and Resources requesting that there be a delay in the rollout of smart meters as a consequence of some overseas security concerns relating to those smart meters. I will refer that to the minister.

The member for Williamstown raised a matter for the Minister for Roads and Ports requesting that he instigate measures to reduce dust on the western section of Francis Street, Yarraville. I will refer that matter to the minister.

The member for Malvern raised a matter for the Minister for Roads and Ports regarding the railway crossing at Burke Road, Glen Iris. I will raise that with the minister.

The member for Bentleigh also raised a matter for the Minister for Roads and Ports regarding Jasper Road and the need for a pedestrian crossing to facilitate the safety of local park users and schoolchildren crossing Jasper Road.

The member for Ferntree Gully raised a matter for the Minister for Water regarding stormwater harvesting facilities at sporting grounds and recreation reserves in the member's electorate where it coincides with the city of Knox.

The member for Burwood raised a matter for the Minister for Education requesting her to consider funding once the detailed planning of the rebuilding of Ashwood College is completed, particularly following the destruction of two of the main buildings of that college in a recent fire. I will make the Minister for Education aware of that matter.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.34 p.m.