

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 19 June 2012

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Tuesday, 19 June 2012

Supplementary question

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.

CONDOLENCES

Burwyn Eric Davidson

The PRESIDENT — Order! It is my sad duty to advise the house of the death on 9 June 2012 of Burwyn Eric Davidson, who was a member of the Legislative Council for the electoral province of Chelsea from 1988 to 1996.

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

Honourable members stood in their places.

ROYAL ASSENT

Message read advising royal assent on 13 June to:

- City of Melbourne Amendment (Enrolment) Act 2012**
- Gambling Legislation Amendment (Transition) Act 2012**
- Monetary Units Amendment Act 2012**
- Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Act 2012**
- Police and Emergency Management Legislation Amendment Act 2012.**

QUESTIONS WITHOUT NOTICE

Higher education: TAFE funding

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Higher Education and Skills. Given that on 7 June the Premier did not deny the existence of KPMG's analysis of the financial impact of the government's state budget funding cuts on each TAFE institute, will the minister now release the KPMG financial modelling so that TAFE directors, students and the community can see the government's own analysis of the impact of the funding cuts?

Hon. P. R. HALL (Minister for Higher Education and Skills) — KPMG did some modelling for the cabinet with respect to these matters, and its work is subject to the normal confidences of cabinet.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister for that response. Can the minister at least advise the chamber if the government's TAFE transition task force has been provided with this KPMG analysis?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I expect the government's TAFE transition panel members will probably be announced in the course of this week, and all details and all analyses that they need to be able to do their job will be provided to them.

Western Region Health Centre: dental service funding

Mr ELSBURY (Western Metropolitan) — My question is for the Minister for Health and Minister for Ageing, the Honourable David Davis. Can the minister update the house on what actions the Baillieu government has taken to support access to dental care for people in Melbourne's western region?

Hon. D. M. DAVIS (Minister for Health) — I am pleased to inform the house that the government is determined to undo the 11 years of failed activity by the previous government when the Western Region Health Centre's dental services were allowed to run down. Following a task force that was convened, led by Mr Elsbury but containing a number of key people from western region — —

Mr Lenders — Why is he asking you the question if he knows?

Hon. D. M. DAVIS — I am going to tell him something further, so there you are. The further announcement is that \$200 000 will be provided to scope the way forward — that is, to scope the steps and the best options. I note that the task force provided four key options for the government and Western Region Health Centre to work forward on. The running down in the health service and its dental services has been a point of discussion in this chamber, and we have been determined to tackle this longstanding issue.

Mr Elsbury and his committee have reported and made some significant recommendations. Putting those into a business format that will enable us to make final decisions on the way forward will involve proper costings, business cases and those sorts of things, and that will actually take time and cost money. The government is making an announcement today of \$200 000 to lead that process and to have a consultancy group do the work, put together the costs and come

back with some precise costings on the way forward. I think that is a very important step.

I also make the point that the government will provide a further \$100 000 in one-off funding support to explore, develop and implement service development initiatives to increase access to dental services. This will be considered as part of the work to include referral to private dentists and improve catchment access to public community dental services.

The government understands the importance of dental services. The support is there for western region health. I want to say on the record that I think that service does excellent work. That community health service is one of our very strong health services in the western region of the city, and the description provided in yesterday's paper probably is not fair. I want to put on record my respect and regard for those staff, who do an excellent job of supporting people in the western region.

I indicate that the government is determined to see this through and to work with people in the western region of the city. This is unlike the 11 years of Labor in which it let this service languish and run down, and it failed to take the proper actions to protect services in the western region. Mr Elsbury and his committee have done the base work. Now we need to take the next steps to put proper business cases around the way forward, and we need to deal with the long-term legacy of Labor's mismanagement.

Labor takes the west for granted at every turn. Its failure to support people in the west is something that Mr Finn has pointed to again and again, and this is just another example of Labor taking the west for granted. This government will actually get on with it; the allocation has been made to put the support behind this project.

Questions interrupted.

MOTIONS TO TAKE NOTE OF ANSWERS

Western Region Health Centre: dental service funding

Mr BARBER (Northern Metropolitan) — I move:

That the minister's answer be taken into consideration at the next day of meeting.

In so moving I would like to say that — —

The PRESIDENT — Order! Before further debate, we will vote on the motion.

Mr BARBER — My understanding is that this is a procedural motion and that we have up to 5 minutes to speak to the motion as to why this answer should be taken into consideration.

The PRESIDENT — Order! That might well be so in relation to procedural motions, but it is my understanding that this particular motion is put straight to the vote.

We have never actually had such a debate, but I will allow it.

Mr BARBER — Thank you, President. This section of the agenda is known as 'Questions seeking information', or in shorthand 'Question time'.

Hon. D. M. Davis — On a point of order, President. It is my understanding that there would need to be notice for a motion to be moved unless leave is granted. This is a motion that has been moved by Mr Barber. Up to this point he has not sought leave, but I believe he would need leave.

Mr BARBER — On the point of order, President, this is a procedural motion under standing order 6.13. It is clear that the standing orders allow 30 minutes in total debate and 5 minutes per member. If we go to 6.13, we see it lays out what a procedural motion is, and 6.13(e) says:

a motion that an answer to a question or supplementary question without notice be taken into consideration pursuant to standing order 8.06.

It is in fact a procedural motion.

The PRESIDENT — Order! On the point of order, I concur with Mr Barber's position that it is a procedural motion and that it is covered by standing order 6.13, which deals with procedural motions. Notwithstanding that we have never had a debate like this before, as I remarked earlier to the chamber, it does constitute a procedural motion.

Mr BARBER — As I was saying, this is question time not 'Ministers read out press releases time', especially when those press releases have been released days ago. It was the Premier who told us that he was going to get rid of Dorothy Dixers. That was probably not the biggest promise of the state election — it was probably not a barbecue stopper — but it was a small but important promise, symbolic of a Premier who made a commitment — —

The PRESIDENT — Order! It is a procedural motion, and therefore it is fairly narrow. The motion is that the matter be taken into consideration on the next

day of meeting; therefore, it is my view that Mr Barber's speaking to the motion ought to be to persuade the house, firstly, that members should vote for that procedural motion, and secondly, why it is a motion that ought to proceed. Some of the matters Mr Barber is raising at this point might well form the debate once we actually consider the matter. I ask Mr Barber to contain his remarks to why the house should consider the answer on the next day of meeting, rather than debating the merits of his proposition.

Mr BARBER — Thank you, President. I am going to do my best, but the merits of my proposition are that we should have a debate, in the context of taking note of this particular answer, about how we want to run question time. Question time is the most visible part of Parliament. It is the bit that everybody seems to watch.

Hon. D. M. Davis — On a point of order, President, the member is now floating a broad discussion about question time, which is far beyond the parameters of this simple motion. This is a simple procedural motion. He may wish to reform question time. Many over the years have thought question time should be changed in this way or in that way, but I would argue that is a substantive motion that he should bring in the proper time. This is a simple procedural motion.

The PRESIDENT — Order! Mr Barber, on the point of order.

Mr BARBER — I will concede most of that. I am not on the point of order, President. I am happy to turn back to and fall within the parameters —

The PRESIDENT — Order! Let me determine the point of order first. In my view the remarks that Mr Barber is making at this moment, whilst they may be wide in context, are, I assume, part of an argument as to why the Parliament ought to take into further consideration certain answers to questions, specifically the one that has been raised today. In that context I will allow Mr Barber to continue. I am mindful, though, that this is a very narrow debate about why tomorrow we should consider a particular answer to a question.

Mr BARBER — The 'why' is very much in terms of what the Leader of the Government just said. Many people have tried to reform question time. I would like to be part of that, and his Premier also promised to be part of that. On the substantive matter that is contained in the question, we should be noting that it is going to cost up to \$10 million to rebuild this particular facility that was the subject of the minister's Dorothy Dixier today and that there is a real danger that the children's clinic will close unless the rebuild happens.

Mrs Peulich — On a point of order, President, Mr Barber is now defying your advice and your ruling. He is entering the substantive debate on the issue, rather than arguing the procedural matters as you have advised him to.

The PRESIDENT — Order! This is a difficult procedure that Mr Barber has embarked upon, and I agree that it is sailing very close to the wind in terms of the previous ruling I made that the debate ought to be about persuading the house that the matter be considered on the next day of meeting, rather than a debate on the merits of the issue. I ask Mr Barber to stay that course for me.

Mr BARBER — I was just noting that there is an urgency associated with this particular issue — that is, that it is Ms Hartland's understanding that this clinic could close. The minister is seemingly sending us down a course of doing another business case, but a business case was done by the previous government. With all that looming upon us —

Mrs Peulich — On the same point of order, President, the member continues to defy your ruling and your guidance. He continues to debate the merit of the issue rather than the procedural motion before the chamber.

The PRESIDENT — Order! On this occasion I do not believe the member was flouting my ruling; I think he was making a case for the urgency of this matter to be considered tomorrow, and I think that is the relevant issue in terms of his motion. I am quite happy to entertain that narrative.

Mr BARBER — And that is why, President, we should consider the minister's answer on the next day of meeting.

Mr JENNINGS (South Eastern Metropolitan) — I support Mr Barber in his intention to have this matter discussed on the next day of meeting. I am not quite sure that I share his view of the reasons that drew him to raise the matter, but I certainly join him in supporting this. My reason for joining this debate is that the minister has a document on today's daily program that relates to this matter. The minister has just provided us with an answer to a question from a government member that picks and chooses the way the minister wants to take advantage of question time to put his story on the public record before the tabling of this document.

The document that is going to be tabled later this day may or may not confirm the point of view the minister has taken. In fact it may give additional information

that the opposition party — or the Greens for that matter — may wish to raise in the Parliament during the course of debates and considerations. This is a minister who on previous occasions has referred to reports that he has commissioned and received. He continues to answer questions ad nauseam about the subject matter within those reports, but he never releases them to the chamber or to the community.

For that reason, I think Mr Barber is on the money in relation to calling this minister to account for reports he commissions and for using the forms of the house very selectively in the way he releases that material or responds to it and denies other members of the chamber the opportunity to see it. For those reasons I would suggest that this is a matter that should be brought forward for full scrutiny in light of the document that is going to be tabled in the Parliament today.

Hon. D. M. DAVIS (Minister for Health) — I welcome Mr Barber's motion; I am not sure whether the opposition welcomes it chopping around question time. I think it will be a magnificent debate tomorrow that Mr Barber has now foreshadowed. We welcome that debate and look forward to debating Labor's 11 years of mismanagement and the fact that a new government is prepared to tackle a problem that Labor was not prepared to tackle. It is timely. The government has made an announcement, and that timeliness will enable a full debate to occur on Labor's terrible history and the failures of the previous ministry.

Motion agreed to.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Higher education: TAFE funding

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Higher Education and Skills. In response to a question from Mr Lenders on 6 June the minister said he would seek advice in regard to TAFE viability matters. Has the minister now received that legal advice on whether TAFE boards have the same requirements as any other Victorian company to disclose to the Australian Securities and Investments Commission any factors which may impact on their viability and whether they can trade if they are insolvent, and will he table that advice?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I welcome the question, because it is true that Mr Lenders, on two occasions during the last sitting week in this Parliament, asked me about some

matters relating to the responsibilities of TAFE directors, particularly as they relate to an organisation which may be either trading while insolvent or in threat of insolvency. I have got some advice on this, and I can offer the following comment. I am not in the normal practice of reading answers to questions, but I ask the house to forgive me on this particular occasion; I want to make sure I am accurate.

First of all, there is no specific reference in legislation or similar instrument requiring TAFE boards and their directors to inform government of being in danger of trading while insolvent. However, it would be inconsistent with the intention of the various pieces of legislation and other instruments that apply to TAFE boards and their directors.

The following four documents, being either legislation or other instruments, identify the fiduciary responsibilities of TAFE boards and their directors that are relevant to establishing a view as to whether they have a duty to inform government that they are in danger of trading while insolvent. The first is the Public Administration Act 2004, in particular, section 7, 'Public sector values'; section 79, 'Duties of directors'; and section 81, 'Duties of entity'.

The second piece of legislation is the Education and Training Reform Act 2006, section 3.1.13, 'Functions of TAFE institute boards', and schedule 2, which outlines the responsibilities of directors of a TAFE board. The third document is the TAFE Institute constituting orders, section 16, 'Director and committee member duties', and the fourth item to which I refer is the State Services Authority code of conduct for directors, which includes a responsibility to act with honesty and integrity and 'in a financially responsible manner'.

Mr Lenders also asked me about whether TAFE boards were obliged to follow the same principles as company boards under the requirements of the Australian Securities and Investments Commission. ASIC administers a number of pieces of legislation, including the Corporations Act 2001. Under section 588G of the Corporations Act 2001 company directors have a duty to prevent insolvent trading by their company. The Corporations Act 2001 applies only to companies. TAFE institutes are not companies for the purposes of the Corporations Act 2001. As such, TAFE boards and their directors are not subject to the requirements of ASIC and the Corporations Act 2001.

In summary, and in response to Ms Mikakos's question today and Mr Lenders's questions in the last sitting week, it is clearly a long-held view of the government,

TAFE institutes and boards of TAFE institutes that they need to converse with government regularly as to the financial status of their entities. I think they do that, and so long as they do it, I think they are fulfilling their requirements and fiduciary responsibilities under the various acts and instruments to which I referred.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — I thank the minister for that expansive response and advice. TAFEs have indicated their financial situation could deteriorate if planned increases to student fees in 2013 result in fewer student numbers than planned. Given that the minister said in reply to my initial question that he is encouraging TAFEs to converse regularly with government, will he guarantee a letter of comfort for all TAFE boards that find themselves in a deficit situation and without cash reserves?

Hon. P. R. HALL (Minister for Higher Education and Skills) — A letter of such comfort has been requested by several TAFE institute boards, and it will be provided to them.

Teachers: reward payments

Mrs COOTE (Southern Metropolitan) — My question is to the Minister responsible for the Teaching Profession, Minister Hall. Can the minister inform the house of why the Baillieu government has chosen not to sign up to the federal government's Rewards for Great Teachers national partnership?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — I made reference to performance pay for teachers in question asked of me by my colleague Mr Finn on 1 May. While I made reference to Rewards for Great Teachers, a federal government scheme, I am able today to respond to Mrs Coote's question by giving a more definitive view of the government's response to the invitation by the Prime Minister to sign a national partnership in respect of an election promise of the federal government, which was a scheme called Rewards for Great Teachers.

In my answer to Mr Finn's question on 1 May I reiterated the coalition's support for the principle of performance pay. Indeed, as members now know, it forms part of the EBA (enterprise bargaining agreement) position advanced by the government to Victorian teachers.

I also welcomed at that point of time the federal government's endorsement of that principle of paying teachers for their performance. While the initial federal government scheme very much went to a performance

pay scheme where performance would be assessed against things including national testing results, attitude of parents and students and the contribution of whole-of-school outcomes among other measures, we saw a backdown by the federal government so that the Rewards for Great Teachers scheme became one where seniority more than anything else would be the assessment for whether teachers should qualify for reward.

I recall pointing out to the house at that time that just 2 per cent of Victorian teachers would be potential beneficiaries under that scheme because the federal government had reduced the amount of money being put into that scheme. It was prepared to spend \$60 million Australia wide to establish a scheme which would distribute just \$40 million in its first year of operation in 2014.

We do not believe that is a performance pay scheme. Consequently at this point of time the Premier has responded to the Prime Minister by saying that we are not prepared to sign up to that particular scheme but remain open to talk about a far more fair and equitable way of measuring and rewarding performance. I contrast that with what is being offered by the government, where 70 per cent of Victorian teachers have an opportunity to share in a performance pay scheme compared with just 2 per cent in the scheme advanced by the federal government. We remain concerned that the federal government is insisting on proceeding with its half-baked measure in the so-called Rewards for Great Teachers, where more is being put into establishing a system to accredit teachers than is actually being distributed by that scheme.

Moreover, the cost of assessment for teachers now seems to have risen from a maximum of \$1400 up to around \$1800. That is the cost being paid individually by teachers for just being part of this scheme. I also note that the Western Australian government shares the concerns of the Victorian government and at this stage has indicated that it will not sign on. I am aware that the Queensland government also shares Victoria's concerns and has also conveyed those to the Prime Minister.

In conclusion, I say this in answer to my colleague Mrs Coote: we will consider any fair dinkum performance pay measure. It is part of this government's EBA where we say that good performance amongst good teachers should be appropriately rewarded. That is what we are proposing; it is certainly not what the federal government is proposing. That is why at this point in time we have suggested it come back and talk to us and develop a more fair and equitable scheme.

Higher education: TAFE funding

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Higher Education and Skills. The minister would be aware that his department will no longer provide full service provision funding to TAFEs which support training for students with disabilities. He would be further aware of the substantial increase in the number of students with disabilities studying at TAFEs — for instance, the number of students with disabilities at Holmesglen TAFE has doubled since 2008, with an increasing number of students with more complex needs. Will the minister's department commit to providing specific disability support funding for TAFEs to enable them to continue to support students with disabilities?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The member will be aware that there are a number of measures within the refocusing vocational training policy which provide opportunities for people of disadvantage to participate in training in this state. I particularly recall the 5 per cent loading that is applied to training delivery undertaken in regional areas of Victoria. I also point out to the member the 1.5 per cent weighting applying to students of indigenous background, and the 1.3 per cent weighting applying to young people from low socioeconomic status backgrounds. Therefore, in terms of those people who come from a background of disadvantage, there is some accommodation for them within the structures of the refocusing vocational training policy of this government.

Mr Lenders — The question was disability, not disadvantage.

Hon. P. R. HALL — I am about to get to that question, Mr Lenders. With respect to the issue about disability which has been raised by Ms Mikakos, some concerns have been expressed to me on that particular matter. I am sure that is a matter which the TAFE transition panel will hear more about as it negotiates and consults with each of the 18 TAFE institutes around Victoria. It is a matter that I am well aware of. As a result of that consultation and transition process, we will consider ways in which people with a disability continue to have fair access to training in this state.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — As the minister would know, none of the loadings he referred to specifically addresses the issues of disabilities. It costs Holmesglen TAFE \$350 000 above its government funding to provide training opportunities and facilities for students with disabilities. Given the

minister's response and the fact that the government has scrapped full service provision funding, which had provided these funds, what will the minister do to ensure that Holmesglen and other TAFE institutes do not abandon these costly courses and leave hundreds of students with disabilities unable to fulfil their hopes and dreams?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I have answered most of that question in my substantive answer to the first question. Let me say this: first of all, in regard to disabilities, there was never a specification within the full service provider payment that a component of that — any fixed component or otherwise — was for disability funding. Let us make sure that that is clear. I do not deny the fact that TAFE institutes use some of the full service provider payment to support students with disabilities, but there was no requirement for them to do so and no specific component of the payment was dedicated towards disabilities.

I said to Ms Mikakos in response to her first question about disability that it has already been raised with me and it will be raised with the panel as part of the transition and consultation process. I am determined in my resolve to look at ways in which we can ensure that opportunities for people with disabilities continue so that they are able to access training in this state.

Housing: homelessness services

Mrs PETROVICH (Northern Victoria) — My question is for the Minister for Housing, Ms Wendy Lovell. Can the minister update the house on how the Baillieu government is allocating resources to housing and homelessness services in Victoria?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her question and her ongoing interest in the issues that face those who are homeless in Victoria. It gives me a great opportunity to outline a range of initiatives that are under way to acquire new public housing and also to address homelessness around Victoria. I was disappointed to read in the *Bendigo Advertiser* yesterday a letter to the editor from the member for Bendigo West in the Assembly, Maree Edwards. It was disappointing because she got her facts plain wrong, which undermines her credibility in her community. In her letter to the editor Ms Edwards claimed that 'there has not been one new cent allocated to build or acquire any new public housing' under the Baillieu government. This is just plain wrong.

We have made a strong investment in public housing. In the 2011–12 budget we committed to acquiring 1600 new homes and to upgrading 1800 of our existing

homes. Again, if Ms Edwards would like to do some research, pages 163 and 164 of budget paper 3 for 2012–13 state that we will invest in 1150 new homes and upgrade 1600 dwellings to allow them to continue to meet the needs of the most vulnerable, and — surprise, surprise! — the money that supports these initiatives is in the budget.

The former Labor government left public housing in crisis. The Victorian Auditor-General was absolutely scathing of the former government’s mismanagement of the housing portfolio. During the 11 years Labor was in government in some areas it disposed of more properties than it actually acquired. Over the four years Richard Wynne, the member for Richmond in the Assembly, was the minister he disposed of 4494 properties in the state. That completely wiped out all the benefits of the — —

Mr Viney — On a point of order, President, the purpose of question time is for ministers to explain matters of government administration and not just spend the entire answer attacking members of the opposition or the past government.

The PRESIDENT — Order! On the point of order, Ms Lovell has a tendency to debate some matters, so it would not have surprised me if the point of order had been taken earlier. However, the material she is putting now as a contrast is relevant information to give the house in terms of disposed properties. If that is accurate information, then that is relevant to use as a contrast to the position she has taken as minister, and that is fair material.

Hon. W. A. LOVELL — As I was saying, the disposal of 4494 properties under the stewardship of former Minister for Housing Richard Wynne wiped out the benefits the Nation Building plan brought to this state. In contrast we will dispose only 400 properties this year.

Ms Edwards claimed also that we have failed to put forward a homelessness plan for this state. On 3 October last year we released the Victorian homelessness action plan, supported by \$76.7 million to provide services for homeless people in this state. Recently I announced \$15 million for 10 innovation action projects. I made the statewide announcement in Ms Edwards’s electorate of Bendigo West, yet she seems to have missed that. I announced one of the action plans to be provided in Bendigo — a \$1.5 million commitment to an innovation action project delivered by Haven, St Luke’s — —

The PRESIDENT — Time!

Freedom of information: Department of Health

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Health. In November 2011 I submitted a freedom of information request to each government department requesting a summary of media monitoring costs sustained by each department for the period 1 December 2010 to 30 October 2011. The information has been released under FOI by nine departments, including the Department of Education and Early Childhood Development, the Department of Business and Innovation, the Department of Planning and Community Development, the Department of Treasury and Finance and others. Only two departments, being the Department of Health and the Department of Human Services, have refused to release the information, deeming it commercially sensitive. Can the minister explain why media monitoring costs are able to be released right across government but are a state secret in the Department of Health?

Hon. D. M. DAVIS (Minister for Health) — As I think the member knows, FOI is handled by the FOI office in the department. I will take his question on notice and come back to him with a response. As I said, the FOI unit makes the decisions, and I will find out what decision has been made.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — It seems the minister is suggesting he knows nothing about that decision. That would seem to be appropriate but is surprising, given the noting period. Given that the minister has taken the question on notice and given that he is now aware that the release of media monitoring costs has occurred without contest or controversy or damage to commercial interests across government, will he now see to it that they are released as regards the Department of Health or at least as they regard his private office?

Hon. D. M. DAVIS (Minister for Health) — As I have indicated to the member, these decisions are made by the FOI officers in the department.

Hon. M. P. Pakula interjected.

Hon. D. M. DAVIS — No, I am answering the question. I will take on notice the member’s question and find out what independent decisions have been made by the Department of Health.

Ordered that answer be considered next day on motion of Mr LENDERS (Southern Metropolitan).

Planning: growth corridors

Mr ONDARCHIE (Northern Metropolitan) — My question this afternoon is to my colleague in Northern Metropolitan Region, the Minister for Planning, the Honourable Matthew Guy, and I ask — —

Honourable members interjecting.

Mr ONDARCHIE — It is no surprise you are against performance pay, mate.

Can the minister inform the house what action the Baillieu coalition government has taken to bring forward long-term planning and certainty for growth in Melbourne's outer urban growth areas?

Hon. M. J. GUY (Minister for Planning) — I thank my friend and colleague from Northern Metropolitan Region Mr Ondarchie for a sensible and serious question which goes to the heart of the Baillieu government's determination to tackle housing affordability and housing supply issues and to plan Melbourne's outer growth areas for the long term.

In the last week I have released corridor plans that will determine the way Melbourne grows in our growth areas, as I said, for the next decade or more. Those corridor plans are incredibly important documents. They outline where our new town centres will be. They outline where employment land will be. They outline the design, shape and infrastructure required to grow our new communities in Melbourne's outer south-eastern, northern, north-western and western growth corridors into the future. They are exceedingly important documents. That is why I had pleasure in approving and releasing those documents after 18 months of work by this government to ensure that we grow Melbourne's growth areas sustainably, sensibly and responsibly, and in a way that will take on once and for all the issue of housing affordability for future generations of Melburnians.

As I said, growth areas are not just residential areas. Many members of this chamber may not be aware that the plans which we approved also include areas for thousands of new jobs in Melbourne's outer growth areas: 170 000 new jobs planned for Melbourne's western suburbs; 86 000 jobs planned for Melbourne's south-eastern suburbs; and 83 000 jobs planned for Melbourne's northern suburbs. They are incredibly important areas for job growth and incredibly important areas to plan and get right.

What we have done in opposition is what we have delivered in government. The Baillieu government is exceedingly proud that what we espoused in terms of a

policy and a commitment to people who want to be able to afford to buy a house is not just rhetoric in opposition, it is action in government. That is evidenced by the approval of the corridor plans.

Not everyone is as consistent as the government. I have pleasure in reading some third-party endorsements of the government's corridor plans. In fact I read a third-party endorsement that went back to June 2010. In relation to expanding the growth boundary it reads:

Families are for it. People who want to have affordable housing are for it ...

The endorsement continues:

... for working families what is at stake here is affordable housing.

Mr Finn interjected.

Hon. M. J. GUY — Mr Finn, I read over the notes; I looked with interest, and I found it was not Justin Madden, the former Minister for Planning and now the member for Essendon in the Assembly; it was in fact Brian Tee, the current shadow Minister for Planning, the man who now opposes our growth corridor plans but was in favour of them in 2010. In 2011, when asked at the Urban Development Institute of Australia, 'Do you have a plan for the growth boundary', he said, 'We have not decided on that issue just yet'. So in 2010 he supported it, in 2011 he was not sure, in 2012 he is opposed — God knows what is coming for Labor in 2013? Maybe a trip to Mars!

The government is consistent. We supported this policy in opposition. We have brought it forward in government. We believe in increasing housing affordability. We believe in providing good-quality housing for all Victorians and particularly for those who want to live on the edge of Melbourne.

Health: diesel emissions

Ms HARTLAND (Western Metropolitan) — My question is for the Minister for Health. Last week the International Agency for Research on Cancer, a subgroup of the World Health Organisation, classified diesel engine exhaust as carcinogenic to humans. Part 5 of the Public Health and Wellbeing Act 2008, for which the minister is responsible, allows the minister to either initiate a public inquiry or to undertake a health impact assessment. Will the minister do so in relation to diesel truck emissions and their impact on the Victorian population?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question. I too saw that report, and I

have sought some information. I have not made any decision at this point to take the action that she indicates in terms of the Public Health and Wellbeing Act, but I did see the report and will respond in due course.

Supplementary question

Ms HARTLAND (Western Metropolitan) — Every day in my electorate 7000 trucks travel along Francis Street, Yarraville, and more than 21 000 through the city of Maribyrnong. How long does the minister suggest those residents will need to wait until he takes action to actually take on a health study that tells them whether their health is at risk because of the high levels of diesel emissions?

Hon. D. M. DAVIS (Minister for Health) — I certainly take my responsibilities under the act quite seriously. As the member herself has indicated, this is a very recent study. The quality of the material is to be assessed, and we will make decisions in due course.

Ordered that answer be considered next day on motion of Ms HARTLAND (Western Metropolitan).

Manufacturing: government initiatives

Mr RAMSAY (Western Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, the Honourable Richard Dalla-Riva. Can the minister advise the house of action taken by the Baillieu government to encourage innovation in the manufacturing sector?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question. As members know, we have taken a very strategic approach to manufacturing policy and strategy in this state. I was pleased yesterday to be at Kraft, where we formally launched our Investing in Manufacturing Technology plan as part of our manufacturing strategy. As I said, this has been an ongoing process. We are pleased as a government to be promoting grants of up to \$250 000 to support Victorian manufacturers in adopting leap-ahead technologies. This is part of the coalition government's \$58 million manufacturing industry assistance package, which was announced in the last budget.

We have always recognised that manufacturing is facing a range of challenges — a high Australian dollar, global competition and the rising energy costs under the carbon tax — but we are committed to ensuring that financial assistance provided to manufacturers is based on increasing their productivity, diversification of

products or investments that will enable companies to compete in international markets.

There is great resilience in the Victorian manufacturing sector, but how has that resilience been captured in terms of ABS (Australian Bureau of Statistics) quarterly labour force data? The most recent labour force data shows that there are now 311 800 people employed in manufacturing in Victoria. I might make this point: it is more than when the Victorian ALP was voted out of office in November 2010. According to the ABS, there are now 16 700 more people employed in the manufacturing sector in Victoria today than in August 2011, and most of those increases have been in full-time employment. What this does is it sends a strong message — —

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — It is important for those opposite to understand, because it sends a strong message to those who would seek to talk down the future of manufacturing in Victoria. We note that employment in manufacturing has held up in Victoria while it has fallen across the nation generally.

We understand the stressors facing the manufacturing sector. I must say, and I have repeatedly said, there could not be a worse time to introduce the carbon tax when we are working towards supporting manufacturing companies to be innovative.

If members want any independent advice, they can refer to the South East Melbourne Manufacturers Alliance, which put out a media release on 6 June 2012 that said:

Carbon pricing + electricity costs = the sums don't add up.

That sounds like the Labor Party, because this demonstrates SEMMA's concern that the direct impact of the carbon tax is going to have a direct impact on the manufacturing sector here in Victoria. These are not my words; this is from SEMMA, which represents a significant number of manufacturers. It is saying that there is going to be a significant impact. Mr Dowling, who many people in this chamber would know, is quoted in this media release as having said that:

... general manufacturers will have no form of transitional assistance whatsoever ...

He also said:

It's not too late for the government to rethink their approach ...

It is not too late. Members opposite should understand that we are delivering on manufacturing and we are

working on a strategy that we have worked through for the last 18 months; we are now delivering on our election commitments. Those opposite, rather than whinge and bark and complain, should be getting on the phone to their federal counterparts and saying, 'Remove that insidious, job-killing carbon tax'.

to allow ranch-style subdivisions for housing to ensure that incentives are provided to clean up what is and has been a wasteland but also preserve the unique rural feel of the area; and

promote the development of healthy and usable open spaces for active and passive recreation and sports grounds, a use not readily compatible with active agriculture which uses pesticides.

The signatories below call on all MPs to support the community to clean up the wasteland to allow healthier, cleaner and more attractive land use for the area.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 741, 951, 2882, 8209, 8220, 8245, 8247, 8288–306, 8321–6, 8380.

By Mrs PEULICH (South Eastern Metropolitan)
(1171 signatures).

Laid on table.

Ordered to be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

PETITIONS

Following petitions presented to house:

School buses: Rupanyup–Murtoa–Minyip service

Health: rural maternity support

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the Baillieu-Ryan Liberal-Nationals government will no longer fund the rural maternity support program.

The petitioners therefore request that the Baillieu-Ryan Liberal-Nationals government immediately recommence funding the rural maternity support program to maintain a clinical midwifery consultant in each of Victoria's five rural regions.

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council:

1. that we express our opposition to the loss of the school bus servicing Rupanyup Primary School, Murtoa College and Rupanyup and Minyip kindergartens;
2. that the local community is fulfilling the DEECD requirement of seven school-age students in terms of bus routes and bus planning and will continue to fulfil this requirement for the next 10 years;
3. that for some of our families the loss of this bus service will entail costs of about \$2000 per year as well as loss of time available for us to run our farms and businesses;
4. that we are concerned the loss of this bus service may mean the loss of enrolments for some of our schools, which will impact on teacher numbers;
5. that the Baillieu government is in receipt of a DEECD funded report, the *Wimmera Early Years Transport Support Project* final report, which is yet to be responded to; and
6. that this report, finalised in July 2011, specifically aimed to improve transport options to ensure universal access to kindergarten programs.

By Ms PULFORD (Western Victoria)
(148 signatures).

Laid on table.

Planning: Kingston green wedge

To the Legislative Council of Victoria:

The petition of residents calls for bipartisan support from the state government and the Labor opposition to support changes to the so-called Kingston green wedge, 80 per cent of which is not zoned green wedge but is zoned for special uses including tip, quarries and landfill and most of which is not Crown land.

Local residents call on all political parties to make sensible planning and zoning changes to:

end the opening of new quarries and tips and to establish a framework for the phasing out of existing tips and landfill operations following the expiration of existing tip permits;

to identify land for the chain of parks and to properly cost and acquire public funds to establish the chain of parks;

The petitioners therefore request that the Legislative Council of Victoria urgently call on the Baillieu government to respond to the above report and take steps to ensure that families in Rupanyup, Minyip and surrounding areas are able to participate in local school and kindergarten programs.

By Ms MIKAKOS (Northern Metropolitan)
(218 signatures).

Laid on table.

Ordered to be considered next day on motion of Ms MIKAKOS (Northern Metropolitan).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest No. 10 of 2012, including appendices.*

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Charter of Human Rights and Responsibilities Act 2006 — Report on the Operation of the Act, 2011.

Planning and Environment Act 1987 —

Amendments to planning schemes:

- Cardinia Planning Scheme Amendment C190.
- Casey Planning Scheme Amendment C170.
- Hume Planning Scheme Amendment C166.
- Melton Planning Scheme Amendment C128.
- Mitchell Planning Scheme Amendment C100.
- Whittlesea Planning Scheme Amendment C167.
- Wyndham Planning Scheme Amendment C180.

Notices of Approval of the following amendments to planning schemes:

- Boroondara Planning Scheme — Amendments C123, C140 and C175.
- Cardinia Planning Scheme — Amendments C124, C156 and C172.
- Casey Planning Scheme — Amendments C150 and C159.
- East Gippsland Planning Scheme — Amendments C80 and C82.
- Glenelg Planning Scheme — Amendment C71.
- Golden Plains Planning Scheme — Amendment C57.
- Greater Bendigo Planning Scheme — Amendment C181.

Greater Shepparton Planning Scheme — Amendment C148.

Hume Planning Scheme — Amendment C159.

Monash Planning Scheme — Amendment C112.

South Gippsland Planning Scheme — Amendment C69.

Wellington Planning Scheme — Amendment C78.

Wodonga Planning Scheme — Amendment C86.

Racing Act 1958 — Amendments to the Constitution of Racing Victoria Limited pursuant to section 3B(2).

Statutory Rules under the following Acts of Parliament:

- City of Melbourne Act 2001 — Local Government Act 1989 — No. 40.
- Infringements Act 2006 — No. 36.
- Road Safety Act 1986 — No. 37.
- Supreme Court Act 1986 — Nos. 38 and 39.
- Subordinate Legislation Act 1994 —
- Documents under section 15 in respect of Statutory Rule No. 41.

A proclamation of the Governor in Council fixing an operative date in respect of the following act:

Resources Legislation Amendment Act 2011 — Part 6 — 1 July 2012 (*Gazette No. S194, 13 June 2012*).

PRODUCTION OF DOCUMENTS

The Clerk — I have received a letter from the Minister for Health dated 16 June enclosing a copy of the Western Region Health Centre dental services task force report.

Letter at page 3119.

Ordered that letter and report be considered next day on motion of Ms HARTLAND (Western Metropolitan).

The Clerk — I have also received a letter from the Minister for Water dated 12 June.

Letter at page 3120.

Mr BARBER (Northern Metropolitan) — I move:

That the letter be taken into consideration on the next day of meeting.

In so doing I say the reason we should do that is that the previous Parliament spent an enormous amount of time debating the issue of the northern Victoria

irrigation upgrade. The government even recommended an Ombudsman's inquiry, which itself was considered by the Parliament in the normal way. This is not an issue that can be left to rest. Now we hear from the government that we are to hear no more information — —

Hon. D. M. Davis — On a point of order, President, I am happy by leave to have some exchange with Mr Barber, but it seems to me he is making a long-winded argument, which he is entitled to do by substantive motion, but it does not seem to me that simply giving notice of a motion, which he is also very much entitled to do, is the appropriate way to do it.

The PRESIDENT — Order! Mr Barber is no doubt relying on the precedent in question time in respect of speaking to what on that occasion he considered to be a procedural motion and the Chair accepted as a procedural motion. In regard to the motion he has now moved to take note of the response to the house from the Minister for Water, I point out that under our standing orders that is not defined as a procedural motion consistent with Mr Davis's point of order. Standing order 9.08 says that if 'any paper has been tabled, notice may be given of a motion that the Council take note of such paper'. The crucial words there are 'notice may be given' — in other words, members have an opportunity to prepare for a debate or consideration of that response at another time. On this occasion it has been suggested that it should be on the next day of meeting. I propose simply to put the motion.

Motion agreed to.

The Clerk — I have received a letter dated 13 June 2012 from the Minister responsible for the establishment of an anti-corruption commission headed 'Order for documents — Independent Broad-based Anti-corruption Commission consultation panel documents'.

Letter at page 3121.

Ordered to be considered next day on motion of Mr BARBER (Northern Metropolitan).

NOTICES OF MOTION

Notices of motion given.

Mr Lenders having given notice of motion.

The PRESIDENT — Order! I have indicated to the Leader of the Opposition that I have some concerns

about that motion in the context of previous remarks I have made about the style of motions that we bring to this house. I will have a discussion with the Leader of the Opposition in respect of that motion going forward.

Further notices of motion given.

BUSINESS OF THE HOUSE

General business

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 20 June 2012:

- (1) notice of motion given this day by Mr Pakula relating to the resignation of the former Parliamentary Secretary for Police and Emergency Services and related matters;
- (2) order of the day 22, consideration of a petition in relation to Auslan courses;
- (3) notice of motion 352 standing in the name of Mr Lenders relating to the failure of Nationals ministers to stand up for the regional and rural communities;
- (4) notice of motion 284 standing in the name of Mr Barber relating to the provision of the Sinclair Knight Merz report; and
- (5) notice of motion given this day for Ms Pennicuk by Ms Hartland relating to past forced adoption policies and practices.

Motion agreed to.

MEMBERS STATEMENTS

Queen's Birthday honours

Ms MIKAKOS (Northern Metropolitan) — I rise to congratulate a number of people who received recognition in the Queen's Birthday honours last week.

David Redfearn, a resident of Northcote, was recognised with a Medal of the Order of Australia in the general division for his service to conservation and the environment as well as to local government and the community. I have known David for approximately 20 years, and he has always been a passionate and active member of a number of organisations dedicated to our local community. He has spent a great deal of his life committed to supporting other people and has passionately dedicated himself to improving the local education, training and employment opportunities of young people. He has done this through his service as mayor and councillor of the former City of Northcote,

as president of the school council at Northern College of the Arts and Technology, as an executive member of Northland Technology Education Centre, as director of the Inner North Community Foundation and through his advocacy on behalf of our rivers and creeks, in particular the Yarra River and Merri Creek.

Mary Lyn Crooks, also a Northcote resident, was recognised with an Officer of the Order of Australia award, general division, for her service to the community through contributions to public policy, in particular for her work in the areas of water sustainability and as an advocate for the advancement of women, most recently as executive director of the Victorian Women's Trust.

Former Premier of Victoria Joan Kirner, the first woman to hold that position, received a Companion of the Order of Australia award for her service to the Victorian Parliament and to the community through conservation initiatives, contributions to gender equality, the development of education and training programs, and the pursuit of civil rights and social inclusion.

Finally, Terry Bracks was recognised with a Member of the Order of Australia award in the general division for her service to youth, particularly as the founder of Western Chances.

I congratulate each recipient honoured last week on their service to our state.

Matthew Wiltshire

Mr RAMSAY (Western Victoria) — It was with great pleasure that I attended a civic reception at Ballarat last Friday to celebrate the winner of the 2012 Stawell Gift, Matthew Wiltshire. While Ballarat might have thought the Stawell Gift should be run in Ballarat — although that is certainly not my view — the next best thing was to have a home-grown Ballarat boy win the Stawell Gift. I knew his father, Grant, well through my time with the Victorian Farmers Federation as he was then general manager of Telstra Country Wide. I was very pleased to see his son get the honours he deserved at the civic reception last Friday. Matt was running from lane 2 in the final and won in a time of 12.219 seconds, off a mark of 8 metres. He dedicated the win to his grandfather John 'Wiry' Wiltshire, who is now 80 years old and was the favourite for the 1958 gift, only to tear a hamstring on the eve of the race.

Matthew was coached by trainer Peter O'Dwyer, who contested the gift for the 25th consecutive year in 2012 and made it as far as the semi-finals. Matt lives in

Alfredton, attended Ballarat High School and is now studying a double degree in business and sports management at the University of Ballarat. He was the youngest person to boundary umpire a Ballarat Football League grand final and was appointed to the Victorian Football League development squad at the age of 15. Matt is one of the fastest sprinters in the country and now has his sights firmly set on the Glasgow 2014 Commonwealth Games. I wish him well.

City of Darebin: citizenship ceremony

Mr ELASMAR (Northern Metropolitan) — On Tuesday, 13 June, I attended the Darebin City Council citizenship ceremony hosted by the mayor, Cr Steven Tsitas, his fellow councillors and the CEO, Rasiah Dev. The event was well attended by citizenship recipients and, as usual, beautifully organised by Darebin council officers. The evening was a huge success. I congratulate all the recipients and all the organisers on their sterling efforts on the night.

East Preston Islamic College: facilities

Mr ELASMAR — On another matter, on 14 June I attended the East Preston Islamic College, representing the Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews, to participate in the opening of a new facility, which is an administration building, multipurpose hall and gymnasium. My federal parliamentary colleague Martin Ferguson officiated at the opening, and later we were treated to a tour of the new facilities of the college.

Joan Kirner

Mr ELASMAR — On another matter, I pay tribute to an outstanding Victorian lady who was given the highest Queen's Birthday honour in the Queen's Birthday honours list this year. I refer to Joan Kirner, the first woman to be Premier of Victoria. I offer my sincere congratulations to her on her meritorious and richly deserved Companion of the Order of Australia. I also warmly commend all the Queen's Birthday honour recipients.

Go Girl, Go for IT

Mrs PEULICH (South Eastern Metropolitan) — I congratulate a number of schools on the range of activities they are involved in to embrace the opportunities of ICT whilst at the same time managing and attempting to address the challenges that are associated with this area of innovation. ICT will revolutionise every human activity and enterprise as a tool for improving effectiveness and efficiency and

extending the reach of our personal and social relationships as well as education and business activity.

It is therefore of concern to the state government that there is an ICT labour shortage. Of particular concern is that only 19 per cent of ICT jobs are held by females. This government is trying to turn this trend around by encouraging girls to favourably consider and ultimately enrol in ICT as a field of study and to subsequently enter careers in ICT. I was therefore pleased to participate in the launch of Go Girl, Go for IT (GGGIT), an event that I attended yesterday on behalf of the Minister for Technology, Mr Rich-Phillips.

The event was attended by hundreds of girls from schools across the state, who were very keen to explore the possibilities of ICT as a future career. The event was organised by the Victorian ICT for Women network, an industry initiative to showcase the diversity of ICT studies and careers. It was supported by Jeanette Wirt, head of the program committee and vice-chair of the Victorian branch of the Australian Computer Society, and Janet Matton, patron of GGGIT 2012 and vice-president of operations at IBM Australia.

I also commend a number of schools for getting on with ICT initiatives, including the Berwick campus Beaconhills College, where I viewed the operations of the iPad program which is being introduced in the curriculum of students in years 5 to 9.

The ACTING PRESIDENT (Mr Ramsay) — Time!

Cycling: infrastructure funding

Mr BARBER (Northern Metropolitan) — The Baillieu government has abruptly stopped funding bike infrastructure and programs in Victoria, leaving cyclists reeling. The Greens are taking a stand and making sure that every cyclist in Victoria has a chance to make their voice heard. On Sunday, along with Greens Senator and national transport spokesman Scott Ludlam and Cathy Oke, the Greens candidate for the Melbourne by-election, I was able to launch a Melbourne bike black spot app that allows cyclists to do in problems — black spots, if you like — or for that matter good examples of bicycle infrastructure, and send them via their smart phone or the web to the Minister for Roads, Mr Mulder. Mr Mulder has already started receiving these. I know that because the first one came from me, and since then he has received dozens more.

This Thursday, if members would like to get up bright and early, they can join a rally of cyclists on the steps of

Parliament House at around 7.30 a.m. The cyclists are converging on Melbourne to call on the Baillieu government to return funding for cycling. More than a million Victorians cycle each day. Together with those cyclists, the Greens are going to build a community campaign stronger and louder than ever before.

Peter Singer

Mr FINN (Western Metropolitan) — Recently I spoke in this house on the Disability Amendment Bill 2012. On that occasion I spoke of the need for greater respect for people with disabilities. I spoke about the need for society to accept them as full human beings and not as second-class citizens. The fear I expressed that day for the rights of those with disabilities has now been institutionalised, with the awarding of Australia's highest honour to so-called ethicist Peter Singer in the Queen's Birthday honours list.

Peter Singer has long promoted the view that dogs, monkeys and other animals are more human than children with disabilities. He has long promoted the view that newborn babies with disabilities can — maybe should — be killed. I have personally debated Singer on this subject. He has told me so to my face, and of course it is in his writings. The awarding of a Companion of the Order of Australia to Peter Singer is a national outrage and an insult to every Australian with a disability.

As the father of a child with a disability, I was deeply offended and felt physically ill when I heard this individual had been honoured in this way. Now I am just very angry. What has happened to our nation when somebody with such appalling and destructive views can be the recipient of an Order of Australia award? Singer should be stripped of his award as a sign that the commonwealth of Australia does not accept that children with disabilities — or adults for that matter — are subhuman. People with disabilities in Australia deserve much better than having hoisted onto a pedestal someone who believes such people as themselves should have been killed at birth. Prime Minister Gillard should move today to reverse this disgraceful decision and reassure every Australian with a disability that her government regards them as full members of the human race.

Colleen Goodfellow

Mr ELSBURY (Western Metropolitan) — I rise this afternoon to congratulate Mrs Colleen Goodfellow on her appointment as captain of the Truganina Country Fire Authority. Mrs Goodfellow will take up her post on 1 July and will make history as the first woman to

take up this post in the city of Wyndham. I congratulate her wholeheartedly.

Rail: protective services officers

Mr ELSBURY — I also had the pleasure of meeting up with the protective services officers at Footscray train station just before midnight on the evening of Friday, 8 June. I was able to ask them how they had been going. They said that apart from it being a little chilly, it had been a busy but very rewarding night, and they certainly sought the support of other members of Parliament for what they are doing.

Wyndham Park Primary School: redevelopment

Mr ELSBURY — I also visited Wyndham Park Primary School to inspect the fantastic work that is being undertaken in the redevelopment of that school. It is a school that was abandoned by Labor when it all got too hard and the budget was greater than at first expected. I was pleased that one of my first acts as a member of Parliament was to advocate for that school and secure the funding it needed.

Nick Foa

Mr ELSBURY — I would also like to pass on my deep thanks to Mr Nick Foa, CEO of the City of Brimbank, who will shortly be moving on to a new role in Places Victoria. He has done a great job at the City of Brimbank in guiding the municipality through some troubled times and to a much better place now and into the future.

Sport and recreation: shire of Southern Grampians

Ms PULFORD (Western Victoria) — I am concerned that while the Leader of The Nationals, Mr Ryan, remains embroiled in internal battles with the Liberal Party within his own government, The Nationals are neglecting the future of young people in regional Victoria and, in particular, in the Southern Grampians shire, where the government has declined to fund three worthy sport and recreation projects even though the local member is the Minister for Sport and Recreation. These include the youth skate park at Lake Hamilton and improvements to Tarrington Recreation Reserve and Patterson Park.

Schools: education maintenance allowance

Ms PULFORD — Further, on the education maintenance allowance (EMA), young people in Hamilton are being greatly disadvantaged by the

actions of this government. At Hamilton North Primary School, a school with some 240 children, the likely impact of the cuts by the government to the EMA is \$10 000. The school is concerned that this will impact on the size of the parents voluntary contribution next year. At Bainbridge College, the only state secondary school in the region, around one-third of the school population — about 180 students — will lose the school component of EMA, which is equivalent to around \$40 000.

For a government that was elected on the back of a campaign and a series of promises to reduce the cost of living, this is extraordinary. Families in regional and rural Victoria are being let down by The Nationals, and I call on Mr Delahunty, the Minister for Sport and Recreation and member for Lowan, to stand up to the Liberal Party and back the young people of Hamilton and the region and their futures.

Earth Summit: Rio+20

Mr SCHEFFER (Eastern Victoria) — Rio+20, under way in Brazil, marks the 20th anniversary of the 1992 United Nations Conference on Environment and Development, known as the Earth Summit. Rio+20 builds on the global discussions and campaigns which go back to the 1972 United Nations declaration on the human environment which succeeded in clarifying our focus and understanding of the global dimension of environmental issues and the need for nations to work together.

It is easy to dismiss such conferences as talkfests that are slow to achieve effective action, but the fact is that there has been progress in securing political commitment for sustainable development, in working out ways to assess progress and in identifying the gaps and emerging issues and how to tackle them.

Perhaps the most significant achievement of the 1992 Earth Summit was the Rio Declaration on Environment and Development that set out 27 guiding principles for sustainable development. Re-reading these principles serves as a reminder that they are now integral to public policy and that, while there is a lot left to do, the principles have captured and shaped the terms of the debate. One example is principle 15, which enshrines the precautionary approach.

The themes of Rio+20 concern the green economy in the context of poverty eradication, sustainable development and institutional frameworks for sustainable development. There is a lot on the agenda, but a key item for us focuses on global transition and tackles issues such as the development of new metrics

to measure success — that is, how traditional measures of economic progress such as gross domestic product can lead to unsustainable practices. I commend the Prime Minister for attending Rio+20 on the nation's behalf.

Goulburn Valley Food Cooperative: launch

Ms DARVENIZA (Northern Victoria) — I want to congratulate the Goulburn Valley Food Cooperative on its official launch last month. The co-op was formed in 2011 in a bid to take over the former Heinz tomato sauce factory in Girgarre after it moved its processing offshore to New Zealand, leaving 140 workers without their jobs. The co-op made two offers to purchase the Heinz site but was rejected by the multinational company. The co-op never gave up. It determinedly pushed ahead to open a community-run factory that would provide high-quality local food at fair prices for farmers as well as stable jobs.

Recently the co-op announced it had found a new site at Kyabram for its factory and would create up to 45 jobs and be churning out tomato-based products within 12 months. The group held its official launch in May and outlined its million-member campaign seeking community support to keep jobs in the local community. The cooperative has produced a 23-minute trailer called *Food Fight — One Aussie Town Fights Back*. Celebrity chef Peter Russell-Clarke is head of marketing. His cartoon, David the Tomato, highlights the battle for food security. Tomato bread and tomato sausages are two innovative samples that are being trialled for production. Production is expected to start in May 2013. I congratulate all involved, and I wish the cooperative all the best.

Burwyn Eric Davidson

Mr TARLAMIS (South Eastern Metropolitan) — I rise to pay tribute to Burwyn Davidson, who sadly passed away on 9 June. Burwyn was born in Richmond on 21 July 1943. He attended Trinity Grammar School in Kew on a scholarship between 1953 and 1959 and went on to become a salesman and later a ministerial adviser before entering Parliament in 1988 as an MLC for Chelsea Province, a position he held until March 1996.

He was a passionate Labor man who joined the ALP in March 1973. Whilst in Parliament Burwyn served as the shadow minister for roads and ports between 1992 and 1993. He was active in the ALP in many roles, including those of senior vice-president and member of the Administrative Committee and the Public Office Selection Committee. Burwyn served as the first

full-time faction secretary of Labor Unity from 1978 to 1988. He was also a foundation member of the Mulgrave branch of the ALP.

Retirement from Parliament afforded Burwyn the opportunity to indulge his other passion: music — in particular bluegrass music. Burwyn was a long-time member of the Peninsula Folk Club and was a dab hand on the acoustic guitar and the mandolin. He played in the group Timberline Mountain Boys and with Jim Cantwell in Country Folk, following his love for bluegrass, old timey and country music. He was a great mentor for beginners; he gave many useful tips and provided a wealth of information when it came to helping them progress. He was an active member of the Mountain Pickers Association and regularly attended, performed and jammed at the Harrierville Bluegrass and Traditional Country Music Convention. Burwyn also hosted music afternoons at his house.

It was great to see so many people at the funeral yesterday, and it was fitting that the kind of live music that he loved was performed. Burwyn was well respected by all those who had the privilege of knowing him, and he will be sadly missed.

South West Institute of TAFE: funding

Ms TIERNEY (Western Victoria) — Last Thursday in Warrnambool a rally organised by TAFE 4 All was held in front of the electorate office of the member for South-West Coast in the Legislative Assembly, Denis Napthine. Students, academics and teachers addressed the crowd, highlighting how their lives will be impacted upon by the cuts to their local TAFE. The following morning the front page of the Warrnambool *Standard* displayed the headline 'TAFE cuts hit hard. Thirty courses face axe, fees skyrocket and more jobs to go'. An article on the same page, headed 'Angry street protest', claims:

... chants of 'save TAFE, sack Ted' echoed down central Warrnambool yesterday ...

The members of the Warrnambool community were giving a wake-up call to the member for South-West Coast. They know he must not have stepped in or fought for the region or for South West TAFE at the cabinet table. Instead he has chosen to peddle misinformation, citing the need to cut mickey mouse courses. South West TAFE has 54 students in sport and recreation courses. All are employed part time or full time in local industry. It is hardly a mickey mouse course.

One of Warrnambool's most important employment areas is the retail sector. All certificate II and

certificate III business courses that support this important sector have been scrapped. Certificates II in hospitality and agriculture are also in the gun. So much for a commitment to tourism and agriculture in the south-west! Local businesses have been vocal in their complaints about this crazy decision to cut TAFE courses, yet all we have had so far is a mickey mouse response from a mickey mouse government. Shame on it, and that is not in the bin!

**PLANNING AND ENVIRONMENT
AMENDMENT (VICSMART PLANNING
ASSESSMENT) BILL 2012**

Statement of compatibility

Hon. M. J. GUY (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012.

In my opinion, the Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012 (bill) is to amend the Planning and Environment Act 1987 (act) to introduce a dedicated assessment process — called VicSmart — for straightforward planning permit applications.

Human rights issues

Human rights protected by the charter act that are relevant to the bill

Section 13 — privacy and reputation

Clause 5 of the bill engages but does not limit the right to privacy and reputation protected by section 13 of the charter act. Clause 5 amends an existing public register.

Clause 5 amends section 49 of the act. This section currently requires a responsible authority (usually a municipal council) to keep a register containing the prescribed information in respect of all permit applications that it is responsible for. The amendment to section 49 will enable the existing register kept by a municipal council to include the details of permit applications for which an officer of a municipal council is the responsible authority.

The amendment to section 49 is a consequential amendment to provide for the new VicSmart planning assessment process. It avoids the need for a council to keep two separate registers.

On this basis, I consider that clause 5 of the bill does not limit section 13 and is compatible with the charter act.

Conclusion

I consider that the bill is compatible with the charter act because it does not limit human rights protected by the charter act.

Matthew Guy, MLC
Minister for Planning

Second reading

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

That the bill be now read a second time.

This government is committed to creating a better planning system for Victorians. A system that is efficient, easy to understand and delivers good planning outcomes is essential to Victoria's prosperity and livability.

Victoria's planning permit process is not as efficient as it could be. Part of the problem is that all permit applications are handled in the same way regardless of how complex they are. The other problem is that permit applicants do not know up-front what standards they need to meet. This is confusing and inefficient, and leads to delays, wasted resources and reduced productivity.

This government is introducing a dedicated permit process — called VicSmart — for simple, straightforward proposals. It will be easy to understand, it will clearly outline what standards need to be met up-front, and it will reduce delays.

VicSmart will be about cutting red tape, cutting time and eliminating delay. It is about certainty for all.

The new permit process has been designed to improve the way that we deal with those straightforward, low-impact, sensible improvements that Victorians want to make to their homes and businesses.

This bill amends the Planning and Environment Act 1987 (act) to enable the new process to be set up in planning schemes. The operational aspects of the process will be set out in detail in planning schemes, not in the act.

Under the new permit process, applications will be able to be assessed more quickly. Permit applicants will know up-front what information to submit and the standards to be met. As well, the community will have certainty about the standards to be met before a permit can be issued.

Families and small business will benefit from this process. No longer will sensible improvements to properties — like replacing a fence or building an extension — get bogged down in paperwork and delays that are out of proportion to the nature of these proposals. Decisions will now be able to be made on these matters in weeks rather than months.

The new permit process will not be suitable for all permit applications. To be suitable, it must be possible to write clear assessment criteria and to be satisfied that, if those criteria are met, a permit will be issued.

About 37 per cent of the approximately 57 000 applications lodged in Victoria each year are for buildings and works worth less than \$50 000. The average time taken to assess these applications is 55 days. If applications like these can have their assessment and approval time reduced to 10 business days, then that will be a significant saving to the planning system.

The new permit process will apply to straightforward permit applications. These applications will be clearly set out in planning schemes so that councils, applicants and the community know in advance how these applications will be handled. There have been ongoing discussions with local government about the types of applications to be included in the new process, and this will continue.

All other applications will continue to proceed through the regular permit process.

Contrary to some recent suggestions, the new permit process will not be used to push through inappropriate development. That is not what the process is about. It is about facilitating sensible upgrades and improvements to our built environment.

Applications in the new process will be assessed against clear criteria set out in the planning scheme. This is important so that councils, permit applicants and the community will know how an application will be assessed, and so a permit applicant can prepare an application that conforms to the criteria and submit it with the correct documentation at the start of the process. The assessment criteria will be tailored to suit the type of development it applies to, and will include applications that are already exempt from public notice.

Council planning staff with the appropriate level of technical expertise will be responsible for assessing applications in the new process. This will ensure that timely decisions are made by the responsible authority in an effective and efficient manner.

The existing planning regulations apply a standard 60-day statutory time frame to all permit applications. This time frame will be reduced for applications in the new permit process to ensure they are dealt with quickly.

The changes to the act are the first step in the introduction of a new streamlined permit process. The full implementation of the process will require changes to planning regulations and planning schemes. The rollout of the process will be done in consultation with stakeholders.

VicSmart will be a straightforward and easy-to-understand mechanism that will clearly outline what conditions will need to be met up-front, and, should they be satisfied, a permit can be issued without delay. This will save time, save money and improve the system for all involved.

That is an overview of the new permit process. I will now turn to the specific clauses in the bill.

Clause 3 of the bill amends section 6 of the act, which sets out what a planning scheme can provide for. The amendments will enable planning schemes to set out a different procedure for specified permit applications. A planning scheme will be able to exempt specified applications from the formal 'further information' requirements of the act and from certain decision-making criteria in the act.

Clause 5 of the bill amends section 49 of the act to avoid the need for a municipal council to keep a separate planning register for applications in the new permit process. All applications handled by the council will be recorded in a single register.

Clause 6 of the bill is linked to the change to section 6 of the act to enable specified applications to be exempted from the formal further information requirements in section 54 of the act. That section allows a responsible authority to formally request more information from a permit applicant. If a request is made, the application is put on hold and the statutory time available to the responsible authority to decide an application does not start until the required information is received. Under the new permit process, permit applicants will be expected to submit the required documentation at the start of the process so that the council can assess the application without delay.

Clauses 7 and 9 of the bill are linked to the changes to section 6 of the act to enable specified applications to be exempted from certain decision-making criteria in sections 60 and 84B of the act. These changes will ensure that decision making in the new permit process

is focused on the assessment standards set out in the planning scheme rather than on broader planning issues that are not relevant to straightforward proposals.

Because the assessment of an application in the new process only involves deciding if a proposal meets the preset standards, the assessment is a technical one. Clauses 4 and 8 of the bill, therefore, enable the chief executive officer (CEO) of a council to be the responsible authority for applications for that council in the new permit process. Although councils already delegate certain decision-making powers to council staff, this is not done consistently. Making the CEO the responsible authority will ensure that decisions on applications in the new permit process are made at the most effective level across all councils. The CEO will be able to delegate the assessment decision to a council officer suitably skilled in the matters being assessed.

Clause 4 amends section 13 of the act to clarify that a person or body can be the responsible authority for a part or parts of a planning scheme, including specific classes of permit applications.

Clause 8 applies the conflict of interest provisions in the Local Government Act 1989 to a council CEO when acting as responsible authority for applications in the new permit process. This will mirror existing requirements that apply when a council officer is delegated a function of the council.

Clause 10 of the bill is a consequential change to the act to provide for the possibility that the responsible authority for an application may change if the application ceases to be in the new permit process.

Conclusion

This bill will cut red tape, cut time and eliminate delay. It will also provide more certainty for all involved. It is a crucial reform that will boost Victoria's economic productivity, promoting economic growth and job creation.

I commend the bill to the house.

Debate adjourned for Mr TEE (Eastern Metropolitan) on motion of Mr Lenders.

Debate adjourned until Tuesday, 3 July.

STATE TAXATION ACTS AMENDMENT BILL 2012

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer)
**tabled following statement in accordance with
Charter of Human Rights and Responsibilities Act
2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I table a statement of compatibility for the State Taxation Acts Amendment Bill 2012 (the bill).

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of this bill is to amend the Duties Act 2000 (duties act) to enact a variety of measures and to amend the National Taxation Reform (Consequential Provisions) Act 2000 (the national taxation reform act) to expressly provide for payment of penalties and interest in certain circumstances.

Human rights issues

This bill engages the following human right protected under the charter act:

recognition and equality before the law.

Section 8(3) of the charter act provides that every person is equal before the law and is entitled to equal protection of the law without discrimination. Discrimination, in relation to a person, means discrimination within the meaning of the Equal Opportunity Act 2010 on the basis of an attribute set out in section 6 of that act.

Section 12 of the Equal Opportunity Act 2010 provides that a person may take a special measure for the purpose of promoting or realising substantive equality for members of a group with a particular attribute and that a person does not discriminate against another by taking a special measure.

Incapacitated war veterans who meet certain eligibility criteria are entitled to an exemption from the duty payable on the application for registration or transfer of a motor vehicle. The exemption initially applied for veterans assessed as eligible for compensation under the Veterans Entitlement Act 1986 (commonwealth) for injuries or diseases relating to defence services before 1 July 2004. Clause 7 of this bill extends the motor vehicle duty exemption to veterans eligible for compensation for injuries or diseases relating to defence services on or after 1 July 2004 under the Military Rehabilitation and Compensation Act 2004 (commonwealth).

The amendment ensures that incapacitated war veterans compensated for service on behalf of Australia after 1 July 2004 are compensated in the same way as incapacitated veterans compensated for service before 1 July 2004. It is expected that making private transport more affordable to those who are likely to have mobility issues, including difficulty accessing or using public transport, will contribute

to their quality of life and general wellbeing, which therefore justifies the exemption. As such, it is a special measure in accordance with section 12 of the Equal Opportunity Act 2010.

For these reasons, I consider that whilst section 8 of the charter act is engaged, it is not limited.

Conclusion

I consider that the bill is compatible with the charter act.

Gordon Rich-Phillips, MLC
Assistant Treasurer

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This State Taxation Acts Amendment Bill 2012 amends the Duties Act 2000 (Duties Act) and National Taxation Reform (Consequential Provisions) Act 2000 (National Taxation Reform (Consequential Provisions) Act).

The Victorian government is committed to producing better outcomes for Victorian taxpayers. This bill supports that commitment by providing certainty and ensuring equitable and fair outcomes for those Victorians similarly affected by the taxation regime.

The Duties Act currently provides incapacitated war veterans who have been assessed as eligible for certain categories of pension under the Veterans Entitlement Act 1986 (commonwealth) with an exemption from duty on the application for registration or transfer of a motor vehicle. Under that act, veterans are compensated for injuries or diseases caused or aggravated by war service or certain defence service rendered on behalf of Australia before 1 July 2004. This bill amends the Duties Act to ensure that incapacitated war veterans who are compensated for such injuries or diseases caused or aggravated by war service or certain defence service rendered on behalf of Australia on or after 1 July 2004 are similarly eligible for that duty exemption. It reflects the Baillieu government's commitment to clear and equitable legislation.

This commitment also underpins the second amendment to the Duties Act which will close a loophole that has recently come to light in the building industry. Ordinarily, builders will pay duty on land that they have contracted to purchase for the purpose of building residential premises but then onsell for a commercial profit before the contract is completed. Duty is also payable by the home purchaser when the land is onsold as, effectively, two separate transactions over land have occurred. Some builders, however, are avoiding paying duty by splitting contracts into parallel land and building components.

After signing the agreement with the vendor of the land, the builder then nominates a homebuyer as the purchaser of the land and concurrently enters into a second, separate agreement with the home purchaser to build a home on that land. In doing so, the builder avoids paying duty on the initial agreement to purchase the land themselves from the vendor. Duty is only payable when a 'nomination' is made and the nominee has the land transferred to them. Although the builder is profiting by onselling the land under an uncompleted contract, the usual provisions of the Duties Act that would capture this type of scenario do not apply because the amount paid under the building contract does not technically constitute an additional payment for the right to have the property transferred into the homebuyer's name. Instead, it is a payment to build a home. This is the case, notwithstanding that the land transfer to the homebuyer is conditional on the homebuyer entering into a building contract with the builder and the sum of both contracts is considerably more than the builder agreed to pay for the vacant land.

Closing this loophole removes a competitive and financial advantage that bigger builders have against smaller builders, as the larger builders have the financial capacity to take on the risk of land speculation. It thereby provides a level playing field within the building industry. Importantly, it will not result in homebuyers paying more duty. In the event that builders continue to split the land and building components of a contract, the homebuyer will still only pay duty on the transfer of land to them. If the changes result in builders returning to the use of single land and building contracts, the homebuyer will still only pay duty on the value of the land because they will be eligible for the off-the-plan concession on the building component of the single contract.

This bill will also amend the Duties Act to introduce a measure announced by the government as part of the state budget update in December last year, whereby duty on new or near-new passenger cars will increase marginally. Where the dutiable value of the car is under the commonwealth's luxury car tax threshold of \$57 466, duty will increase from \$5 to \$6 per \$200 or part thereof.

While this measure is expected to result in a small financial cost, overall new car affordability has improved considerably over the past decade. Additionally, it does not impact those Victorians who chose to buy a used, rather than new, passenger car and, despite the small increase, Victoria still levies the lowest duty rate on new passenger vehicles valued up to the commonwealth luxury car tax threshold of \$57 466 in Australia.

As announced in the 2012–13 budget, the government will abolish the stamp duty exemption for Crown grants of land. This amendment will not affect genuine Crown grants of land. Removing the exemption will, however, ensure that commercially orientated leasing arrangements involving Crown land will be subject to duty in the same way as other commercial arrangements. It ensures a level playing field, promoting fair and efficient competition within Victoria.

The final amendment to the Duties Act replaces a particular discretion available to the commissioner of state revenue with an exception. The Duties Act provides that where dutiable transactions involving separate items of property occur within a 12-month period and those transactions form what is substantially one arrangement, the transactions are to be aggregated. As a result, the duty payable on the dutiable

transactions is calculated on the aggregated dutiable values of the items of dutiable property, thereby ensuring that the higher rate of duty cannot be avoided by contract splitting. To ensure that the aggregation provisions do not apply where transactions operate on a separate and independent basis for legitimate reasons, the Duties Act provided the commissioner of state revenue with a discretion not to apply the aggregation provisions if he is satisfied that it is just and reasonable to do so in the circumstances.

This discretion has resulted in taxpayer uncertainty and has led to some taxpayers requesting the exercise of the discretion in circumstances where aggregation is clearly intended to apply. It appears the discretion is rarely exercised, except in cases such as where a builder buys two or more lots of land with the intention of building a separate new home on each for resale. Accordingly, it is proposed to remove the discretion and replace it with a provision which excepts such 'builders blocks' from the aggregation provisions.

Finally, this bill amends the National Taxation Reform (Consequential Provisions) Act 2000. This amendment gives effect to Victoria's commitment to introduce an interest and penalties regime which will apply uniformly across all Australian states and territories.

Until now, state government entities have been liable to pay penalty and interest charges in relation to legal GST liabilities but not in relation to notional GST liabilities. The application of penalties and interest in relation to notional GST liabilities differed between the states, territories and the commonwealth.

While this amendment will allow the Australian Taxation Office to charge Victorian government entities interest and penalties on outstanding notional GST payments, Victorian government bodies are model taxpayers and therefore it is not expected to have any significant impact.

A uniform interest and penalties regime will promote competitive neutrality and provide clarity and certainty to government, taxpayers and the ATO.

I commend the bill to the house.

Mr LENDERS (Southern Metropolitan) — I rise to speak on this bill, and I will be brief. It is part of the government's budget package of bills. As my colleague the member for Lyndhurst in the Legislative Assembly, Mr Holding, said, the opposition will not oppose the bill, but there is one clause to which the opposition takes exception, and I will seek to move a suggested amendment that that clause be deleted. I ask that the suggested amendments be circulated.

Opposition amendments circulated by Mr LENDERS pursuant to standing orders.

Mr LENDERS — The first amendment relates to part of clause 1 on page 2 and omits all words and expressions in lines 6 to 9. In other words, this clause puts the duty up from 2.5 to 3 per cent on motor vehicles that are not luxury vehicles. Other lead speakers in the chamber are familiar with the proposal that Mr Holding outlined in the Assembly in relation to

all cars being treated in the same way. At the moment cars under the federal government's luxury vehicle legislation are charged duty at a lower rate than other vehicles, and this amendment which the government is putting in place seeks to treat all vehicles the same.

The opposition takes exception to this because it is an amendment that simply puts a cost on lower income families. The duty going from 2.5 per cent to 3 per cent means that for most people's cars the price will go up, and the long and short of this is that it will bring in an additional \$33 million in 2012–13 and \$35 million each year after that. I am pleased that Mr Dalla-Riva, the Minister for Manufacturing, Exports and Trade, is in the house, because government is always a challenge and a balance, and Mr Dalla-Riva talks constantly in this place about the difficulties of our manufacturing sector, and automotive manufacturing in particular, but approximately half the vehicles that people purchase in Victoria will contribute to this increase of \$35 million in revenue in the years going forward.

These will be vehicles like Holden Commodores, Ford Falcons and all smaller vehicles. Half of those vehicles are manufactured in the state of Victoria. What we are seeing here is the government seeking an increase in revenue, but it is being achieved through treating a Lamborghini in the same way as a Toyota Corolla. Let us be absolutely clear here what this legislation seeks to do: it seeks to treat a Toyota Corolla the same as a Lamborghini, or to treat a Holden Commodore — let us look at a locally manufactured car rather than one manufactured in South Africa — the same as a Lamborghini. This will mean one rate of taxation for all vehicles. The bill removes the distinction between the two and means \$35 million will be paid by Victorian families.

Half of this goes for cars that are imported, but half of it goes on for vehicles manufactured in the state of Victoria. We have a special Minister for Manufacturing, Exports and Trade, but the minister has been remarkably silent. Presumably he has not been penning letters to manufacturers like the Minister for Higher Education and Skills, Mr Hall, did to TAFE directors. He has been remarkably silent about this slug on the manufacturing industry, which is under enough pressure already.

I will paraphrase what the minister has said numerous times in answers to Dorothy Dixier questions: 'The dollar is strong'. However, because of this government decision we have an extra impost coming forward on every car manufactured in Geelong. The minister says the carbon tax — heaven forbid — is going to put an impost on vehicles. This impost on the cost of vehicles

is much higher than the carbon tax would ever be. We have a minister who says that to make the state competitive we must do everything we possibly can about high wages.

This impost has nothing to do with the carbon tax, high wages or the value of the dollar. This is a direct decision made by the state of Victoria to increase the sales tax on a Commodore, a Ford Falcon or any vehicle manufactured in this state. Under this proposal before the house today the state duty on the price of vehicles will go up by one-fifth. I do not think Mr Dalla-Riva in his most delirious dreams thinks the carbon tax will cause a fivefold increase in the price of vehicles. Putting this levy up from 2.5 per cent to 3 per cent will see a fivefold increase in revenue to Treasury.

I said I would not go on for long. As was said by my colleague Mr Holding, the member for Lyndhurst in the Assembly, the other parts of the legislation are ones we certainly support. They are common-sense provisions, and we have no issue with the government policy provisions put forward. However, the Labor Party will certainly be voting against the fivefold increase in the government impost on cars manufactured in Victoria.

I hope the Minister for Manufacturing, Exports and Trade, who has said so much in this chamber about the importance of taking away every possible impost on manufacturing, will have the courage to follow the direction of the gentleman who sits on his right, Mr Hall, and say what he really feels. Hopefully he will take one step further by crossing the floor and voting with the Labor Party to protect the Victorian automobile manufacturing industry from this greedy tax grab. There is not much room in the taxpayers pocket anymore. The Premier has his hand in there for money for water dues and now the Treasurer, Mr Wells, has his hand in there too.

I will formally move the amendment circulated in my name in the committee stage and seek to delete this insidious clause, which is against manufacturing jobs.

Mr BARBER (Northern Metropolitan) — That was a very efficient contribution from Mr Lenders; he did not use very much of his available time. Unfortunately with so little contained in this bill and the other one we are about to debate — the Duties Amendment (Landholder) Bill 2012 — I will not be using much more time. These two bills represent some minor tweaking to the existing suite of state taxes. It does make me wonder whatever happened to the issue of taxation reform here in Victoria. It seems that only the Greens are willing to keep reminding all assembled

here that once upon a time there was a thing called the Ken Henry review of Australian taxation.

In some ways that light has been kept alive. Recently we had a national tax summit. Before that I saw an article in the *Australian Financial Review* of 3 October 2011 with the tantalising heading ‘States seek wider tax reform’, but in fact what I read was quite the opposite. In the words of the journalist, state treasurers were arguing that:

A narrow focus on inefficient state taxes such as payroll tax and stamp duty ... would fail to address broader inefficiencies in the federal tax system ...

Not surprisingly, state treasurers want to talk about the inefficiencies in the federal tax system, federal treasurers want to talk about the inefficiencies in the state tax system and only the Greens, it seems, want to talk about the very important allocative efficiencies available to us if we take on taxation reform.

Obviously within the scope of this bill, Acting President, you are not going to allow me to read into the record the full gamut of the Ken Henry tax review, but he did say some important things in relation to state taxation. It seems that we are not going to hear anything from this government throughout its life on state taxation reform if this bill and the one coming after it are any indication. I can be hopeful that perhaps the Premier will wake up one morning and decide to task a member of his government — it could be the Assistant Treasurer, it could be someone else — with taking on what will be Ted Baillieu’s legacy, which is to lead his fellow Liberal premiers, and there are seemingly more of them every time we turn around, in a serious move to reform state taxes across Australia.

Briefly, to remind us, Ken Henry said:

The states need to have revenue to fund their expenditure and should have autonomy over how some of this revenue is raised. Because of factor mobility —

and this gets to the issue that Mr Lenders raises with his proposed amendment —

across states and the desire to have a less complex tax system across the federation, some taxes are more appropriately assigned to the states than others.

Although the states currently have access to significant taxes, there are problems with either the quality of these taxes or the way they are levied.

And, in what some people have described as the world’s longest resignation letter by a public servant, Mr Henry said:

Reforms to state taxes should be implemented over time through an intergovernmental agreement to allow for revenue stability as taxes are reformed and to facilitate good policy outcomes across the federation.

Who could disagree with that? Acting President, you are being very magnanimous; I know you had some good news on the weekend. It is great to see Mr Ramsay being very cheerful in the chamber. However, that was not the attitude the Treasurer, Mr Wells, took to the most recent tax summit. He said, 'We should talk about the carbon tax'. No surprise there — he does not want to talk about his own taxation system.

Mr Lenders, in a way, raised some of these issues, though I do not know if he hit the nail. He was suggesting that there was some difference here between a Toyota Corolla and a Lamborghini. It is actually the opposite point. The tax rates on those cars will be identical; it is just that some of them are a hell of a lot more expensive than others and therefore attract much more duty. In a way, do we really want differential rates across the different classes of cars if that simply encourages someone to shift from one model to another to avoid tax? Personally I do not think I have seen a Lamborghini for a long time. I have certainly never sat in one and do not have any plans to buy one soon.

Mr Lenders also noted that part of this tax would be levied on imported cars and part of it on cars that we manufacture and then purchase here in Victoria; I think he said it was about half and half. He was not suggesting different taxation rates on imported cars. I presume we would not go there — I do not think a state government that tried to do that would have much success — but he did in a way make the point that there is now, at least as far as taxation goes, some sort of competitive neutrality between imported and locally manufactured cars. If we are going to have stamp duty, which Ken Henry would like to see us replace with different types of taxes, it seems to me appropriate that we levy the same level of stamp duty on each class of car and not have an arbitrary cut-off. Obviously it is competitively neutral with respect to imported cars — I presume all Lamborghinis are imported; I do not know of anybody making their own here in Australia — and cars that we might make here for ourselves.

Unless during the committee stage some further argument I have not yet heard comes to light the Greens will not be supporting Mr Lenders's amendment; however, we will be supporting the bill.

Acting President, I draw your attention to the state of the house.

Quorum formed.

Mr P. DAVIS (Eastern Victoria) — I am delighted to have the opportunity to speak on the State Taxation Acts Amendment Bill 2012. This will be, as is the case with all finance bills, a riveting debate. I can see the concentrated attention of all members in the house listening to every word I am uttering. Indeed I was incredibly impressed when people just moments ago rushed into the chamber to hear my words of wisdom, as the Leader of the Opposition suggested.

This bill amends the Duties Act 2000 to replace the commissioner's discretion not to aggregate dutiable transactions with a specific exception to the aggregation of dutiable property where vacant land is bought by home builders. It makes provision in part 4A of that act for certain parallel arrangements, including parallel home building contracts. It increases the rate of duty payable on new and near-new passenger cars, the dutiable value of which does not exceed the commonwealth's luxury car tax threshold. It proposes to extend the exemption from motor vehicle duty to certain veterans assessed under the Military Rehabilitation and Compensation Act 2004 of the commonwealth and to remove the exemption from duty for a grant of any Crown lands by the Crown in right of Victoria. Finally, the bill proposes to amend the National Taxation Reform (Consequential Provisions) Act 2000 to provide for the payment of penalties and interest in relation to the state's notional GST liabilities.

Having said all of that, let me focus on responding to the commentary in debate. I went to some trouble to prepare some significant notes for this debate, but it seems that I can dispense with most of them because the Leader of the Opposition made it quite clear that he wished to simply focus his remarks around the issue of the amendment to the duty rate on new or near-new passenger vehicles, which is proposed to be increased from 2.5 per cent to 3 per cent — that is, from \$5 to \$6 per \$200 or part thereof.

Mr Lenders — Why do you hate Commodores?

Mr P. DAVIS — I pick up the interjection of the Leader of the Opposition. I just thought it might be interesting because Mr Lenders suggested in his dissertation that there was some pernicious approach by the Assistant Treasurer in terms of raising revenue for the state of Victoria. Given that as a former Treasurer — —

Mr Lenders — I actually said the Treasurer, not the Assistant Treasurer.

Mr P. DAVIS — This is the Council. The minister in charge of the bill is the Assistant Treasurer. Mr Lenders, as a former Treasurer, would know that the minister with carriage of the bill is the recipient of all the wisdom of the opposition, and we will take that under advisement.

The point the Leader of the Opposition was making was that there was some specific view the government may have about the Holden Commodore motor car, so I have extracted some notes I have developed here about the duty payable on new light passenger cars for private use. What I find interesting is that for the Holden Commodore Omega six-cylinder car, which I think is what Mr Lenders is suggesting is — —

Mr Lenders — I said a Commodore.

Mr P. DAVIS — You said a Commodore? Isn't that what I just described — a Holden Commodore Omega? Is there something I do not understand here? At a retail price of \$39 990 the current Victorian duty payable is \$1000. At the proposed rate of 3 per cent it will be \$1200, and that compares, interestingly, with other jurisdictions.

What is the duty in other jurisdictions? In New South Wales it is \$1200; in Queensland, \$1400; in Western Australia, \$2224; in South Australia, \$1540; and in Tasmania, \$1599. Therefore Victoria will be equal lowest in terms of the duty payable on a Commodore motor car. This completely destroys any proposition the former Treasurer — who for good reason is now sitting on the opposition benches — would put forward about the government having any mischief other than to simply adjust the duty rate to ensure that the state of Victoria is not remiss in ensuring that the duty rate reflects proper accounting for the opportunities for the Treasury to accrue the necessary income to operate the business-as-usual case in Victoria.

On my analysis there will not be any penalty whatsoever in relation to new car purchases, and I thank the Leader of the Opposition for drawing my attention to the duty rate payable on a Holden Commodore and highlighting the fact that this change does not put Victorian motorists at a disadvantage to those in any other state. In fact the duty is still — and will remain — almost half of the duty payable in Western Australia.

Congratulations to the Assistant Treasurer on bringing in this bill, which, as I said, has a range of measures. In a sense it is an omnibus taxation bill making necessary adjustments. I am not going to speak to the other measures because, gratefully, I acknowledge that the

Leader of the Opposition and the Leader of the Greens did not speak to those measures either.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT — Order! The State Taxation Acts Amendment Bill 2012 is a bill for an act to amend the Duties Act 2000 and the National Taxation Reform (Consequential Provisions) Act 2000 and for other purposes. I advise the committee that Mr Lenders has two related amendments which must be put in the form of suggested amendments because they relate to a duty — in this case a duty on passenger cars — which, pursuant to the constitutional powers of the Legislative Council, if passed by the committee, may be put to the Assembly only as suggested amendments.

Clause 1

Mr LENDERS (Southern Metropolitan) — I move:

That it be a suggestion to the Assembly that they make the following amendment in the bill:

1. Clause 1, page 2, lines 6 to 9, omit all words and expressions on those lines.

The amendment simply reiterates what I said in my contribution to the second-reading debate: that this is a fivefold increase in the duty on a vehicle. There is not much more to add to my contribution other than to say that Mr Philip Davis is clearly on another planet if he thinks that justifying a 20 per cent increase in duty on a motor vehicle, at a time of a strong dollar, when the industry is under pressure, is okay. He may have said it tongue in cheek, because his Liberal brethren in Western Australia charge twice as much, but I honestly ask him to reflect on it. I know that sometimes in parliamentary debate we say things tongue in cheek, but to flippantly suggest to any auto worker in Geelong or Altona, or even a component manufacturer in Mr Davis's electorate, that a 20 per cent increase in duty — \$200 — is not significant is a bit like the Premier's comment that \$177 on your water bill is a hiccup. For us in this place on good salaries, that may be a hiccup, but for people trying to purchase a vehicle it is not.

Without any further ado, the opposition will vigorously vote no to this clause, and if the suggested amendment is not carried — which I suspect it will not be — then it

will seek to vote against clause 6 at the appropriate time.

The DEPUTY PRESIDENT — Order! Before calling Mr Barber, I advise the committee that Mr Lenders's suggested amendment 1, in my view, is a test for his suggested amendment 2.

Mr BARBER (Northern Metropolitan) — In terms of the practical impact of the operation of this tax, in the second-reading debate Mr Davis suggested that a typical car — I think he said a Commodore — would have about an extra \$200 added to its price. Is the minister able to attest that that is more or less correct?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I can give Mr Barber some examples. Obviously the price increase is going to be 0.5 per cent, and in the case of the example used by Mr Davis, the Holden Commodore, with a purchase price of around \$40 000, the impact would in fact be \$200.

Mr BARBER (Northern Metropolitan) — In the *Australian Financial Review* of 13 May 2011, an article under the headline 'Carbon tax will wreck car industry', states:

The car industry claims a carbon tax would add some \$412 to the cost of making a typical Australian car and threaten the viability of local manufacturers.

Is the minister able to confirm whether those figures are correct? Is it the case that the government now wants to add 50 per cent — that is another half again — on top of the impact of the carbon tax on the motor vehicle industry? Does the minister believe that will threaten the viability of local manufacturers?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I cannot confirm the \$412 figure that Mr Barber referred to. In his contribution Mr Barber talked about a 50 per cent increase. In his contribution Mr Lenders spoke about a 20 per cent increase in duty. The reality is that the impact of this measure on the price of a vehicle is going to be the 0.5 per cent by which the duty rate is increasing. The government believes that is a modest increase. Obviously this is a revenue measure announced in the budget update last December, and we believe this is an appropriate measure at an appropriate level.

Mr BARBER (Northern Metropolitan) — I am glad the minister thinks another \$200 on the price of a car is an appropriate and modest amount. I cannot myself attest to the veracity of the car industry's claim of a cost of \$412 in relation to the carbon tax. The difference, I would say, is that the carbon tax is a tax you can avoid

by becoming more efficient in the use of your energy. In fact we encourage you to avoid the carbon tax by retooling your plant for maximum energy efficiency. But Mr Rich-Phillips's tax is something you absolutely cannot avoid; it is dutied on the price of the vehicle.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — To respond to Mr Lenders, I formally indicate the government will not support his proposed amendment. As I indicated, while Mr Lenders talked about a 20 per cent increase in duty, the government obviously reflects that this is also a 0.5 per cent increase in the price of a vehicle. As I indicated to Mr Barber, we believe this is an appropriate measure given the measures the government was required to take in the budget update last December.

Committee divided on suggested amendment:

Ayes, 16

Broad, Ms	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr (<i>Teller</i>)	Tee, Mr
Lenders, Mr	Tierney, Ms (<i>Teller</i>)
Mikakos, Ms	Viney, Mr

Noes, 23

Atkinson, Mr	Hartland, Ms
Barber, Mr (<i>Teller</i>)	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Petrovich, Mrs
Elsbury, Mr (<i>Teller</i>)	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	

Suggested amendment negated.

Clause agreed to; clauses 2 to 5 agreed to.

Clause 6

The DEPUTY PRESIDENT — Order! I advised the committee that Mr Lenders's suggested amendment 2 would be tested by his suggested amendment 1. The effect of Mr Lenders's suggested amendment 2 was to delete clause 6. Whilst the suggested amendment has been tested, the clause will still need to be put to be part of the bill. Does anyone wish to speak to clause 6?

Mr LENDERS (Southern Metropolitan) — I realise what the result of the vote was on my suggested amendment 1, but I am eternally hopeful the Greens

will see the error of their ways and Mr Dalla-Riva will vote for manufacturing jobs. I advise that the Labor Party will be voting against the motion that clause 6 stand part of the bill.

Mr BARBER (Northern Metropolitan) — I was equally hopeful the minister would admit that the impact of his measure will not bring on the kind of ‘carbocalypse’ that government members have been telling us will happen at the stroke of midnight on 30 June. I have numerous Liberal Party media releases about the impact of the mooted \$400 impost of the carbon tax. Either we are headed for disaster or we are not. It is not too late for Mr Rich-Phillips to vote against his government’s own bill and stop the impact of this tax on the car industry. His national leader has made an entire career out of saying the carbon tax is a bad tax, yet the government’s bill appears to work very much within the same kind of range. I am comforted. I was never concerned the world was going to end and business would go out of business at the stroke of midnight on 30 June, and that is why I supported the government’s measure. It is worth noting that on some things there can be an extraordinarily long debate, and other things just sail through the Parliament barely without a comment.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I can say to Mr Barber that the government agrees with him that this bill and this measure will not have a detrimental impact on the manufacturing industry, and the government will be supporting this clause in its bill.

Committee divided on clause:

Ayes, 22

Atkinson, Mr	Hall, Mr
Barber, Mr	Hartland, Ms (<i>Teller</i>)
Coote, Mrs	Koch, Mr
Crozier, Ms	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O’Brien, Mr
Davis, Mr P.	O’Donohue, Mr
Drum, Mr (<i>Teller</i>)	Petrovich, Mrs
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr

Noes, 16

Broad, Ms	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Eideh, Mr (<i>Teller</i>)	Scheffer, Mr (<i>Teller</i>)
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

Clause agreed to.

Clauses 7 to 11 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

DUTIES AMENDMENT (LANDHOLDER) BILL 2012

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Duties Amendment (Landholder) Bill 2012.

In my opinion, the Duties Amendment (Landholder) Bill 2012, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

This bill reforms the provisions in the Duties Act 2000, which imposes duty on the acquisition of shares and units in certain companies and unit trusts that hold land. It replaces the current land-rich duty model with a land-holder duty model. Under the land-holder model, duty will be levied on a relevant acquisition in certain companies or unit trusts that have land-holdings in Victoria with an unencumbered value of \$1 million or more.

This bill is intended to simplify the system for levying duty on indirect acquisitions in land and secure a more efficient, equitable and sustainable revenue base for Victoria going forward.

Human rights issues

In my opinion, the Duties Amendment (Landholder) Bill 2012, as introduced to the Legislative Council, does not raise any human rights issues.

Conclusion

I consider this bill is compatible with the human rights protected by the charter.

Gordon Rich-Phillips, MLC
Assistant Treasurer

*Second reading***Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

As part of the 2011–12 state budget the government announced that it would reform Victoria's land-rich duty provisions by adopting a land-holder model from 1 July 2012.

This bill enacts those changes, securing a simpler, more equitable and efficient system for taxing the indirect acquisition of land through companies and unit trusts in Victoria.

The current land-rich model was introduced in 1987 to deal with the avoidance of land transfer duty through the acquisition of shares in entities that owned land. At the time, these provisions were largely seen as anti-avoidance in nature. However, they have now evolved into a distinct head of duty, so that all acquisitions in land are subject to duty regardless of how the land is acquired.

Under the current land-rich model a liability for duty arises where a person makes a 'relevant acquisition' in a private company, private unit trust scheme, or wholesale unit trust scheme which holds land in Victoria with an unencumbered value of \$1 million or more and the value of its land-holdings (whether within or outside Australia) comprises at least 60 per cent of the entity's assets. Generally a relevant acquisition is the acquisition of an interest in a private unit trust scheme of 20 per cent or more, or 50 per cent or more in a wholesale unit trust scheme or a private company.

The current land-rich provisions are complex and require taxpayers to engage in complicated valuations and calculations to establish the proportion of their assets represented by land. The land ratio test can also provide an incentive for some taxpayers to structure their transactions to avoid meeting this requirement. This distorts business and investment decisions and reduces the capacity of the model to provide equitable treatment for all taxpayers.

Having carefully considered these issues, the government now believes Victoria would be better served by adopting a land-holder model. The new model will remove the land ratio test so that duty applies simply where a person makes a relevant acquisition in an entity that holds land in Victoria with an unencumbered value of \$1 million or more. It will also extend the categories of taxable entity to include an acquisition of 90 per cent or more in listed companies and listed unit trusts. However, these acquisitions will be subject to duty at a concessional rate (that is, 10 per cent of the land transfer rate).

With the exception of Tasmania, all other states and territories have already adopted the land-holder duty model. The basic elements of the land-holder duty system are broadly consistent across all jurisdictions, including the removal of the land ratio test and, with the exception of the Australian

Capital Territory, levy duty on acquisitions in listed companies and trusts. However, like all states and territories, the government has designed a land-holder model which reflects Victoria's own unique market, economic and geographic conditions. Accordingly, we have maintained the minimum land value and acquisition thresholds that currently exist under the land-rich duty system. This will ensure that the land-holder duty model delivers on its objectives by increasing equity and efficiency in the Victorian tax system and safeguards anticipated revenue of \$125 million to \$150 million per annum.

The government has conducted extensive consultation in developing the land-holder model, releasing a policy discussion paper for comment and consultation in September to November 2011, and an exposure draft of the bill in April. The government takes public consultation seriously and as a result of this process has made a number of changes to the model. This includes phasing in duty for relevant acquisitions in entities which own land valued between \$1 million and \$2 million, broadening the definition of a wholesale unit trust scheme, expanding registration criteria and associated rules and retaining a commissioner's discretion to reduce the duty payable on a transaction where the application of the land-holder provisions results in an anomalous duty outcome. In addition, all current duty exemptions for land transfers due to death, marriage breakdown, insolvency and family farms transfers will continue to apply under the land-holder model. In contrast with the model in New South Wales, South Australia and Western Australia, duty will not be charged on goods, only land and fixtures.

Finally, this government is committed to making it as easy as possible for taxpayers to comply with their obligations under Victoria's tax laws. This bill supports this commitment by enacting changes which remove the complexities of the current land-rich system and provides greater certainty and transparency by defining key terms such as 'fixtures' and clarifying the application of a range of provisions. This will make it easier for taxpayers to understand their obligations and reduce compliance costs for taxpayers going forward. The land-holder duty reforms will provide Victoria with a more efficient and sustainable revenue base.

I commend the bill to the house.

Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).**Debate adjourned until later this day.****LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2012***Statement of compatibility***For Hon. M. J. GUY (Minister for Planning), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('charter act'), I make this statement of compatibility with respect to the Local

Government (Brimbank City Council) Amendment Bill 2012 ('the bill').

In my opinion, the bill as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to:

- a. enable the council to continue to be constituted by a panel of three administrators, until the next election; and
- b. provide that the next election for Brimbank City Council will be held in 2015 rather than in 2012.

This will extend the present term of administration for the council, which commenced in 2009. The term is otherwise due to expire at the first meeting of the elected council following the municipal general elections (including at Brimbank) scheduled for late 2012.

However there are sound reasons for extending the administration beyond this date, until March 2015.

Human rights issues

Section 18 of the charter act establishes a right for an individual to, and to have the opportunity to, without discrimination, participate in the conduct of public affairs, directly or through freely chosen representatives. Section 18 also provides for every eligible person to have the right to vote and be elected at state and municipal elections that guarantee the free expression of the will of the electors, and to have access, on general terms of equality, to the Victorian public service and public office.

Clause 4 of the bill limits the right under section 18 of the charter act by postponing elections for a further two and a half years. During this period, the right of voters to participate in the Brimbank City Council election is suspended, as are the rights of candidates to stand for election, and to occupy public office.

However, the limit is reasonable and justified for the following reasons.

Three years ago, the Brimbank City Council was dismissed by the Local Government (Brimbank City Council) Act 2009. This followed findings of profound failures of governance by the Ombudsman, and a recommendation to remove the council by an inspector of municipal administration appointed to monitor and evaluate council's capacity.

Removal of an elected council is a last resort, and undertaken only in exceptional circumstances. Brimbank was one of those very rare cases, in which the government had a responsibility to protect communities from misgovernance by their local representatives.

A panel of three administrators was appointed to constitute the council until the next scheduled elections in 2012. Among the administrators' core responsibilities are the development of strategies to improve council's decision making and governance processes to ensure consistency, fairness and transparency and to improve accountability. These include

frameworks for finance and governance, risk management and community engagement. Effective implementation of these strategies is critical to embedding robust governance practices and restoring the confidence of the Brimbank community in the capacity of elected representatives to govern responsibly in the interests of the entire community.

While much progress has been made towards the development and implementation of these strategies, it is apparent that a number of key projects central to the realisation of improved governance will reach a critical stage during 2012, and some will not be fully realised for at least a further two years.

An important part of the administrators' task has been working with the Brimbank community to establish a broad understanding, acceptance and ownership of the reforms in contrast to the divisive manner in which previous councils had operated. Representations from the Brimbank community indicate that serious concerns still remain in relation to council governance should elections be held in 2012. It is critical that the reform process be thorough and complete, to avoid a repeat of the previous division between council and community.

Under the bill, return to elected representation for Brimbank City Council is scheduled for March 2015.

Conclusion

On the basis of the above reasoning, I consider that the bill's limitation of the right to participate in public life is reasonable and proportionate and that therefore, the bill is compatible with the charter act.

Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Local Government (Brimbank City Council) Amendment Bill 2012 will amend the Local Government (Brimbank City Council) Act 2009.

The purpose of the bill is to extend the period of administration at Brimbank City Council, in order to complete the restoration of good governance to that municipality.

The recent history of Brimbank is well known, and will be only briefly recapped here. It is instructive to recall the state of affairs when the Brimbank City Council was sacked by an act of Parliament.

In 2009 the Ombudsman found that the council was seriously dysfunctional, riddled with infighting, subject to improper

influence and misuses of power, and generally incapable of providing good government to the community.

The former government responded by appointing an inspector of municipal administration to monitor the council's progress in addressing issues raised by the Ombudsman's report. The inspector found that despite the election of a new council, little had changed with a continuing culture of factional conflict and favours, and seriously poor governance.

Consequently, the former government rightly dismissed the councillors and replaced them with a panel of three administrators.

The panel faced a daunting task — to rebuild dysfunctional governance processes and structures within the council, and to restore seriously damaged relationships with the local community.

Three years later, much progress has been made, and the panel are to be congratulated for their achievements to date. The administrators have been indefatigable in their efforts.

Governance processes are being rebuilt, council finances are being strengthened, and a range of projects are under way to revitalise community infrastructure and build local capacity.

The Brimbank community is reaping many benefits from this period of administration. This is not only apparent from the annual reports, council plans, budgets and progress updates from the administrators, but it is also the clear opinion of community members.

A range of residents have written to express their approval of the efforts of the administrators. In the words of one, the panel 'have delivered an outstanding level of professionalism in the performance of their role', and they have closely engaged with the community.

While it is pleasing to acknowledge how much has been achieved, it is important to be clear that much still remains to be done.

In June last year the process began of reviewing the administration's progress to date and its forward program of reforms, in order to assess the council's readiness to return to elected representation.

On the basis of all the available information, it is clear that it would be in the best interests of the community for the period of administration to continue for a further two and a half years.

It is also clear that a premature return to elected representation would create unacceptable risks and set back the impressive reform program now under way at Brimbank.

Responding to the weight of evidence, this bill provides for a continuation of the period of administration, until the return of a democratically elected council on the fourth Saturday of March 2015.

March 2015 has been chosen to ensure there is adequate time for key programs and reforms to be properly implemented.

In particular, there are a range of major projects, which would be vulnerable to politicisation. These include major community facilities, and it is notable in this context that the

Ombudsman was particularly scathing about the misuse of such facilities by the previous council.

In addition to this bill which extends the period of administration to allow the renewal program to proceed, the administrators will also be asked to focus on facilitating a smooth transition back to an elected council in 2015.

This relatively short extension will give the people of Brimbank the best chance of having a council which delivers effective and stable local government in the long term.

I commend the bill to the house.

Debate adjourned for Mr TEE (Eastern Metropolitan) on motion of Mr Lenders.

Debate adjourned until later this day.

HEALTH (COMMONWEALTH STATE FUNDING ARRANGEMENTS) BILL 2012

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make this statement of compatibility with respect to the Health (Commonwealth State Funding Arrangements) Bill 2012.

In my opinion, the Health (Commonwealth State Funding Arrangements) Bill 2012, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to implement the funding arrangements set out in the national health reform agreement between the commonwealth and the states and territories that was agreed to by the Council of Australian Governments on 2 August 2011. The bill establishes the office of the administrator of the national health funding pool, a state pool account and a state managed fund.

Human rights issues

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

The bill does not engage any human rights protected by the Charter Act.

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

As the bill does not engage any of the human rights protected by the charter act it is unnecessary to consider the application of section 7(2) of the charter act.

Conclusion

I consider the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise any human rights issues.

Hon. David Davis, MP
Minister for Health

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

In August 2011, the Council of Australian Governments agreed on the national health reform agreement. The agreement will deliver major reforms to the organisation, funding and delivery of health services in Victoria and across the country.

The national health reform agreement supersedes the national health and hospitals network agreement, and protects the unique and valuable features of the Victorian health system whilst securing additional funding from the commonwealth.

This bill provides for the implementation of the funding, payment, accountability and transparency arrangements which underpin the agreement. The bill includes provisions which have been agreed with the commonwealth and all other states and territories and which will appear in complementary legislation in all jurisdictions, as well as Victorian specific provisions.

The administrator of the national health funding pool will be a new independent statutory office-holder, distinct from commonwealth and state departments. The provisions relating to the administrator are common to all jurisdictions.

Currently the commonwealth provides funding to states and then funding is allocated to health services. Under the new arrangements established by this bill, the commonwealth and state will channel funds through state pool accounts to health services, with the payments to be managed by the administrator on the advice of the state.

The administrator will be a single individual appointed in all jurisdictions by the health minister following agreement by the Standing Council on Health. The appointment of the administrator in all jurisdictions will ensure that only an officer of the state will deal with state money. The administrator also carries out functions in his role as the commonwealth administrator. These functions are specified in the commonwealth National Health Reform Bill.

The administrator will be responsible for calculating and advising the commonwealth Treasurer on amounts to be paid into state pool accounts, overseeing payments of commonwealth and state funding, reconciling estimated and actual volume of service delivery, and publicly reporting on

funding paid out of the state pool and state managed fund accounts and the delivery of public hospital services.

The administrator may not delegate any of his or her functions, although the national funding body has been created by commonwealth legislation to assist the administrator in carrying out his or her functions. The bill also contains a set of provisions intended to ensure the constitutional validity of these arrangements by conferring powers on the staff of the national funding body (as commonwealth employees) to enable them to provide administrative assistance to the Victorian administrator.

The provisions provide for the chair of the Standing Council on Health to suspend the administrator from office in all jurisdictions at the request of the commonwealth minister, or three state or territory ministers. This suspension lapses after 60 days unless the council agrees to continue it, or else to terminate the appointment of the administrator.

If the council agrees to terminate the appointment, whether following a period of suspension or otherwise, all ministers must act to remove the administrator from office in their jurisdiction. The administrator may resign in writing to the chair of the council, who must then notify all other council members.

The chair of the council may also appoint an acting administrator when required, drawn from a panel consisting of people agreed by the council.

The state health ministers will direct the administrator to make payments from the funding pool, but cannot alter the distribution of commonwealth funding from that which was calculated by the administrator. No commonwealth minister is able to direct the administrator in the performance of his or her functions, however, the administrator is required to comply with directions from COAG.

The administrator must provide the health minister with a copy of the advice to the commonwealth Treasurer on the calculation of commonwealth payments, and may provide other relevant information to all state ministers. In addition, the administrator must provide information to state ministers on request. Under the related commonwealth legislation, it is intended that the commonwealth government will make regulations prescribing the national health funding body as an inter jurisdictional agency under part 6A of the commonwealth's Financial Management and Accountability Act 1997, to ensure that state ministers will have the same level of access to information about the operations of the funding body as the commonwealth minister.

State pool account and state managed fund

Consistent with the terms of the agreement, the bill establishes two separate trust accounts for Victoria for the purpose of receiving and distributing commonwealth and state funding for hospital and public health purposes: the state pool account and the state managed fund. The state pool account will be maintained through a separate bank account at the Reserve Bank of Australia and is to be managed by the administrator appointed concurrently by each jurisdiction, acting solely on the direction of the state Minister for Health, for the purpose of distributing funds to health services. Funds in this account, while still forming part of the public account, will not be within the Consolidated Fund but, rather, reported on by the administrator separately and treated in the state accounts as a trust account.

The state managed fund is established as a trust account in the trust fund for the purpose of distributing funds for block funding for health services and grants for teaching, training and research as well as commonwealth public health funding. The state managed fund is to be managed by the Department of Health for the purposes of financial management reporting and audit.

Any moneys standing to the credit of these accounts will constitute state moneys and will form part of Victoria's public account.

Financial management arrangements

The usual financial management schemes of the commonwealth and the states (including the Financial Management Act 1994 of Victoria and the Financial Management and Accountability Act 1997 of the commonwealth) will not apply to the administrator. Instead, he or she will be required to develop and apply appropriate financial management policies and procedures in accordance with a customised financial management scheme which has been agreed by all jurisdictions and any COAG directions which are agreed. This will ensure that the administrator is not required to have reference to nine separate financial management regimes in undertaking his or her functions.

Under these customised arrangements, the administrator is responsible for preparing monthly reports on payments into and out of state pool accounts and state managed funds, including the basis on which the payments were made. The administrator is also to prepare special purpose financial statements on the operation of the state pool account, which will be audited by the state Auditor-General and then included in the administrator's annual report.

Similarly, to ensure the administrator, as an officer of nine jurisdictions, is not subject to nine different administrative law schemes, the bill also disapplies the Freedom of Information Act 1982, the Health Records Act 2001, the Information Privacy Act 2000, the Interpretation of Legislation Act 1984, the Ombudsman Act 1973 and the Subordinate Legislation Act 1994 to the office of the administrator and adopts the relevant commonwealth laws, as modified by the commonwealth regulations. These regulations may only be made with the agreement of all relevant state ministers.

Audit arrangements

With respect to audit arrangements, the functions of the administrator will be subject to financial and performance audit by the Victorian Auditor-General. Financial audits will be on the basis of financial statements prepared by the administrator, as provided for in the bill.

Performance audits can be conducted at any time by the Victorian Auditor-General, consistent with the provisions of the Audit Act 1994.

The Department of Health will continue to be subject to the usual financial and performance audit arrangements as provided for under the Audit Act 1994. This includes in relation to the state pool account and the state managed fund.

Under current accounting standards, the state pool account will be an administered account of the Department of Health, while the state managed fund will be a controlled trust.

These audit arrangements ensure an equivalent level of audit coverage as under the previous arrangements, where the commonwealth provided its funding on the basis of the national health-care specific purpose payment.

The commonwealth administrator will be able to be audited by the commonwealth Auditor-General. This will include financial and performance audits of the commonwealth administrator's functions, including the advice provided to the commonwealth Treasurer regarding the commonwealth funding contribution.

This bill will commence on proclamation.

I commend the bill to the house.

Debate adjourned for Mr JENNINGS (South Eastern Metropolitan) on motion of Mr Lenders.

Debate adjourned until later this day.

DUTIES AMENDMENT (LANDHOLDER) BILL 2012

Second reading

Debate resumed from earlier today; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr LENDERS (Southern Metropolitan) — I rise to speak on the Duties Amendment (Landholder) Bill 2012, and given that most of the debate about why this bill has been introduced is being conducted in the debate on the appropriation bill and the budget papers, I will be fairly brief in my comments on the legislation. This is a piece of legislation that comes as part of the budget package. That is no surprise as this Baillieu government continues to be one that seeks to gouge money out of taxpayers at every possible opportunity. I must admit that one needs to have very tight zips and locks on one's pockets, because there are more hands in there than we know, whether they be getting money for water, getting money for fines or getting money by putting an extra 20 per cent tax on cars. Here we have another tax which is designed to generate a lot of money, but the policy intent behind it, which is to close some loopholes, as the government describes it, is one the opposition will not oppose.

I note, though, that there may be TAFE workers going, there may be Department of Primary Industries officers going, but the front-line services are not the 50 extra staff that have been employed by the State Revenue Office to collect more revenue. The front-line staff are not the government drivers. The front-line staff happen to be those people at the catchment management authorities in Gippsland, a region recovering from floods — but that is another debate for the budget.

In this bill we have before us a proposition to deal with the land-rich provisions. There is a sense of *deja vu* here; the only difference is I am on this side of the house now. I can recall my experience on the other side of the house when every six months for eight years when we were trying to tighten up various evasions associated with the land-rich provisions. The same officials are in the box at the moment. The personalities have just changed their sides of the chamber, and the issues are remarkably similar. I will make an observation, however, about the last time I brought such an amendment to this place. I could re-enact my contribution to the debate on the monetary units bill from last sitting week, but I will spare the house that because, firstly, the language was not quite as colourful and, secondly, the outcome was reasonable in the end, because after a long and protracted process the then government managed to achieve many of the reforms it sought to stop evasion. In fairness to Mr Rich-Phillips, he was one of the more reasonable people opposite in that particular debate.

However, some of the land-rich provisions remain, and while the Labor Party will not oppose this legislation, I flag to Mr Rich-Phillips that there are a number of things I will ask of him in the committee stage — and they can probably be acquitted quite easily — that go to the vexed issue, as we often have in tax legislation, of regulatory burden and intent. I take it as a given that the thing that drove the government to take action in this particular area was the desire to get more revenue. In all fairness that is something that often motivates governments. But there are a number of things in this bill which are similar to the taxation legislation back in 2008, 2009 and 2010, which Mr Rich-Phillips and those opposite took great exception to. The then opposition paid enormous heed to the words of the Property Council of Australia and the Law Institute of Victoria as I recall. Opposition members placed an enormous burden on the then government to acquit each and every concern that those two organisations had about amendments to legislation at the time.

What I will seek to do in the committee stage is ask Mr Rich-Phillips, firstly, whether a business impact assessment was conducted by the government as the legislation went to cabinet — —

Mr Barber interjected.

Mr LENDERS — Mr Barber is right. I did not ask about the other one, but I am asking about this one. In my mind the other one was quite clear. Mr Barber is tempting me to stray — I am sure that the Acting President will not let me — to asking why his party voted with the coalition to put up the tax on

Commodores by 20 per cent. I will not be distracted by Mr Barber, but what I will say on this bill, which is particularly complex, is that I think the issue of a business impact assessment is highly relevant. I know business impact assessments are done for the benefit of cabinet, so I will ask Mr Rich-Phillips whether one was done. While I will not, because it is a cabinet document, ask him to table it in this house, I will ask him a series of questions about whether the issues raised by the law institute and the property council were picked up in that business impact assessment.

Both these peak bodies talk at length about the red tape and complexity that this legislation brings forward. The property council in particular says it sought a model that would ensure greater consistency in the treatment of direct and indirect acquisitions of land. It says this bill does not do that. It wanted one which would considerably reduce complexity; it wanted one which would provide greater certainty to taxpayers. There are particular issues about the discretion of the commissioner of state revenue that are being gutted in this legislation, and the property council wanted this reform to be consistent with most other states and territories. The property council contends that this is not the case with this legislation. As I said, the Labor Party will not oppose this bill, but I ask the minister either in the committee stage itself or in correspondence separate to the committee stage to assure me and the house that, firstly, there was a business impact assessment and, secondly, that it acquitted the concerns of the property council.

The property council says the legislation is completely at odds with the Victorian government's aims of reducing red tape and promoting job creation. I find that of concern. Every peak body has its objectives, and they may be different from those of government. As I said, I am not a proponent of what the property council is saying, but I find it concerning that a government that has made a virtue of saying that reducing red tape is its key priority and has all sorts of targets on the Treasurer to reduce the red tape — he gives speeches at the Victorian Employers Chamber of Commerce and Industry where he thumps his chest as the lion of red tape reduction; he is the champion of the Victorian Competition and Efficiency Commission on cutting red tape — is strangling the industry with red tape, according to the property council.

My question to the Assistant Treasurer in the committee stage will be: how can he acquit the two of those? Is the Treasurer right, is the property council right or is it somewhere in the middle? I will not go through the specifics of the property council recommendations. It says the bill covers the industry in

red tape, puts inconsistencies in place and delivers uncertainty to the industry.

The law institute says it does not oppose these amendments but that they are designed principally to prop up the budget bottom line. That has come from the law institute, not from the Labor Party. I will confine my comments to the multiple propping up of the budget bottom line, and I should perhaps suggest an amendment requiring every Victorian taxpayer to have lockable zips on their pockets. That is probably the safest thing, but it is probably outside the scope of this legislation, so I imagine I will be ruled out by the Acting President or the chair of the committee. But the law institute says this bill will add to complexity and red tape — and I am happy to give the minister the quotes; I am sure he is not disputing them — the bill will not achieve interstate tax harmonisation despite the government's claims to the contrary; and the bill introduces new features in an already complex area of taxation policy that will have unknown and unpredictable impacts.

As I said, the Labor Party will not oppose the bill. The Labor Party has consistently sought to bring in legislation to make people pay their fair share, so its members have no issue with the principle of the bill. However, I am concerned that two respectable peak bodies, the Property Council of Australia and the Law Institute of Victoria, are so scathing of its land-rich provisions. These bodies normally seek to work with government to make Victoria a more competitive place to do business and they normally seek to work collaboratively with government to try and explain unforeseen consequences.

Both those bodies will acknowledge that it is the prerogative of the government to raise revenues, to seek to find out what the objective is, and then to find the procedure for achieving outcomes that involves the least red tape. Yet both those bodies are scathing of the land-rich provisions of this duties legislation. As a result I flag that I will seek the following from the minister: firstly, an assurance that a business impact assessment was done for cabinet, and secondly, either in the house or in writing, a response to say how those concerns were acquitted in that business impact assessment. Without further ado, the Labor Party will not oppose this legislation.

Mr BARBER (Northern Metropolitan) — The Greens will support this bill.

Mr P. DAVIS (Eastern Victoria) — Mr Barber does not leave me anywhere to go, other than to say that unusually I agree with Mr Barber.

Mr Lenders — Sit down then!

Mr P. DAVIS — I could sit down, but given that I have something to add, how productive would that be?

Mr Barber — Do you charge per sentence, or are you being paid per sentence?

Mr P. DAVIS — It is per word.

I rise to speak and to give support to the Duties Amendment (Landholder) Bill 2012, which amends the Duties Act 2000 and makes further provision for the imposition of duty on the acquisition of interests in certain land-holding entities and for other purposes. Furthermore, it makes consequential amendments to the Planning and Environment Act 1987. The bill also amends the Financial Sector Reform (Victoria) Act 1999, as a result of the change of name of the commonwealth Financial Sector (Transfers of Business) Act 1999. I would like to succinctly summarise my remarks, given the abbreviated contribution in particular of the leader of the Greens and the somewhat abbreviated contribution of the Leader of the Government. I think I clocked that at — —

Mr Lenders — The Leader of the Opposition!

Mr P. DAVIS — I beg your pardon; it is the Leader of the Opposition.

Mr Lenders — I know that you guys think you are in opposition.

Mr P. DAVIS — We have a fine for doing that. The Leader of the Government so simply set out the concerns, which is reasonable.

Mr Lenders — The Leader of the Opposition!

Mr P. DAVIS — It is the Leader of the Opposition. That is twice, so it is \$10 today.

I wish to say that this clearly is a revenue issue, but the bill also seeks to re-base the way the duty is collected. The revenue projected to be raised is in the order of \$50 million to \$75 million on an annual basis, and in fact this measure was announced as a proposed initiative a year ago in the 2011–12 state budget. The land-holder entity potentially will be subjected to the new land-holder duty regime if the unencumbered value of its land in Victoria exceeds a certain threshold, irrespective of how significant its land-holdings are as a percentage of total assets. The new provisions will apply when a person makes a relevant acquisition in an entity that has land-holdings in Victoria that exceed

\$1 million. The proposed model also intends the categories of taxable entity to include listed companies and listed unit trusts, but a relevant acquisition listed entity only occurs when a 90 per cent or more acquisition is made, which represents a takeover of the entity. Also, the land-holder model levies duty on a relevant acquisition in a listed entity at a concessional rate — that is, 10 per cent of the land transfer rate.

There is some commentary around consultation, taking note of what stakeholders might have had to say. I understand that the Department of Treasury and Finance and the State Revenue Office (SRO) conducted public consultations on the policy parameters in November 2011, so there was opportunity for industry stakeholders to be involved in that process. The government then subsequently released an exposure draft of the bill on 10 April 2012 for further technical consultation, and clearly that was an opportunity for some input. There were four formal submissions made during the technical consultation on the bill, which I am advised were comprised of the Property Council of Australia, one each from the law firms Freehills and Allens Arthur Robinson and one from Pitcher Partners. External legal counsel was also engaged to provide separate views on the bill.

I am not going to get into the issues about which Mr Lenders wishes to cross-examine the Assistant Treasurer during the committee stage, because that would be presumptive. Far be it for a humble backbencher to answer questions on behalf of the Assistant Treasurer. The Assistant Treasurer is well able to dispatch any questions that may arise from the inquisition that I am sure Mr Lenders is loading up for at the present time. I simply say that this is a measure which has been long in preparation and carefully constructed with adequate consultation. It was announced by the government more than a year ago, and it is being implemented through this piece of legislation. Inevitably there will be stakeholders who are concerned about any revenue initiative that affects their financial position; however, that should not be a reason to delay passage of such a bill.

As the former Treasurer Mr Lenders knows full well, twice a year, every year we have a series of state taxation bills that seek to close loopholes, improve efficiencies, and — in the current environment in particular — maximise the yield from all revenue sources under law. I listened intently to the comments of the former Treasurer about how dreadful it was that the government was employing more staff in the SRO to deal with pursuing recalcitrant taxpayers who had failed to meet their obligations.

I would have thought all members of this house would support the probity of government ensuring that all people in this state pay in equal measure their legal liability for taxes and charges. I cannot therefore understand why a former Treasurer would simply make a populist remark such as that, given the importance to the long-term fiscal position of the state of ensuring that there is proper compliance. Given that the opposition only wishes to raise some matters of detail in committee, I will conclude my remarks and urge the house to support the bill.

Mr EIDEH (Western Metropolitan) — I rise to speak on the Duties Amendment (Landholder) Bill 2012. Firstly, the opposition has made it clear that it will not oppose the bill for a range of reasons previously expressed by my colleagues. But that aside, this is yet another example of legislation being brought before the Parliament that proves the Baillieu-Ryan government has no idea what it is doing or where it is leading our state. That is why in the past two years the state has gone backwards, TAFE has been slashed by the political version of Jack the Ripper, schools are not being updated, dangerous rail crossings are being ignored and jobs are leaving the state in numbers not seen since the Great Depression.

This is a flawed bill because this is a flawed government, as opinion poll after opinion poll has clearly shown. The bill is flawed because it is lost, like the government behind it. The bill before us affects the people of Victoria in many ways, and yet the consultation process has been professionally directed to a small group of commentators. The bulk of community members have no idea what the bill is about, even though it will affect their pockets. It is yet another example of policies and practices from this government which are designed to financially bleed Victorians. This government has no skills in financial management. In the past two years since the coalition took government the state has been plunged into economic darkness.

We are aware that the rarely seen Treasurer has refused to meet with organisations to discuss the bill. His financial management and his competence will be measured by how this bill, if it is passed by the house and becomes law, sucks the pockets of Victorians dry. It is a considerable mystery why the Treasurer has refused to meet and consult with the Law Institute of Victoria and the Property Council of Australia. Is he scared that their advice will be different from his own, or is he worried that he will not have even the basic ability to understand those experts? How can anyone in this house be certain the Treasurer has any idea that what he is doing is correct or that it is fair and just for all affected? The bill is therefore flawed from the very

outset, as anyone with any reasonable understanding of business practices would know. You do not make major financial decisions without professional expert advice, yet we have a bill designed to further increase the growing coffers of this government.

As I have stated on other occasions, I fear that the government is raising massive funds through slashing, cutting, fee-raising and so on. Victorians are being made to suffer by a government that struggles to govern but plans to stay in power, regardless of how it has savaged the economy and hurt so many good and decent Victorians. As the Baillieu-Ryan government prepares to take many more millions out of the hands of the families, elderly pensioners and owners of small to medium size businesses that are affected by this bill, I look forward to hearing how the government will justify it to the community — not in Parliament where it commands a majority but out where the people will insist on real answers to real concerns.

Years ago under Labor Victoria led the nation and the nation followed, but this bill is totally out of whack with every other state, including other Liberal states, and I cannot see any other states following its example. While the government is entitled to claw back some of the duty avoided by some land-holders because of their trust arrangements, this bill goes too far, as the Property Council of Australia has stated, and many will be hurt. The bill will have a negative effect on building, development and the housing market and thus on jobs. It will lead to a lowering of confidence that the state does not need to suffer.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr LENDERS (Southern Metropolitan) — As I said in my second-reading speech, the Labor Party does not oppose the bill. My colleague in the other place the member for Lyndhurst made a detailed contribution on the bill. I had an issue with the land-rich provision, as I outlined in my second-reading speech. The Assistant Treasurer is in the chamber, so without further ado I invite him to respond to the propositions about the business impact assessment and acquit the comments from the Property Council of Australia and the Law Institute of Victoria.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his question. In relation to the issue of a business impact assessment, I am advised that, as is consistent with other taxation legislation, no business impact assessment was undertaken, but obviously there has been consultation between the government — being the Department of Treasury and Finance and the State Revenue Office — and both the Property Council of Australia and the Law Institute of Victoria with respect to these provisions. Obviously, as we have seen in past considerations of land-rich matters and the shift to the land-holder duty model we have now, the government is not always going to agree with the positions put by the peak bodies. As is reflected in the second-reading speech, some changes to the bill were made with respect to its technical application which reflected the feedback that was obtained as part of the consultation process on the exposure draft earlier this year.

Mr Lenders referred to some specific matters which have been raised by the Property Council of Australia. We can do it here from the advisers box, but for the purposes of getting precise and accurate answers I am happy to give Mr Lenders a written response on those matters.

Mr LENDERS (Southern Metropolitan) — I am more than happy for the minister to provide written responses after the committee stage. I think the minister acts in good faith and I certainly will not pursue the matters verbally in the chamber.

I would like to explore the minister's comment that no business impact assessment was done and, without wishing to do a Ryan and verbal him, I find it interesting that a minister says it was not done. He may say that it has been past practice for taxation legislation, and I will not dispute that. I am surprised, but I will not dispute that with any more assertion than that. I can vividly recall legislation coming into this place on taxation and particularly land-rich provisions and my being held to account as Treasurer on their being a lack of business impact assessments and reference being made to the onerous burden on business and the red tape surrounding anything that came out of Treasury Place and the State Revenue Office and its not being tested. Without referring back to *Hansard*, which I am happy to do, I vividly recall contributions from some fairly auspicious figures like Philip Davis, Bruce Atkinson, Bill Forwood and Bill Baxter — and I think even Gordon Rich-Phillips, if I recall correctly.

I will take the minister's word — I do not need to do a Tilley and record it — that that was the case. I invite him to comment on what is good for the goose is good

for the gander: if it was good enough in opposition to call for business impact assessments, what has changed other than that those opposite are in government?

Mr BARBER (Northern Metropolitan) — I am not sure who is the gander or the goose here, but it seems to be something of a turn-up for the books that now the Property Council of Australia's best advocate in this chamber is the Labor Party. We can be sure there is no sense of class warfare here when the Labor opposition is railing against more discretion being given to the tax commissioner to pursue people who shift their property from one tax-effective vehicle to the next, which is what Labor did in the lower house. I believe it also went on to the Property Council of Australia's claim that by retaining the threshold at \$1 million instead of \$2 million, as it is in New South Wales, we are at a competitive disadvantage. Mr Rich-Phillips may also be able to comment on that in the context of the answer he is giving to Mr Lenders.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — To take the matters in turn, Mr Lenders raised the issue of the business impact assessment. My advice is my advice, and that is my understanding of past practice with respect to taxation legislation. I guess it depends on how you look at the business impact of this. Obviously there is a revenue impact for the budget, which in this case is reflected in the 2011–12 budget, being an initiative of last year's budget rather than the current budget. That revenue impact is set out in the budget papers.

In terms of the regulatory impact of the actual application of the measures, the purpose of this bill in shifting from a land-rich model to a land-holder model is in fact to remove the burden of red tape associated with the current land-rich model. To that extent the government believes it has a positive impact on practitioners in this field. Obviously there will be matters on which, as I said earlier, there will be disagreement between the peak bodies and the government as to the application of this, but in the preparation of the bill the government consulted through the exposure draft process, and some of the feedback from that was incorporated into the final bill.

On the issue raised by Mr Barber, being the difference in threshold between Victoria and New South Wales, this bill was put together having regard to the structure of the property market in Victoria. There are some differences between this legislation and that which operates in New South Wales in terms of the land-value threshold as well as the acquisition threshold at which the legislation applies. That reflects the different structure of the property market in Victoria, and the

government believes that is an appropriate base structure for the Victorian property market. That is an appropriate level for the provisions to apply at, noting there is a taper between the \$1 million and \$2 million level. Basically the specific provisions of the bill around thresholds and acquisition levels have regard to the different structure between the Victorian and New South Wales property markets.

Mr LENDERS (Southern Metropolitan) — In the debate on clause 1, I need to state for the record that clearly Mr Barber did not listen to the Labor Party's contribution on the bill. We said from the outset that we would not be opposing the bill because we are supportive of it. We also said during the debate that we would be holding the government to account for its inconsistencies. At no time has the Labor Party, as Mr Barber put it, spruiked for the Property Council of Australia. What we have said is that there is a series of questions that we are asking the minister to answer.

Unlike the Greens, who voted against these measures in the last Parliament, the Labor Party is voting for them. Clearly Mr Barber was not listening to the debate, and that happens in this chamber. At no stage did we indicate anything other than that we would be supporting the bill. We did say there was a series of questions that we would like answered, and we would not slow down the bill as Mr Barber did in the last Parliament. We are actually expediting it going through today. We are asking the minister to give us the answers outside the sitting, because we are not opposing this particular bill.

I think Mr Barber must have misunderstood my comments earlier on, so I thought it was worth making it clear, as part of my comments on clause 1, that our position has not been to oppose the bill and not to spruik for anyone and delay legislation, but to simply ask the minister to reply to a series of concerns from the Property Council of Australia and the Law Institute of Victoria about matters which appear to be inconsistent with the government's rhetoric.

Clause agreed to; clauses 2 to 30 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) AMENDMENT BILL 2012

Second reading

Debate resumed from earlier this day; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mrs PEULICH (South Eastern Metropolitan) — It is my pleasure to rise and introduce what is an important, albeit brief, piece of legislation, the Local Government (Brimbank City Council) Amendment Bill 2012. As we all know, Brimbank City Council was the subject of significant controversy and an Ombudsman's report. Certain measures have been taken by the government, and it is the view of the Minister for Local Government that Brimbank deserves a council which, through sound governance, provides effective decision making, delivers quality services and facilities, and plans for a sustainable future.

The former council was dismissed in 2009 following an independent monitor finding that its councillors were incapable of performing the council's function due to the failure of key governance systems and a dysfunctional political culture. The council was replaced by a panel of three administrators with all powers and functions of the council. The appointments were for a three-year term and were to end at the time of the municipal general elections scheduled for later this year. In 2011 the Minister for Local Government, Mrs Jeanette Powell, commenced a process of assessing Brimbank's readiness to return to elected representation. Current council plans and status reports indicate that strong progress has been made in many key areas, particularly those of governance processes and policies, financial sustainability and community engagement.

The minister also sought independent analysis from two eminent persons with extensive experience in corporate governance and the local government sector, namely, Mr Bill Scales, AO, and Mr Doug Owens. Both gentlemen are respected on all sides of politics, and I must say up-front that I had the privilege of working with Mr Owens when he was the chief executive officer of the then Moorabbin council. I can attest to his high level of professionalism and the high level of regard in which he is held by people on all sides of politics.

These reports independently concluded that the administration should be extended for at least another two years in order to secure the completion of critical projects, including major community facilities, which could be vulnerable to politicisation if in the 2012 council elections similar players were elected to form

the new council. The extension was also recommended to allow further time for the dissipation of a dysfunctional political culture and the restoration of community confidence. The findings of both reports are publicly available, having been published on the internet on 18 May.

On the basis of all available evidence, the minister concluded that the administration should be extended for two and a half years until March 2015. On the fourth Saturday of March that year elections will be held in Brimbank. In this way local democracy will be restored in an environment which strongly supports effective and stable local government with strong governance processes and community support. This bill does not alter the make-up of the panel of administrators, which will continue to operate as before in accordance with the principal act. However, in the transition period before 2015 the administrators will switch focus from repairing and rebuilding to preparing the council for a return to elected representation. To this end a number of changes will be made to the make-up of the panel of administrators, as announced by the minister on 17 May.

Given the brevity of the bill, with those few words, I commend the bill to the house. I note that the bill reflects the government's commitment to an appropriate balance between supporting local democracy and ensuring that communities have the highest standards of governance at the local level.

Mr TEE (Eastern Metropolitan) — We in opposition will be opposing the bill. Fundamentally we are concerned that the bill means that the next election for the municipality of Brimbank will be in March 2015. We do not see any justification for that delay. Essentially it will mean that people of the city of Brimbank will go six years without democratic representation. The opposition and the government have very clear and different approaches on this bill. We are keen to ensure that the people in Brimbank have democratically elected representation. Consistent with that is that it is rare and exceptional that those elected representatives be removed.

That should only occur in exceptional circumstances after a very thorough process, and that is what happened in 2009 when there was an Ombudsman's report, there was an independent review by the municipal inspector, and on that basis, because of those reports, the council was dismissed by the former government.

It was dismissed on the basis that the council was dysfunctional, and it had failed in its duty to provide

good governance to the Brimbank community. That meant the people living in Brimbank did not get the representation or the governance that they deserved because the council had become dysfunctional, and it was in those very rare and exceptional circumstances that the government intervened.

Unfortunately that rigorous 2009 process has not been followed in the lead-up to the introduction of this bill. The concern seems to be that the re-introduction of democracy to this council will lead to so-called political tensions which have not been specified, and that this will disrupt the efficient running of the organisation. It is one thing — as the former government did in 2009 — to dismiss a local council following a very rigorous process; it is another thing entirely to say that you will not restore democracy because of some vague assertions. The opposition's view is that the case has not been made. The opposition believes you need to have a very high threshold before you take democracy away from local communities. We do not see that the case has been made on this occasion for the continued denial of democratic representation for this local community.

It is a fundamentally important issue. From time to time there are tensions and difficulties facing councils. One has only to read the newspapers. We can look at Casey, at Glen Eira, or at some of the closed-door meetings that are happening at Kingston where councillors have asked for secret meetings. There are political tensions from time to time, but that is not a justification for removing democratic rights. The people living in Brimbank are entitled to the same representation as the other 78 local government councils in Victoria. They are entitled to the same opportunity to vote in the local council elections planned for October, and we do not see that there can be any justification for that to not occur.

In fact the concern that we have is that this sets a terrible precedent. Once you lower the benchmark for intervention in Brimbank, once you lower the threshold for when you introduce democracy, you lower the threshold for when you keep and maintain democracy. Our concern is that if the Brimbank council is not democratically elected, if the standards on which this decision is made are low, that is a threat for other councils. It is a threat for Casey, Kingston and Glen Eira councils. As a state Parliament, we need to provide confidence to all Victorians that the state Parliament will act only in the most exceptional circumstances to deny local people a voice and a say in how their councils are administered. It is unfortunate that this bill lowers that standard and sets an unfortunate precedent for each of the other 78 councils. Having considered

this bill, the opposition is very concerned about the impact it will have right across Victoria. We do not support it.

Ms HARTLAND (Western Metropolitan) — Before I begin my contribution to the debate on the bill I think we have to be completely up-front about what we are talking about. The former Brimbank City Council was run as a personal fiefdom by some ALP councillors and state politicians, and the people who missed out were the local residents. The previous Labor state government allowed the corruption to go on at Brimbank for far too long. There was appalling behaviour by some councillors and undue influence by Labor MPs.

It also has to be said that there were councillors like Geraldine Brooks who were not involved in the bad behaviour at Brimbank and who were not investigated, but they have been tainted because they were sacked along with other councillors. There is also Miles Dymott, of whom the Ombudsman only had good things to say. My relationship over the past three years with the administrator has been cooperative and professional. I also want to make special comment about the staff at Brimbank council — because often they too are tainted with the label of Brimbank — whom I believe have worked hard and diligently with the community. I want to say a special thanks to the chief executive officer, Nick Foa, who was a senior manager at Maribyrnong in my time on council.

The Greens will be voting against the bill. Our reasons are quite clear and straightforward. Residents of Brimbank are entitled to have an elected council because there should be no taxation without representation. I have read both of the reports the government relies on for the decision to cancel this election. Neither the Bill Scales report nor the Doug Owens report provide any evidence to back up their conclusions. I am sure their assessments of what the administrators are achieving is accurate and based on documentation, but this is not the reason the government is recommending a delay in the democratically elected council. The government wants to delay it for political reasons because it fears a new council will exercise free will, but also because a new council might be impacted by the power relationships and alliances referred to in the Ombudsman's report. Mr Scales states:

It would also be naive to fail to acknowledge in any discussion about the City of Brimbank, the continuing and very public political tensions within the municipality. Given the past difficult history of the city, there is every reason to believe that these tensions would be manifested in the outcomes of the upcoming council elections in 2012 and

played out once again in the policies, processes and practices of any newly elected council.

He goes on to explain that a democratically elected council may not agree with the plans that the administrators have made but may instead exercise some independence from what the government might want it to do:

These tensions would be exacerbated if an incoming council were required to implement the projects, policies, practices detailed in the administrator's progress report for which it should not reasonably be held accountable.

Mr Owens's report is pretty frank about his concerns about who might get elected, without naming anybody. It is clear that persons previously named in either the Ombudsman's report or the Scales report will seek to be involved in the newly elected council. The extent of that involvement is difficult to foresee. Mr Owens went on to say:

... the end outcome of the election cannot be accurately predicted and the question arises as to when (if ever) political tensions in Brimbank will dissipate.

Does that mean we will never have a council election in Brimbank again? He used the term 'political tensions' a lot. In the ordinary meaning of the words political tension is not a bad thing: it is the difference between my political views and yours. But when Mr Owens said 'political tensions' I think it was a euphemism for the murky world of ALP factional dealings and unethical behaviour, because later he described it as:

... power relationships and alliances that have the potential to undermine good government and governance ...

Mr Owens's report included seven scenarios as to what might happen if a council that was hostile to the plans recommended by the administrators was elected. The worst scenario related to major projects commenced by the administrators, and he said there was:

Potential for a sound business plan to be rejected by an elected council on parochial grounds.

He was more optimistic about other elements like financial governance and financial management, and in fact major projects presented the only difficult scenario.

Mr Owens also unwittingly gave an opinion on the usefulness of counselling democracy purely because of political tensions in Brimbank. One cannot put a date on when the political tensions will dissipate. In my opinion they will not dissipate in the foreseeable future. Two years is not going to be the end of it; nevertheless, Mr Owens recommended to the Minister for Local Government in a coalition government a two-year delay in the election in part because it would affect the

outcome of the election. He described this as a non-political outcome. I disagree: delaying an election in order to influence its outcome is a politicised outcome.

Part of the problem outlined in the Ombudsman's report was that state MPs were influencing Brimbank council decisions, but here is a report that recommends a state MP delay an election in that municipality in order to influence the outcome. The Ombudsman's report does not say that state MPs exercising undue influence is all right so long as it is done for niceness rather than evil. It is not democratic. Democracy means the voters decide, even if we disagree with who they vote for. What would Australia be like if political tension or fears a new government might overturn the hard work and plans of a previous government could be used as reasons to cancel elections? For example, Mr Abbott, the federal Leader of the Opposition, is campaigning very strongly that if elected, he will overturn the Labor government's climate change plans. Should that be used as a reason to cancel a federal election?

I agree that projects in Brimbank that are on track should be completed, but there are other ways to provide a strong oversight of the councillors and transition from the administrators to an elected council. A municipal inspector or a mentor could help Brimbank council operate in a democratic and open manner and engage with local residents. I have not seen any discussion by Mr Scales or the government about holding a referendum for Brimbank residents to decide whether they want a return to councillors or the administrators to continue.

The only mention of public consultation is a vague reference to what Mr Scales calls 'influential community groups'. During the committee stage of the bill I would like the minister to outline who these influential community groups are. Mr Scales did not consult with the community groups himself. He relied upon the present administrators to provide him with comments from influential community groups. This is the entire basis for the opinion in both reports: that the community would prefer the administrators to continue.

I do not want to see influential Labor figures running Brimbank as a personal fiefdom, as they did, but I also do not want to see administrators deciding in a closed room which unelected groups are influential and which ones are not. I want to see one vote, one value, and I want the people of Brimbank to decide who represents them, not the government.

Mr ELSBURY (Western Metropolitan) — From the outset I have to say that it may shock some members of this house to hear that when Ms Hartland started her contribution I was in full agreement with her. The shenanigans that occurred at the City of Brimbank brought disgrace upon all those in the council. Even though some people were not at fault, they were brought into the same group of people by a few persons who were members of the ALP. I do not agree with Ms Hartland's conclusion about the bill, but that is going to happen, and I am more than happy for her to be able to express that view.

Listening to Mr Tee's contribution, I have to say it was typical of Labor's way of dealing with problems. It was half-baked and half-done and not the result needed for the people of Brimbank. Labor just wants to be finished with the problem; it does not want to get a result. Its response is: 'That will do. We have done a couple of years of this. It's done. It is good enough. Don't worry about it. It will be fine'.

This bill ensures that there will be good governance at the City of Brimbank, that the work of the administrators and the disruption that occurred to the council will not have been in vain, heed will have been taken of the Ombudsman's report and people will receive the representation they so richly deserve in two years time when we have council elections again.

This bill is about fixing Labor's lack of self-control. When its members had control with a majority of seats on that council, Labor could not hold back. Its members held the reins of power and they were going to do what they wanted. The only problem was that there was then disagreement among Labor members. They could not control themselves. There were power plays to be had within the party, and they were going to be fought out on the battlefield that was Brimbank City Council. Stuff the people of Brimbank! That is what Labor members were going to do. They were going to stuff the people of Brimbank for the fact that Labor members wanted their own little games to be played out.

The previous Labor government, after much coaxing — after much massaging — finally decided that something needed to be done, and I applaud it for finally making that decision, but it was very late in the piece; it needed to happen a lot earlier.

The member for Keilor in the other place, Ms Hutchins, made an interesting contribution when she basically launched an attack on some community members. I will quote from her contribution:

People might laugh, but believe me, there is a little clique in Keilor made up of a number of prominent Liberal Party members, some of whom ...

The ACTING PRESIDENT (Mr O'Brien) — Order! I have been advised by the Clerk that it may not be permissible under the standing orders to quote in the manner Mr Elsbury has quoted. Just for his benefit as a new member, and for my benefit — —

Mr ELSBURY — It is in reference — —

The ACTING PRESIDENT (Mr O'Brien) — Order! That is right. It has to be a passing reference, as Mr Elsbury is aware.

An honourable member — Which paragraph?

The ACTING PRESIDENT (Mr O'Brien) — Order! Standing order 12.18.

Mr ELSBURY — Thank you very much for that guidance, Acting President. I just say that there was an attack upon a clique of Liberal members in Keilor. Apparently there is one particularly powerful person in Keilor who is going to rain fire down upon people who want the council to be returned. Nothing could be more further from the truth. To be quite honest, for Ms Hutchins to be suggesting that people in the Liberal Party are so powerful down in Keilor is flattering; my office is in Keilor, and I am rather flattered by this idea that if you are in Keilor and a member of the Liberal Party, you have that far-reaching power. However, I have to say this: we are not the Labor Party. That is the way the Labor Party does things. Ms Hutchins is creating a complete mythology about what is happening in this particular process.

Ms Hutchins has also taken up reading people's minds, because she goes on to make comments about the CEO of the City of Brimbank, Nicholas Foa, and his decision — made much earlier than the decision about this bill was made — to move on from the City of Brimbank. He had already decided many months prior that he was going to be seeking other work. If Ms Hutchins had actually spoken to the man, she might know this. I can tell you now that Places Victoria is not exactly handing out jobs left, right and centre at the moment. It is a long process going from being the CEO of a municipality to working for Places Victoria, and I again wish Mr Foa all the best in his future endeavours.

Ms Hutchins also chooses to ignore the recommendations of two independent reports. I know Ms Hutchins may have some difficulty remembering what happened in the City of Brimbank that brought about this particular issue and brought it to a head, because she had to catch a plane from Sydney to take up her role as the member for Keilor, but the simple fact is — —

Mrs Peulich — She knows the community well, does she?

Mr ELSBURY — She knows the community well. She has come in at a very late stage and listened to what her branch membership has told her about what happened, but she did not actually get the information firsthand. She was not around to know what had happened in the City of Brimbank.

I will go on to the report by Mr Bill Scales, AO, bachelor of economics from Monash University, fellow of the Australian Institute of Company Directors and fellow of the Institute of Public Administration Australia.

Mrs Peulich — Is he qualified?

Mr ELSBURY — I do not know; I was just about to see whether or not we could solve the mystery on *Wheel of Fortune* just then. In any case, under the subheading 'Recent tangible performance' Mr Scales's report says:

While these activities by the administrators are helpful early indicators of the intentions of the council under administration, it is important that these initial actions and intentions and translated into tangible results for the citizens of Brimbank.

Tangible results — that is what we are after. We are after something to solve the problems that got us here in the first place.

If we have a look at the document headed 'Performance statement — 2010–11 key strategic activities' from the City of Brimbank website, we see that the community satisfaction rating with the council's performance in governance and leadership in 2010–11 hit 62.5 per cent. As it says in this report, 'Results exceed target'. The community satisfaction rating with the council's engagement in decision making on key local areas was 64.4 per cent: 'Results exceed target'. There were 11 local area forums held by 30 June 2011: 'Results exceed target'. We then go on to the community satisfaction rating with the council's performance in economic development, which was 66.6 per cent. This was 13 per cent higher than its target. We have had the administrators in, and they have been going gang busters. They have been exceeding what was expected of them in their engagement with the community.

I will admit right now that there has been some friction between the administrators and the community. It happens, because people have differences of opinion. There was an instance where there were 14 pieces of land in the city of Brimbank that were being considered for consolidation and possible sale. After much discussion and consultation with the community 2 of

14 parcels of land ended up being disposed of. If there were no consultation and no listening to the people, the administrators would have just sold 14 pieces of land. If there were no consultation with the people of Brimbank — if they were not being listened to — why is it that instead of 14 pieces of land being sold only 2 were finally sold? To say that the administrators are not listening is a complete joke.

The report by Mr Scales goes on to say:

The administrators have begun the process of establishing a culture of good governance and administration in the City of Brimbank. However insufficient time has passed since the activities of the past two elected councils to be sure that these better practices have become the accepted culture and norm in Brimbank.

It is important that any incoming elected council is placed in the best position to succeed in providing good governance, government and administration to the people of Brimbank.

The first line of his conclusion says it all:

It is my opinion that the period of administration of the City of Brimbank should be extended until 2016.

We are not talking about that in this bill. We are not talking about extending it to 2016; we are talking about March 2015.

Doug Owens, graduate diploma of business administration, fellow of the Australian Institute of Management and fellow of Local Government Managers Australia — again, qualifications just pouring out — put forward the three options that were available to the minister. The first was to extend the administration to 2016. He felt that this was not adequate, as by that stage the administrators would have completed their task well in advance of the 2016 local government elections. The second option was that the administration be extended by two years, to 2014, allowing for better projects and long-term financial plans and policy to be developed and for political tensions to dissipate. This is certainly the line we have looked at in particular with this bill. Mr Owen also said that not extending the administration period runs the risk of the return of power relationships and allegiances that have the potential to undermine good government and governance in the city of Brimbank.

We have to ask who were some of the people looking to run for election in the city of Brimbank. We had a former member for Keilor, George Seitz, who, if you believe his rhetoric, was being supported by the federal member for Maribyrnong, Bill Shorten. The local *Brimbank Weekly* of 22 May said:

Former Keilor MP George Seitz welcomed Mrs Powell's decision, saying it was 'good news' for ratepayers.

'It will allow them to finish some of the work they have started', he said.

'It's an opportunity to forget about the bad old days and have a change in culture'.

George Seitz likes it. I thought I would never say that I agree with George, but hey, there you go!

There is the problem of the ghosts of Christmas past. I have got some experience with that, because when I moved into my office in Keilor, which was the office of a former member for Western Metropolitan Region, Justin Madden, I found a filing cabinet. One of the drawers in the filing cabinet was named 'Hakki's community files'. Every other drawer in that filing cabinet was still filled with suspension folders. This particular drawer had been forensically cleaned. I doubt there was a microbe in it or even a thumbprint on that drawer. It was empty; it was beyond empty. If only I could have seen what was in that drawer at some stage. No doubt he still has the contents somewhere. It beggars belief that that person had a lovely drawer full of information about the community, and God only knows what it was. In the end it was the Labor government that disbanded the council. We have been left with administrators.

The bill will amend the Local Government (Brimbank City Council) Act 2009 to provide for a general election in the city of Brimbank in March 2015. Before I conclude, I thank the administrators Peter Lewinsky, Meredith Sussex and Joanne Anderson for their outstanding work. I wish all the administrators who take over their roles — although Peter Lewinsky is continuing on — the very best in delivering to the people of Brimbank exactly what they need rather than allowing a half-baked effort to be the norm.

Mr Barber — Acting President, I direct your attention to the state of the house.

Quorum formed.

Mr ELASMAR (Northern Metropolitan) — I rise to oppose the Local Government (Brimbank City Council) Amendment Bill 2012. My understanding is that the bill will mean Brimbank City Council will not return to democracy in October 2012 in line with every local government council in Victoria. We live in a democratic society. Our laws and system of government reflect that the people are entitled to elected representation, and that representation comes from the electoral process of democratic elections.

I will not bore this house by going over the reasons the previous government appointed administrators to the Brimbank City Council, but it is sufficient to say that the council was found to be dysfunctional by the

Victorian Ombudsman. However, it was always assumed that democracy would return after a period of appointed administration and due diligence, and the people of Brimbank would be allowed to vote for a local government democracy and elect candidates who, in their view, would be suitable to govern their city. In this bill we find an extension of three years is proposed and Brimbank will have administrators until 2015.

Ratepayers of Brimbank have the right to elect representatives, and there is no doubt about that. I refer to a report by Doug Owens. There is one paragraph I find absolutely absurd which says:

Time has not caused the political tensions to dissipate but the end outcome of the election cannot be accurately predicted and the question arises as to when (if ever) political tensions in Brimbank will dissipate.

Bill Scales also referred to what he characterised as continuing political tension, but that is unarticulated and unexplained. What nonsense is this? It is a ridiculous excuse to impose an unprecedented five years of unasked-for civil administration. Mr Owens is unable to predict the outcome of a democratic election, and he is not alone in that assumption. It is the right of the people of Brimbank to vote for their local councillors. Enough time has elapsed since the imposition of administrators. We in the opposition are not afraid to make the hard decisions about dysfunctional councils, but we hold with the democratic principle that after a period of administrative government the people of Brimbank now deserve to make their own choices about who governs their city.

Mrs Peulich — Acting President, I draw your attention to the state of the house.

Quorum formed.

Mr FINN (Western Metropolitan) — I rise with a great deal of pleasure to support the Local Government (Brimbank City Council) Amendment Bill 2012, because this bill is about giving the people of Brimbank what they have asked for. This bill is about giving the people of Brimbank justice. This bill is about ensuring that the people of Brimbank are not again subject to the obscene abuses endured under previous Brimbank so-called elected councils where myriad — I am loath to use the word shysters but I cannot think of another word at the moment — shysters took full advantage.

Mrs Peulich interjected.

Mr FINN — It may well have been ruled as disorderly, but it is appropriate. As I have gone around Brimbank, as I know Mr Elsbury has, over the past 12 months or so, everywhere I have gone, whether it was a sporting club, the local pub for lunch or just

walking down the street between engagements, people have stopped me and begged me to keep the administrators in Brimbank. They have begged us, and begged the government, to do the right thing by the people of Brimbank. Let me assure this house that the Minister for Local Government has well and truly heard those words. I have made sure the minister heard those words, and I am sure Mr Elsbury has made sure she has heard them. It is refreshing, to say the very least, that we now have a government that will listen to the people of the western suburbs and act on what those people want.

When I came into this place the Brimbank City Council had been running rampant for years. Anybody and everybody you cared to ask in the Brimbank region and surrounds knew exactly what was going on in Brimbank — everybody of course except the former state government — because the people running riot in Brimbank were the same people running the state government here in Victoria. That is the simple fact of the matter. When I say that Minister Powell has listened to the people of Brimbank and the people of Brimbank thank her for that, I say that with full knowledge that those same people of Brimbank were ignored for years by a Labor government that had a vested interest in keeping a corrupt and crooked council in place, and now members of the former Labor government want Brimbank back. I cannot believe these people say they represent the western suburbs and then they get up in here and say they want the council back.

Mr Elsbury interjected.

Mr FINN — There is only one member in here from the western suburbs, and Mr Leane is only here through sufferance. That is the truth on both our parts. The truth is the people of the western suburbs were neglected and ignored by Labor when they begged for their council to be removed. It was only when an election was imminent and it was apparent to Do Nothing Dick — Dick Wynne, the former minister — —

Mr Leane interjected.

Mr FINN — Poor Shauno! I withdraw. I am sorry, Acting President; I was just getting into what the locals in Brimbank call the former Minister for Local Government, the member for Richmond in the Assembly. I bring that local flavour to the house this evening. It was only when the corruption and crookedness of Brimbank was threatening the electoral prospects of the Labor Party that its members decided to act. Mr Elsbury now occupies a very important office that was almost central to the Suleyman empire, as we came to know it — Hakki Suleyman, Natalie Suleyman

and a whole range of other Suleymans, I gather. Those people ran the Brimbank council for a good number of years. They ran that empire out of the office of Justin Madden, the then Minister for Planning and now member for Essendon in the Assembly, although he did not know it as he had never been there. He would not know how to get there. If you dumped him on the side of the street, he would not know how to find the place.

Hon. R. A. Dalla-Riva interjected.

Mr FINN — As Mr Dalla-Riva points out, Justin Madden was very much like Sergeant Schultz — he knew nothing. I thought he was having a lend of us, so I got to know Mr Madden, and I know now that he does know nothing about anything, but that is beside the point. We had a situation where all this corruption, all this poisonous activity that was hurting so many people in Brimbank, was emanating from the office of a local member of Parliament, and that local member of Parliament just happened to be a minister of the Crown in the Brumby government.

It is staggering to take into consideration the number of people who have been drawn into this affair by association. I am not just talking about local members of Parliament, people like George Seitz, who had a fair bit to say about it. No doubt George has openly supported the move by the government to suspend elections for a little bit longer, even though he was lining up to be mayor. I think when this announcement was made a lot of Brimbank people got down on their knees and gave thanks to God for the fact that George will not be there for quite some time, but, knowing George, he may be around for some years yet.

We have a number of local members of Parliament who are very powerful within this nation, and the corruption and crookedness of the Brimbank council went right up into the federal cabinet room — names like Shorten, Conroy and O'Connor. These names cannot be avoided when we talk about who had their tentacles involved in what was going on in Brimbank and who would have their tentacles involved in Brimbank if the government had not stepped in and put the elections off until a little bit later this year.

We had an extraordinary situation where the people of Brimbank were being done over. We had paybacks. Basically people were being bought off for their support. Soccer clubs were being denied funds. Various community groups were being paid extraordinary sums of money if their members would support the right candidate in a preselection or if they would support the right candidate in a particular ward election. This was commonplace. Merit never came into the argument.

Mrs Peulich — The Labor way.

Mr FINN — It is the Labor way. Mrs Peulich knows about this because she knows that out her way the Labor Party acts in much the same way. I must point out that whilst Brimbank is a glaring example of how Labor operates, it is not on its own — far from it. Mr Leane knows what I am talking about. He is over there with a big smile on his face because he knows exactly what I am talking about. He knows that the Labor Party acts like this wherever its members go. This is a part of the Labor deal, and it is a very strong argument, in my view, to remove party politics from local government.

That is very important, although it is interesting to note that in the last election the Brimbank council had no endorsed Labor candidates. Interestingly enough, for those who were elected — Labor against Labor all over the place — every election was a factional brawl. It had nothing to do with serving the people. This was about the Conroy faction, versus the Shorten faction, versus the O'Connor faction, versus the Seitz faction, versus — all sorts of factions.

Mr Eideh interjected.

Mr FINN — Telmo gets a mention; my word he does, don't worry about that. He is in there as well. I thank Mr Eideh for reminding me about Mr Languiller, the member for Derrimut in the Assembly. I appreciate his help and support, as I am sure Mr Languiller will when he reads this.

There were these competing factions, and the situation had absolutely nothing to do with what was good and what was right for the people of Brimbank. And guess what? It was all happening again. My office is right in the middle of Sunshine, right in the middle of Brimbank. Mr Elsbury's office in Keilor is in Brimbank. We could see it happening. Everybody could see it happening. We could see the forces lining up. It was like one of those Mel Gibson films. It was like a scene from *Braveheart* where both sides were lining up ready to go into battle at the drop of the flag.

Mrs Peulich interjected.

Mr FINN — There probably was a bit of war paint, Mrs Peulich, but we knew — everybody knew — that given the opportunity, Labor would do to Brimbank exactly what it had done before, if not worse. I say again advisedly 'if not worse', because you have to take into consideration that there has been an enormous amount of desire for retribution that has built up over the last few years. There are a few rats in the ranks, as Labor likes to describe them, out that way, and there would be a few heads that would roll.

Mr Leane interjected.

Mr FINN — Mr Leane again comes in — come in, spinner — and I am sure that he could tell us about this in some detail, and I hope he does. I hope he gets up after I sit down and gives a blow-by-blow description of exactly how the Labor Party operates in the local government area — —

Mrs Peulich interjected.

Mr FINN — Mrs Peulich, it is. I just want to point out, as I was saying before, that whilst there were no official endorsed Labor candidates at the last Brimbank council election, immediately after the election some candidates met as a caucus. What they said to the people was, 'No, we're not in the Labor Party. No, we are not Labor candidates'; however, the minute they were elected, they were all Labor councillors. They met not so much in caucus as in factional groups, and then they went into battle. Anybody who has been to a Brimbank council meeting will know exactly what I am talking about.

I remember Mr Guy and I went out to a Brimbank council meeting one evening, and it was one of the more entertaining events that you would ever hope to see if it had not been for the fact that these people were playing with the welfare and even the lives of the people of Brimbank.

Mrs Peulich — And the money.

Mr FINN — And the money, indeed, Mrs Peulich. It would have been highly entertaining, but it was a very expensive form of entertainment, and when the former government finally took the action it did, I think there was a sigh of relief that that council had been removed. It was a little bit too little and a little bit too late, and they sacked the wrong council anyway. They sacked the council that had not actually done anything, because the report was on the previous council, but that is unfortunately something I do not have time to go into right now. I have to say to this house — —

Mrs Peulich interjected.

Mr FINN — If you could move a motion for an extension, Mrs Peulich, that would be a marvellous thing. I could go for three or four days on this without a worry in the world. There is an enormous temptation to put the council back from my own point of view and I think from Mr Elsbury's point of view — and I would not want to speak on his behalf. There was an enormous temptation to put the council back and let the Labor Party wreak havoc all over again. There was an enormous temptation for us to say, 'Okay, righto, let's show the people of Brimbank exactly what the Labor

Party is made of. Let's remind them of what the Labor Party will do given the opportunity'.

But, no, we cannot do that. I could not do that to the people of Brimbank. The people of Brimbank deserve better than they had before. The people of Brimbank deserve better than the Labor corruption and the Labor crookedness that destroyed the Brimbank council and the municipality of Brimbank for all those years. We see now two or three coming out and saying, 'Oh, no, we need council elections back'. You know the only people who have come to me and said that are the ones who want to stick their hands up and run again. They are the only ones. The only people — —

Mr Barber interjected.

Mr FINN — I don't want you visiting in the middle of the night, thank you very much!

They are the only ones — two or three — and that is it. But I will tell you what, as I walk through the streets of Sunshine and Keilor and a number of other places throughout Brimbank, I am constantly stopped, and the pleading has stopped. Now they say, 'Thank you to a government and thank you to a minister who has listened'.

Mr EIDEH (Western Metropolitan) — I rise to make a small contribution to the debate on the Local Government (Brimbank City Council) Amendment Bill 2012. First, I wish to acknowledge the hard work of Peter Lewinsky and his colleagues over the past couple of years, and I further wish to acknowledge that Dr John Watson, who it has been announced will join the administrators at Brimbank, is a man highly regarded for his honesty and integrity. But none of this should in any way be regarded as my endorsing the failure of the Baillieu-Ryan government to return democracy to the community. There was a problem in Brimbank, but that problem has been well and truly resolved. It no longer exists. One councillor, one solitary councillor, was charged with certain offences but that was all. So why, why is the government refusing to return democracy to the community?

Is it because the planning minister's new guidelines for massive development across the state, almost all of which appears to be being proposed by supporters of the Liberal Party, will now make it much easier for unelected persons to sell off public land, as was attempted last year? Allow me to go on the public record as saying that should anything like that be attempted again, I will personally call on the Ombudsman to conduct a full and open inquiry. It concerns me, because the community fought hard to stop the wholesale sell-off of their public land, their

community reserves and the grounds used by children, youths, older persons, dog walkers and people seeking relaxation.

Rather than addressing the pressing needs of the manufacturing industry, which needs more TAFE-qualified people, not less, and the need for a full judicial inquiry if not a royal commission into the political execution of former Chief Commissioner of Police Simon Overland by the Deputy Premier, and other things which need to be done, the Baillieu-Ryan government is preventing — —

Mrs Peulich — On a point of order, Acting President, the member has deviated far and wide from the main provisions of the bill, which are pretty narrow. I ask you to bring him back to them. He is not the lead speaker for the opposition, and I suggest he should stick to the bill.

The ACTING PRESIDENT (Mr O'Brien) — Order! I uphold the point of order on this occasion. Although the debate on the bill has canvassed matters widely involving Brimbank, it has not, to my hearing, extended beyond the issues involving that council and therefore the bill. I ask the member to come back to the provisions in the bill.

Mr EIDEH — Clearly this is how the government regards representative democracy in our state, and clearly it has no interest in allowing the community to look after its own affairs — or is the government's claim in presenting this bill that the community cannot be trusted to nominate and elect honest people? Is the government saying that it must control the puppet strings of the community rather than allow men and women of voting age to make their own determinations as to who administers their municipality? And why did we pass other legislation only months ago which implied that Brimbank would go to an election? Was that a con of the Parliament?

Members opposite may not like my comments, but what else can we conclude from the very presentation of this bill, which is an affront to the Charter of Human Rights and Responsibilities? It certainly offends the United Nations Covenant on Civil and Political Rights to which Australia is a signatory and thus Victoria also. I am not a lawyer, but I would have thought that that alone would have meant this bill is unlawful.

The alleged justification for the bill is an insult to all the people who live in the municipality. Is the government suggesting that the administrators have simply not done a good enough job and there is a mess in Brimbank due to their shortcomings? I hear claims of tensions in Brimbank. I ask members: can they name one council

where there are no political tensions whatsoever? Tensions exist everywhere — even within the government. Mr Tilley, the member for Benambra in the Assembly, has made serious allegations against the Deputy Premier, and members of the government are calling for a change in leader. The Minister for Planning — —

Mrs Petrovich — On a point of order, Acting President, I think the member is again straying from the main body of the bill.

Mr Leane — On the point of order, Acting President, I am not sure that the member can take a point of order when she is not in her seat.

Mrs Coote — I can though. On a point of order, Acting President, I believe the member has strayed a long way from the intent of this bill. He is speaking about irrelevant material. I ask that you bring him back to the main provisions of the bill.

Mr Viney — On the point of order, Acting President, this has been a wide-ranging debate. There has been a fairly reasonable practice in the past that there is wide-ranging discussion on controversial matters. I have been listening to this debate in my office and I have heard people like Mr Finn speaking across a whole range of areas, way outside the very specific nature of the bill. I think it is reasonable for subsequent members to be able to respond to the wide-ranging debate that has taken place in the chamber.

Mrs Peulich — On the point of order, Acting President, the member is not the lead speaker for the opposition. He has strayed far and wide and has canvassed issues way beyond those raised by any other member of Parliament, including the lead speakers. I fail to see what the Liberal leadership has to do with the provisions of this legislation.

Mrs Coote — Further on the point of order, Acting President, I remind members of the title of the bill. It is the Local Government (Brimbank City Council) Amendment Bill 2012. The member was straying a very long way from anything to do with Brimbank.

The ACTING PRESIDENT (Mr O'Brien) — Order! I have previously listened to and accepted a point of order from Mrs Peulich on a very similar matter, namely, that whilst the debate has been wide-ranging in relation to matters concerning the City of Brimbank, to my knowledge it had not strayed too far beyond that. After taking advice from the Clerk I upheld that point of order, also on the fact that it was not a lead speech.

In relation to the second point of order that has been taken, I say that the speaker has again strayed beyond the terms of the bill. As guidance to him, I say that perhaps it was a passing reference and perhaps it was a matter that he had determined he would go to prior to Mrs Peulich taking her first point of order. I ask him in his further comments in relation to the bill to be cautious and mindful of the two rulings that I have made in relation to the scope of the debate, which is concerning matters involving the City of Brimbank from the debate I have heard on the bill. I ask the member to continue his contribution with that in mind.

Mr EIDEH — I was simply referring to political tensions, which are everywhere. That is what I meant by that. I thank you, Acting President, for that.

I further note that the government is concerned that many projects will not be completed by the time October rolls around. That is a normal practice for every level of government, as we have seen with this government claiming credit for the Sunshine Hospital and the Royal Children's Hospital, among many other projects, which were begun by the Labor government and completed under the current regime. We come back to why this bill is before us. I cannot think of any reason other than the total political bias of this government and its need for power at any cost. I oppose the bill.

House divided on motion:

Ayes, 20

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

Noes, 18

Barber, Mr (<i>Teller</i>)	Mikakos, Ms
Broad, Ms	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Hartland, Ms	Tarlamis, Mr (<i>Teller</i>)
Jennings, Mr	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	Viney, Mr

Pairs

Davis, Mr D.	Pennicuik, Ms
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Motion agreed to.

Read second time.

Committed.

Sitting suspended 6.25 p.m. until 8.03 p.m.

Committee

Hon. M. J. GUY (Minister for Planning) — I seek leave for Mrs Peulich to join me at the table.

Leave granted.

Clause 1

Ms HARTLAND (Western Metropolitan) — I have a series of questions for the minister on the purpose of the bill. The Scales report talks about ‘influential community groups’. One of the reasons the government has given for introducing the bill is that Mr Scales’s report says there should not be an election because of those groups. I would like the minister to outline who these influential local groups are, because it is a bit strange that the government is basing its decision not to return to a democratically elected council on the basis of unnamed groups.

Hon. M. J. GUY (Minister for Planning) — Mr Scales has provided a report to the government. Mr Scales is the same person who provided advice to the previous government on the strategy for managing the future of the City of Brimbank. The government has accepted his recommendations. The report that has been presented to the government is one that we have accepted. In terms of going through Mr Scales’s report in microscopic detail, I simply say, as I just said, that the report handed to the government is one that we accepted. We are not going to go through Mr Scales’s report line by line. Mr Scales’s report, as per the recommendations to the previous government, is one which we have taken as providing expert advice, like any planning panel or judicial panel. Mr Scales is an eminent Victorian; there is no doubt about that. Obviously we have accepted his advice.

In terms of naming the groups that he has spoken to, I have to say to Ms Hartland that the government does not believe Mr Scales has made up his evidence. Mr Scales has conducted investigations over a long period. Consultative committees have been formed in relation to a number of those issues. The administrators acted with a range of state, regional and local organisations which make up those committees. I think that is pretty obvious to the people who live in Brimbank. As for the individual names of those committees, that is not a part of the bill we are discussing tonight. I am not going to go through those individually, principally because Mr Scales’s evidence to the government is based on the findings of an

eminent Victorian who was put in place by the previous government.

Mr FINN (Western Metropolitan) — To be of assistance to Ms Hartland, to the minister and indeed to the committee, it would be far easier if we were to name the groups that did not want the administrators to stay. It is my experience that most resident groups and community groups in the Brimbank municipality are adamant and enthusiastic about the need for the council elections to be postponed. There are some that want to take it further and not have them return at all. The government has obviously not gone to those lengths, but I have spoken to numerous groups as well as individuals and, as I said in my earlier contribution, they have pleaded with the government to take the steps that have been taken. I can only suggest to Ms Hartland that she might like to have a chat to some of those groups because they are very supportive of what the government has done.

Ms HARTLAND (Western Metropolitan) — It is very difficult to talk to or chat to groups that are not named.

Mr Finn interjected.

The DEPUTY PRESIDENT — Order! Mr Finn was heard in silence.

Ms HARTLAND — If the groups are not named, it is extremely difficult to have a conversation with them. Considering that the government appears to have decided that the council will not be reinstated on the basis of both the Owens and the Scales reports, it is a reasonable question to ask of the minister that he state which of the groups Mr Scales relied on to say that the community did not want the return of the council.

Hon. M. J. GUY (Minister for Planning) — What is the question?

Ms HARTLAND (Western Metropolitan) — As the previous question was not answered, my point is that the government has relied on evidence from Mr Scales saying that the council should not be returned, and I would like to understand some of that evidence. The report does not even suggest the groups were consulted on this, just that Mr Scales received evidence from the administrators that these groups did not want the return of administrators. I do not see anywhere a referendum being held on a wide-scale community consultation being held. Who are these unnamed influential groups?

Hon. M. J. GUY (Minister for Planning) — That is a complete concoction of conspiracy theories. Ms Hartland should look at page 2 of Mr Scales’s

report. He actually mentions a number of pieces of documentation which assisted him in coming to the conclusion he did. They include the Brimbank City Council annual report for 2010–11, the council plan, the council's annual community survey 2010, the Brimbank City Council quarterly council plan progress report for the period from July to September 2011–12, various brochures, media releases and newsletters, comprehensive income statements for the period ended 30 September 2011, the Brimbank City Council plan and quarterly financial report 2011–12 and the administrators' progress report against the council plan for 2010–14. The administrators were appointed by the previous government, and their annual progress reports were provided to Mr Scales and were, as his report says quite clearly, part of the material that he consulted in making his findings.

Mr Scales is an eminent Victorian and a public servant who has given more than 30 years of service to the state and the Victorian community. On behalf of the government, and certainly on behalf of the reputation of Mr Scales, I take umbrage at the implication that he has made up a report and made up community consultation.

Ms HARTLAND (Western Metropolitan) — That is in fact not an answer to the question I asked, and the minister knows that. On page 4 of his report Mr Scales says he gained information from the administrators referring to influential groups. I am simply asking who those groups are, how they were contacted and how the information was gathered. I do not think this is a particularly difficult question.

Hon. M. J. GUY (Minister for Planning) — It is answered.

Mr FINN (Western Metropolitan) — I just hope Ms Hartland is not going down the same path as the member for Keilor in the other place did during an earlier debate when she became insistent on some wild conspiracy theory and basically made an allegation about a very eminent local resident in Keilor who is the president of the Keilor residents association, Mrs Susan Jennison — and yes, she is a member of the Liberal Party. The accusation was that this decision was made because she is a member of the Liberal Party and that she is going to be appointed as an administrator, or some vague accusation that was put before the other place.

I just hope that Ms Hartland is not going down that path. I know Susan Jennison very well and she is a great community-spirited person. I hope Ms Hartland knows Mrs Jennison as well, but that has nothing to do with what we are debating here today. Susan Jennison

has made, and continues to make, a great contribution to the Keilor community. But what we are debating here today is the need to protect the entire Brimbank community from the shenanigans, the corruption and the crookedness that has been going on for years at a municipal level and is promising to come back as Brimbank 2: the nightmare returns. That would be a very real possibility if we were to have council elections later this year as proposed.

Mr BARBER (Northern Metropolitan) — I do not believe that Ms Hartland came within cooee of suggesting anything to do with anybody; it was only Mr Finn who started naming names. We are simply and systematically working through the purpose of the bill, and since the purpose of the bill is that there will be no elections in Brimbank because the administrators are doing such a good job, we are questioning statements such as those in the second paragraph on the second page of the second-reading speech for this bill:

A range of residents have written to express their approval of the efforts of the administrators. In the words of one, the panel 'have delivered an outstanding level of professionalism in the performance of their role' ...

Two paragraphs down it states:

In June last year the process began of reviewing the administration's progress to date ...

We are presuming, since this is extraordinarily opaque for a second-reading speech, that what this refers to is the Scales report and, for want of a better handle, the Owens report. In the Scales report there is one line which states:

I have been provided with details of comments from influential community groups in Brimbank detailing their strong support for the direction of the current council under administration.

That statement is reasonably open-ended. It is a claim by the government in its second-reading speech, if I understand it correctly, that the Scales report said that Mr Scales had got comments from influential community groups detailing their strong support. Are these letters that the government ever sighted or is it simply the government taking the words of Mr Scales who took them from the words of the administrators, who apparently took them from some letters from some influential community groups? We are just asking who they are. But if the government does not know, that is fine.

Mr TEE (Eastern Metropolitan) — I suppose the assumption that has been made by Mr Barber is that the residents referred to in the second-reading speech were those identified or referred to in the Scales report. I am

unclear as to whether that is the case. Can the minister clarify whether the range of residents referred to in the second-reading speech are those identified in the Scales report? Is it a reference to the Scales report?

Hon. M. J. GUY (Minister for Planning) — This is like a parasite on the Greens version of the question that has already been asked. I think we have been through this. The Labor Party and the Greens want to start getting to a situation where anyone who gives a report to an administrator and who does not agree with their point of view should have their name and address outed and people should not be able to have a point of view put to an administrator about what they think should be the future of the Brimbank City Council.

On this side of the house we know why that attitude is what it is and we know why the other side of the house believes that, but the simple fact is that the government has taken the advice, as you would expect, of Bill Scales, who is the person that the previous government appointed to examine and provide a recommendation that the council should originally be dismissed. To now come back into this chamber and start questioning the advice provided to the government by the person appointed by the previous government beggars belief. It is an attack on the credibility of the person who wrote the advice to the government.

Mr TEE (Eastern Metropolitan) — Sorry, Minister. There is a reference in the second-reading speech to a range of residents. My question is: is that a reference to residents referred to in the Scales report or is it a reference to residents other than those identified by Mr Scales in his report?

Hon. M. J. GUY (Minister for Planning) — That question is getting to the level of detail where Mr Tee just wants to ask a question for the sake of asking a question and to feel relevant. That question has been answered today.

Mr TEE (Eastern Metropolitan) — I advise the minister that it is a reasonably important issue. He is asking this chamber to support this bill on the basis of a second-reading speech which refers to the views of residents without being able to identify whether the views of those residents have been delivered to the government by Mr Scales or by some other means.

Mr FINN (Western Metropolitan) — It is regrettable that Mr Tee has not been in a position to witness the Brimbank City Council in action. On one occasion Minister Guy and I attended a meeting of the Brimbank council. We sat in the gallery with representatives of various community groups and

members of the general public. They were calling out in disgust at their so-called elected representatives. The line of questioning that Ms Hartland, Mr Tee and Mr Barber have been following would be unnecessary if they were personally aware of and had witnessed exactly what the Brimbank council was before it was dismissed and what it certainly promises to be if it is returned later this year. The minister may well like to inform Mr Tee of what he experienced during the course of that meeting.

The DEPUTY PRESIDENT — Order! We are in the committee stage of this bill, and the committee stage is specifically about going through clauses of the bill, not reprosecuting or arguing matters that would be acceptable in the second-reading debate. The clause we are dealing with is the clause specifically relating to the date for a future election, and the purpose of the bill is to establish that. I want to keep the questions and discussion in the committee stage to the relevant issues associated with the committee stage of the bill. I do not want to go down the path of prosecuting historical information.

Mr TEE (Eastern Metropolitan) — I am still waiting on an answer to the question about the reference to the residents in the second-reading speech. I think Mr Finn might have distracted the chamber and the minister from answering the question.

Hon. M. J. GUY (Minister for Planning) — Nice try, Humboldt! At the end of the day — —

Mr Finn — He's done better than most.

Hon. M. J. GUY — Yes, I know. As I have said from the very start, the minister has received correspondence from people in that area, as is obviously the case. Mr Scales has had not just personal correspondence from people in that area but has utilised a range of mechanisms to seek community consultation. I, like Mr Finn, have witnessed firsthand a number of community groups in action and their view of the council. I must say that I do not remember seeing any other members present in this chamber at any of the Brimbank City Council meetings I went to with Mr Finn.

Mr Barber interjected.

Hon. M. J. GUY — Mr Barber should get his facts right — —

The DEPUTY PRESIDENT — Order! I ask that the minister stick to the clauses of the bill.

Hon. M. J. GUY — We are 25 minutes in, Deputy President, and I am endeavouring to, but we have had 25 minutes of questioning not relevant to this clause of the bill. As I was saying, the government has been pretty straightforward about taking the advice of the person who gave the original advice to the previous government.

Mr BARBER (Northern Metropolitan) — It is a matter of record that the Greens had Miles Dymott and Geraldine Brooks on the two councils covered by the reports. Miles was given credit in the Ombudsman's report as the only councillor who tried to blow the whistle on some of the things that were happening there. Ms Hartland and I both have an intimate understanding of all these events from our contact with Mr Dymott and former councillor Brooks, who went out with the bathwater when the previous council was sacked.

The DEPUTY PRESIDENT — Order! The same rules apply to Mr Barber. I am trying to keep the matter to the current bill.

Mr BARBER — It is a worthy effort, Deputy President, and those in government have not helped you, because the second-reading speech provided the rationale and they have gone extraordinarily wide. Following my earlier questions, we come to another paragraph that says:

On the basis of all the available information, it is clear that it would be in the best interests of the community for the period of administration to continue for a further two and a half years.

That is the entire rationale for the bill right there, and that is what Ms Hartland and I are trying to, in the government's own words, 'interrogate specifically', but I am being distracted periodically by inflammation in my left ear. If I can presume that the Owens report is what the government calls 'all the available information', there is some stuff in there about which we would like to hear a bit more from the minister by way of the rationale for this bill. The Owens report is only two and a half pages long. It is like an email written to somebody.

Hon. M. J. Guy — You wouldn't need much to know the council is dysfunctional if you have been there that many times.

Mr BARBER — I thank the minister. That is exactly what I want to hear him elaborate on. Mr Owens said, and I have no doubt that it is his firmly held opinion:

As stated above, it is clear persons previously named in either the Ombudsman or Scales reports will seek to be involved in a newly elected council. The extent of involvement is difficult to foresee.

What is it that the government foresees, and who are these people? It is a pretty small list; it says they were named in the previous reports from the Ombudsman and Mr Scales.

The DEPUTY PRESIDENT — Order! I thank Mr Barber. I can assure the committee that I will not allow this committee to become dysfunctional. I would like people to just deal with the facts and the questions that relate to the bill before us.

Hon. M. J. GUY (Minister for Planning) — This committee stage is to go through the details of the clauses of the bill. If Mr Barber wants an interrogation of the work of Doug Owens or Bill Scales on a line-by-line basis to ascertain why Doug Owens wrote the figure or word that he wrote, I am afraid I must advise him that I cannot telepathically contact anyone. Despite that he thinks it might be a manner of communication in an Earthian's world, it is not a way that I will be able to contact someone at this point in time.

But at the end of the day the government has accepted the reports and, on reflection, anyone who had been to those council meetings, like Ms Hartland or me or Mr Finn — I guess not Mr Tee or Mr Leane, who is in the chamber — or anyone who had seen that council in operation would know that they are very accurate. Whether the Greens members of that council or others sought to blow the lid on it is irrelevant. The reality is that the reports presented, on which the government made its decision, are accurate, and that is why we have made the decision we have.

Mr BARBER (Northern Metropolitan) — And who sorted out that council before the Ombudsman even initiated his investigation? The voters. The Ombudsman's report was into a bunch of councillors who at that stage were no longer councillors, and that is kind of our central point here. But the minister cannot have it both ways. He has confirmed that where it says in the second-reading speech, 'On the basis of all the available information' it is his own personal visits, the Ombudsman and Scales reports, and the Scales and Owens reports more recently. In relation to them, the second-reading speech says:

In June last year the process began of reviewing — the administration.

We see, further to this rationale, in the Owens memo:

On the first justification one can not put a date on when political tensions will dissipate. In my opinion they probably will not dissipate in the foreseeable future.

It sounds to me like 2015 is just the beginning. What we are trying to seek some assurance about is that the government will not get to 2015 and say, 'You know what? It is still inconvenient to have the voters decide who should run Brimbank council', because Mr Owens says that he does not have a crystal ball. He says that in his opinion these political tensions probably will not dissipate in the foreseeable future. There are political tensions in Banyule council, there are political tensions in Nillumbik council, in Darebin council, and we do not know when they will dissipate, and in my opinion — —

Mr Finn — Very different to Brimbank. You should know that.

Mr BARBER — Come and visit up north sometime, Mr Finn. To repeat, Mr Owens said:

In my opinion they probably will not dissipate in the foreseeable future.

Therefore there will not be any elections in Brimbank in the foreseeable future. Is that not what we are saying with this bill?

Hon. M. J. GUY (Minister for Planning) — That is a nice attempt to put words in the government's mouth, Mr Barber, but at the end of the day of all the councils you have mentioned there is one stand-out fact that you have failed to mention, and that is called an Ombudsman's report and investigation and an Ombudsman's recommendations about how that council was operating and the difference between all the councils you have mentioned and the Brimbank City Council. I give credit to the Brumby government, which actually took the recommendation from Bill Scales and others to dismiss the council. Indeed this government took that recommendation to continue with the administrators until the people who provided the recommendation to the previous government provide recommendation to the current government that the issues in relation to the dismissal of the council are fully resolved.

I accept fully that there may be a political reason Mr Barber differs from the government, and certainly the Labor Party does, but at the end of the day it comes down to good governance in the City of Brimbank. Good governance as per the recommendation from Mr Scales and indeed from Doug Owens says that Brimbank requires the administrators to continue in the roles they are in until the time put forward by this bill tonight to ensure that when Brimbank goes back to the

polls, like Melton in the 1990s, there is a culture change not just in a half a dozen elected councillors but in the council as a whole.

Ms HARTLAND (Western Metropolitan) — Mr Owens has stated that he does not believe the political tensions will dissipate. How can we be assured that there will be an election in Brimbank in 2015 if these political tensions continue?

Hon. M. J. GUY (Minister for Planning) — The reference that Mr Owens has given is in relation to major projects that are being undertaken and that need to be seen through by the council as a whole, and I think he talks about 46 important tasks that have begun but would not be completed by the time a newly elected council would take office. Therefore the government's intention is that once this bill passes councillors will return after the time allocated as per the bill.

Ms HARTLAND (Western Metropolitan) — That is not actually what he was saying. He said that he did not see any end to the political tensions, so how can we be assured that there will be an election in 2015?

Hon. M. J. GUY (Minister for Planning) — Why are we getting back to this crystal ball stage all over again? We have a bill in front of us. What is the end date on the bill? That is the bill we are debating. I am not going to sit here and give a hypothetical to say, 'Possibly it might be this', and, 'Actually, you know, it's a smoke-and-mirrors kind of situation'. The bill is the bill and it is what we are debating tonight. The government's intention is to fulfil the provisions in the bill that is before the Parliament. That is what we are aiming to do. The reports given to us by two eminent people — Mr Scales for the public service in Victoria and Mr Owens in the local government sector — make it very clear what the direction should be in relation to the future of the council for the foreseeable future as per the dates outlined in the bill, and that is what the government intends to abide by.

Ms HARTLAND (Western Metropolitan) — So the government is not prepared to give a guarantee that there will be an election in 2015?

Hon. M. J. GUY (Minister for Planning) — What more guarantee does a government need to give? We are bringing a bill to the Parliament. Ms Hartland wants a guarantee — it will be in law. This is the bill; this will be the law. There is no more guarantee that any government can give other than to bring a bill before the Parliament. It is not open-ended. We could have given an open-ended date; there could have been a grandfather clause or a range of other things. But we

did not use those mechanisms. There is a bill before the Parliament that specifies a date, and that is the government's intention.

Ms HARTLAND (Western Metropolitan) — Minister, I can recall asking very similar questions 6 or 7 months ago about whether the Minister for Local Government had made a decision about what would happen at Brimbank, and at that time I was given very vague answers, and I feel I am being given very vague answers again now. Can the residents of Brimbank expect to have a democratically elected council in 2015, or will the problem with political tensions, as described by Mr Scales and Mr Owens, continue so that that will be the excuse not to have a council election? It is a fairly straightforward question.

Hon. M. J. GUY (Minister for Planning) — I am a pretty straightforward person, and I think the answer I have just given was exceedingly straightforward. It is in black and white. The government's intentions are there. If Ms Hartland wants a guarantee, here it is. It is in the bill we are about to vote on. Page 1 says that on the fourth Saturday in March 2015 a general election will be held for the Brimbank City Council. That is the government's intention. That is what we seek the Parliament to vote on today. There is no clearer guarantee that we can give than to bring forward legislation. If the Greens cannot be satisfied with that, then I concede that I do not know what goes through the minds of a Greens politician, because there is nothing clearer that we can give to the Parliament, the people of Victoria and the citizens of Brimbank than this bill tonight, which flags very clearly the government's intention.

Mr BARBER (Northern Metropolitan) — I suppose there could have been more of a guarantee if the government had lined it up with the state election in 2014 because this occurs in a period after the next state election when the minister cannot even guarantee he will be here.

Mr Finn — We can't guarantee any of us will be here!

Mr BARBER — Of course we know the world is going to end at midnight on June 30 with the 'carbocalypse' predicted by Mr Finn. The carbon tax will wipe us all out. There will be no electricity.

Just quoting again from the Scales report:

It would also be naive to fail to acknowledge in any discussion about the City of Brimbank, the continuing and very public political tensions within the municipality.

I am not sure if that is referring to people named in the Ombudsman's report, which is this earlier clause, or if there is something else going on in the municipality, but he does go on to say:

Given the past difficult history of the city, there is every reason to believe that these tensions will be manifested in the outcomes of the upcoming council elections in 2012 and played out once again in the policies, processes and practices of any newly elected council.

I do not want to be too harsh on Mr Scales, but when we read these comments it starts to sound like everything becomes a self-fulfilling prophecy of everything else. The Ombudsman's report was the reason for the sacking, but because we have read the Ombudsman's report we know there should not be an election.

Mr Finn — On a point of order, Deputy President, you have called me to order, and Ms Hartland, Mr Barber and I think Mr Tee at one stage, on the basis that we have been speaking about matters not directly related to this particular clause of the bill. What Mr Barber is currently speaking on does not relate to any clause of the bill. In fact his supposition is wandering far and wide. He is making all sorts of grandiose assumptions and all sorts of things are clearly going through his mind, and — —

The DEPUTY PRESIDENT — Order! What is the point of order?

Mr Finn — I ask you to bring him to order.

Mr BARBER — On the point of order, Deputy President, I am well aware I am speaking on clause 1 of the bill, which is the purpose of the bill. The purpose of the bill is to make sure that there are no elections in Brimbank. The government provided the rationale for that purpose. Unfortunately for government members, in providing the rationale they made reference to other reports, and now I am querying them about the purpose of the bill.

The DEPUTY PRESIDENT — Order! I accept that Mr Barber is developing an argument in relation to clause 1, so I will allow him to continue. I remind all members that we are not prosecuting history here; we are trying to deal with a bill before us in relation to a future date of an election.

Mr BARBER — You cannot drive a car by watching the rear-view mirror, Deputy President: you are absolutely right. To pick up on the quote I was reading into the record:

These tensions would be exacerbated if an incoming council were required to implement the projects, policies and practices detailed in the administrator's progress report for which it should not reasonably be held accountable.

The 'it' in that sentence means the incoming, hypothetical, democratically elected council. It seems there is a further element to the government's argument — that is, the administrators have got this program, and Mr Guy told us how we know about it. They have a council plan, strategies and documents, and so does every one of the other 78 councils. What we are now told is that tensions would be exacerbated if a democratically elected, incoming council decided to change that program.

The so-called depoliticisation process the government says this bill serves is in fact something very different. The government is seeking to ensure that the current program of the current group of administrators will not be changed. The government has the political view it is making the right choices on behalf of the Brimbank community. It is not about governance anymore; it is about the actual program — what they are spending money on and what they are not spending money on down there. Apparently it is too risky to have an election because the new councillors might change that program and the stress would be so much the tensions would be inflamed again.

The rationale goes way beyond simply a matter of avoiding past problems. The government squarely likes the types of programs the administration is putting forward and wants it to continue. The government is making itself the council. It is choosing through this bill to continue a certain program of political activity being implemented by a group of non-politicians who are nevertheless appointees of another group of politicians. That is why the Greens do not support the bill. The bill does not just do the things the government says it does; it does other things as well.

Committee divided on clause:

Ayes, 20

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

Noes, 18

Barber, Mr	Mikakos, Ms
Broad, Ms	Pakula, Mr (<i>Teller</i>)

Darveniza, Ms
Eideh, Mr
Elasmar, Mr
Hartland, Ms
Jennings, Mr
Leane, Mr
Lenders, Mr

Pulford, Ms
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr
Tee, Mr (*Teller*)
Tierney, Ms
Viney, Mr

Pairs

Atkinson, Mr
Pennicuik, Ms

Clause agreed to.

Clause 2 agreed to.

Clause 3

Mr BARBER (Northern Metropolitan) — This clause sets the date for the election at March 2015. There is nothing in either the Scales or Owens reports to suggest that this should be the date for an election; in fact the Scales and Owens reports say that they do not know when political tensions will dissipate. However, the government has determined that the date will be the fourth Saturday in March 2015. Can the minister tell me why the government chose this date and how it is that the government determined that political tensions will have dissipated not by this October, not by 2013, not by 2014 when we go to a state election but in fact by the fourth Saturday in March 2015?

Hon. M. J. GUY (Minister for Planning) — There are a few points on this. Firstly, the administrators were appointed, I understand, for a three-year term by the previous government, which is why this has come up in 2012 — quite rightly. A second three-year appointment would take the date to 2015. It should be noted that the Local Government Act 1989 talks about ensuring that council elections are held at a different time to other major events, which would include a state election. For example, November 2014 —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! I ask for the general discussions to be dropped down a notch.

Hon. M. J. GUY — The government has taken two points on. The first one is that the Local Government Act states that council elections can be deferred if they clash with another major event, in this case being a state election. Secondly, we have a three-year term for the commissioners, I understand, for the first period of their operation and then a following three-year term, which would be consistent with the previous government's appointment in 2009.

Mr BARBER (Northern Metropolitan) — Is it the minister's statement that there is nothing in the laws of

political physics that determines the rate of political tension dissipating in an undemocratic environment? Apparently if you take away people's choice of voting, that is the cure for politics, but that is not the rationale the minister has given. Is it a matter of administrative convenience that administrators get appointed for three years, so this lot gets another three years? Is that the rationale for this particular date?

Hon. M. J. GUY (Minister for Planning) — The Greens need to go back and read the Ombudsman's report into why we have commissioners in Brimbank. They need to go back and look at the commentary and the local feeling towards what was clearly a council marred by corruption and all manner of inappropriate behaviour to community groups and disgraceful conduct at council meetings. If the Greens think that was an operative democracy they should be proud of, then this government disagrees with them. I am sorry that Mr Barber does not agree that the appointing of commissioners in 2009 was a good thing for the people of Brimbank to sort out what had clearly become a local government based on personality and infighting and treating constituents with contempt, but this government thought it was, and indeed the previous government did as well. That is why administrators were appointed in 2009. Those are the reasons and the rationale.

It has been found in the reports of Doug Owens and Bill Scales that some level of propriety has come back, and we have taken on their points of view and followed through. Mr Barber asks for consistency in government all the time. A three-year term plus another three-year term means that he has it — there is consistency. Mr Barber asks that it comply with the Local Government Act 1989. It does not clash with the 2014 election, as per what is outlined in section 34 of the Local Government Act. Mr Barber has that as well. With due respect, Deputy President, now Mr Barber comes in and starts questioning the rationale of the government for taking a point of view which is very clear and obvious and has a deliberate rationale which would be absolutely transparent for anyone to see should they have followed this issue from the very start.

Mr BARBER (Northern Metropolitan) — Of course we have followed the issue from the very start. I think I already made the point that there was an election where many of the people who were under investigation either did not stand or were tossed out by the voters. When a former minister, Mr Madden, now the member for Essendon in the Assembly, was sitting in the chair, in the same place Mr Guy is now, I asked him about the claims made in another Scales report. The former minister claimed that five councillors were

under investigation, and that is why the second Brimbank council had to be sacked. However, there were never five councillors under investigation; that was just something that was said at the time to push the whole thing over.

We are now moving on to a clause that is fairly specific. The minister wants to drag me back and suggest that I did not know anything about what was happening in the Brimbank City Council. What I saw happening in the Brimbank City Council just about made my socks roll up and down, and that was long before, I think, the Ombudsman got involved. We had one lone Green on that council for a very long time, and we had another in the second council, who was elected and was the only one, according to the words of the Ombudsman's report which the minister suggested I needed to go back and read again — —

Mr Finn — On a point of order, Deputy President, you have counselled us about going back into the history books — —

The DEPUTY PRESIDENT — Order! We do not need any more. I was about to interrupt Mr Barber and ask him to come to the clause in front of us. I am sorry to have interrupted Mr Finn's point of order for the sake of brevity, but I agree with him. I ask Mr Barber to come to the matter in front of the committee.

Mr BARBER — Greens councillor Miles Dymott was the only one who blew the whistle.

The matter before us is clause 3 in relation to the date of March 2015. I just want to be absolutely sure that the minister is saying that that is the right date because of the convenience of offering three-year terms to administrators running councils that get elected on four-year cycles — not that the minister is willing to give us a guarantee that as of the fourth Saturday in March 2015 political tensions will have dissipated in the City of Brimbank.

Hon. M. J. GUY (Minister for Planning) — Bill Scales's monitoring report of August 2009 states:

My monitoring and investigations over the past three months has proved that a majority of councillors on the current Brimbank City Council have continued to exhibit in important areas some of the very same poor practices that led to the Ombudsman's initial investigation and his recommendations.

I am sorry to tell Mr Barber that this is not about whitewashing the Greens' responsibility with a councillor, whether it was one, two or however many, on the former Brimbank City Council, but at the end of

the day Mr Scales's findings of August 2009, post the elections, say:

... have continued to exhibit in important areas some of the very same poor practices that led to the Ombudsman's initial investigation and his recommendations.

This is not a debate about the Greens or the relevance of the Greens or the Greens councillor. This is a debate about Brimbank City Council as a whole. A majority is obviously needed on that council to provide good governance. Mr Scales's report to the previous government is one that is absolutely unambiguous, and the Liberal-Nationals, both in opposition and again in government, supported the recommendation he made.

The DEPUTY PRESIDENT — Order! I say to members of the committee that I will not accept any more discussion about the historical events at Brimbank City Council. That is not what this bill is about. I am happy to accept commentary in passing reference on it, but that ends the questions that members have been raising in relation to this bill. In terms of the historic events at the City of Brimbank and who is and who is not responsible, they have been prosecuted in this house many times. We are in the committee stage of this bill, and this bill is specifically in relation to the matter before the committee and contained in this bill.

Committee divided on clause:

Ayes, 20

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

Noes, 18

Barber, Mr	Mikakos, Ms
Broad, Ms (<i>Teller</i>)	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Hartland, Ms (<i>Teller</i>)	Tarlamis, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	Viney, Mr

Pairs

Atkinson, Mr	Pennicuik, Ms
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Clause agreed to.

Clause 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The ACTING PRESIDENT (Mr Tarlamis) —
The question is:

That the bill be now read a third time and that the bill do pass.

House divided on question:

Ayes, 20

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

Noes, 18

Barber, Mr (<i>Teller</i>)	Mikakos, Ms
Broad, Ms	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr (<i>Teller</i>)
Hartland, Ms	Tarlamis, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Tierney, Ms
Lenders, Mr	Viney, Mr

Pairs

Atkinson, Mr	Pennicuik, Ms
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Question agreed to.

Read third time.

ADJOURNMENT

Hon. W. A. LOVELL (Minister for Housing) — I move:

That the house do now adjourn.

Libraries: *The Fall of Singapore*

Mrs COOTE (Southern Metropolitan) — I wish to commend an excellent book, *The Fall of Singapore — 90 Days — November 1941–February 1942*, that has just been published. It is a joint collaboration between father and son Robin and Justin Corfield, and is a most professional, poignant and authoritative volume. Robin Corfield, a former Geelong Grammar student, received an Medal of the Order of Australia for his book on the 1916 battle of Fromelles. His was the first history of the

first battle fought by Australian soldiers on the Western Front and, as Justin Corfield says in the introduction, for him the death of every single soldier was important. His book lists all the Australian and British dead as well as most of the Germans. This book was designed to cover the Malayan campaign and the fall of Singapore in a similar manner. Robin Corfield died in October 2010, and Justin Corfield, a current master at Geelong Grammar School with a long history of academic interest in the Malayan campaign, completed the volume. This book is a wonderful testament to both of them.

The ACTING PRESIDENT (Mr Tarlamis) — Order! What action does the member request?

Mrs COOTE — The matter is for the attention of the Minister for Local Government and is about libraries. I encourage the minister to make certain that this book is well distributed throughout public libraries in Victoria.

Higher education: TAFE information session

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Higher Education and Skills. It is a matter that was brought to my attention by a local councillor, and she has insisted that I raise it in a public way because she was incensed by her experience in the context of the current debate about TAFEs and TAFE funding.

This particular councillor attended an information session in Dandenong with the view of signing up for a community development course. She is obviously very interested in the field and wants to do something good in the community in terms of community development. However, she came away incensed by what she had experienced, which was a presentation by two speakers at the information evening on 31 May for the diploma and certificate III courses in community development and community services. The speakers were Alex and Sandra. I will not give their surnames. Basically it ended up being a political tirade driven more by a narrow political agenda than any pretext of providing accurate information in relation to the courses on which the event was designed to provide information.

One of the speakers criticised Christians and Muslims, saying their religions have been corrupted, that they have an attitude of hate and that they challenge views that are not consistent with their own with no regard or respect for each of us having a right to hold our own views. When one woman asked for information about daytime classes, Alex replied, 'I haven't quite memorised it', and went on to obfuscate. The councillor

came away feeling particularly shocked at having heard the urging to take political action, to make calls and to vote the state government out. A report on the information evening has been passed on to me, and it says in part:

Whilst I am supportive of funding for TAFEs, I cannot justify taxpayers money being spent on someone that is so unprofessional in using this very important forum as airing her very judgemental and narrow-minded views.

The councillor went on to talk about her abhorrence of the waste of taxpayers money. She said one of the presenters actually confessed that in previous years she had not hesitated to increase enrolments for students by manipulating the system but that the current system prevents that.

I would like the minister to take this matter up. I am prepared to provide this file to him and the name of the TAFE concerned so an explanation for the events and a guarantee that the public will never ever again be exposed to such a political tirade at a professional forum can be sought.

Schools: education maintenance allowance

Ms DARVENIZA (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Education, Martin Dixon. The matter concerns the Liberal-Nationals government's decision to scrap the education maintenance allowance (EMA) contribution to schools and increase the payment to families, which is causing great concern at many schools across the electorate that I represent in northern Victoria. It has to be understood that schools use this allowance to help pay for camps and school excursions, textbooks, laptop programs, uniforms, vocational education and training hospitality fees, driver education and visits to life education vans.

The EMA provided support for low-income families and their local schools, but without the schools component many schools are going to be left with a black hole in their budgets. Schools surveyed across northern Victoria have indicated that they are concerned that increased cost of living expenses may force many families to use the money on other necessities, such as bills, petrol or food. Schools now have hard choices to make: cop the EMA cuts and find the money from somewhere else in the school budget — so cutting something else in the school program — or pressure already stretched families to cough up the money.

The dollar impact from schools surveyed ranged from \$8500 to approximately \$100 000. Schools do not

segregate the indices of disadvantage when making decisions about their provision of educational programs, resources and services, so the loss of the school portion of the EMA will affect all students at those schools if they do not recoup the money from the EMA families. The Liberal-Nationals government either does not care or does not understand how important these programs are to the many families in northern Victoria.

I have a specific request to the minister. I ask that he reinstate the schools component of the education maintenance allowance so as to ensure that schools in my electorate in northern Victoria and right across the state can continue to provide the level of programs and services that they have in the past and that are very much needed by the students who attend the schools. Without the EMA programs will have to be cut, resources pruned and services reduced right across the board. Everyone is going to lose out.

I call on the minister to reinstate the schools component of the EMA allowance.

Schools: Officer

Mr O'DONOHUE (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Education. Members of the house would be aware that the government has made a significant allocation of resources to construct a new special school in the Officer community and has provided funding in the 2012–13 budget for planning for a new secondary college in Officer which will create a new educational hub in this now rapidly growing community. The Officer special school has been through a significant development and planning process, and as I understand it that process is now close to completion, and the community looks forward to the construction of that school starting later this year.

There is a high degree of interest from parents of potential students and the broader community about the construction of this school. It was a significant issue before the last election when the coalition committed resources to build a state-of-the-art special school for the Casey-Cardinia community. It is an exciting time in the development of this important infrastructure. The Officer education hub will be central to the growing community now that the Minister for Planning has signed off on the Officer structure plan.

The action I seek from the Minister for Education is that he convene, through his department, a community information session to give members of the community the opportunity to be fully briefed on the development

of the Officer special school, to ask questions of departmental representatives about that school and also to learn more about the process for the planning of the Officer secondary college now that resources have been provided in the 2012–13 budget to enable that to happen.

Industry training advisory boards: funding

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is directed to the Minister for Higher Education and Skills, and it deals with the government's assault upon skills development across Victoria through this government's dramatic funding cuts to industry advisory boards. The Labor government repeatedly acknowledged the value of these advisory arrangements, recognising that the industry training advisory boards (ITABs) were the best in the country and were a cost-effective means of providing advice on training policy, industry needs and training provision.

The advisory boards were formed to provide accurate, informed and timely advice on industry education and skills training needs in both the short and longer terms through the development of strategic industry training plans. They were there to facilitate the development of meaningful and accessible career paths for all employees, promote the pursuit of excellence in skills development to all employees, encourage equal employment and training practices and increase the level of investment in and commitment to industry training. These are all very noble ideals performed well by these organisations.

A perfect example is the success of Automotive Training Victoria, which was for over two decades the pre-eminent advisory body to both small and large business in terms of training needs. Its board continues to be supported by major industry organisations, both employee and employer. Clearly those organisations and businesses recognise that the strength and value of ITABs providing independent advice on training issues is a major strategic advantage to that industry, which makes the position of the minister even more remote from the day-to-day application of skills training and development in this state.

The minister claims that the elimination of the Victorian Skills Commission and the 16 ITABs will make it easier for industry to articulate its training needs to government. Nothing could be further from the truth. It is difficult to see how this can possibly be the case given that previous governments and all industry stakeholders have consistently acknowledged that ITABs provide key intelligence on industry training

needs. These funding cuts are an act of social and industrial vandalism and should be withdrawn.

As a matter of urgency I therefore call upon the minister to consult properly with industry, both large and small, to develop alternatives to the destruction of successful partnerships through state-based ITABs. I ask that the minister expeditiously advise the Parliament of those consultations and the outcomes of those discussions.

Penshurst Football Netball Club: funding

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Sport and Recreation and relates to the substandard condition of the Penshurst Football Netball Club's netball playing facilities. I ask the minister if assistance is available for this local club in the next round of funding for regional sporting grounds. Given the recent toughening of standards regulating the condition of netball facilities in Victoria, upgrades to country netball courts are important, and in towns like Penshurst they are urgently required.

Members of the club, including the current club president, Mick Ross, and previous presidents of both the football and netball clubs, have expressed concern about the less than satisfactory state of netball facilities in Penshurst. The nearly 20-year-old court surface has deteriorated to the point that it is unfit for purpose and poses a safety hazard to players, particularly now that the playing surface has risen. The facility is serviced by Penshurst's abundant water supplies, but it has an inadequate drainage system that allows large amounts of water to accumulate on the court. New regulations, with which the current facilities do not accord, require larger run-off areas than are presently available.

Similarly, wear and tear has eaten away at the playing surface to such an extent that the asphalt is no longer level. With conditions like these, it is a true testament to the skill of the Penshurst netballers that they are the reigning premiers in the A and B grade divisions of the Mininera and District Netball Association.

Country football and netball clubs are an important part of regional Victoria, and they lead the state in terms of the cohesion of sporting codes. It is often the case in city clubs that football clubs do not necessarily associate with netball clubs in the same way as country clubs, which have an integrated, whole-of-community association. The Penshurst Football Netball Club, as a single institution working across many families over many generations, is a splendid example of that. There are many other similar clubs across country Victoria.

In raising this matter I also compliment the minister on his recent announcement of the refurbishment of West Oval in Geelong, which is important to clubs such as the Geelong West Sporting Club, Geelong West St Peters Sports Club and the Geelong Cycling Club. The minister said at the time:

Sports clubs and their facilities play a vital role in our communities. They not only provide a social hub, they help build healthy and active communities.

This government is endeavouring to provide facilities to develop healthy communities through sport, particularly football and netball, which play a vital part in small communities and are helpful in getting more people more active, more often. In raising this matter I disclose my personal interest as a member of the Penshurst Football Netball Club, including as a proud member of the 2003 premiers reserve team. I am still playing, but I am playing now with the Anglesea Football Netball Club. It is important that netball clubs continue to thrive and that whole communities can be integrated. I applaud the minister on his administration of this program and ask him to assist the Penshurst Football Netball Club make more Penshurst people more active, more often.

Melbourne Water: Lang Lang drain

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Water, Peter Walsh. Deputy President, as you would well know, as a result of the floods leading up to the Queen's Birthday holiday a lot of Gippsland was under water. During the floods I received a call from Dawn Bardwell in Lang Lang, who alerted me to some of the issues that she faced as a result of the inundation, along with her neighbours and the community more generally.

Dawn is on a 200-acre farm, 150 acres of which are still under water because of a broken Melbourne Water drain. This is threatening her farm. The Bardwell's thoroughbred cows, many of whom are in calf, are currently grazing in a single small paddock. Many of their neighbours are in the same situation. A lot of water is involved. It is pretty gruesome because septic systems have been compromised.

On the Friday of the Queen's Birthday weekend, Dawn was quite alarmed by all this. The families who live in the area have a lot of kids on the farms, and they are outside playing where there is a lot of water, animals and sewage — it is a pretty awful mix. She rang Melbourne Water on a number of occasions because the drain that was flooding is a man-made bank on an easement that Melbourne Water has told the Bardwells

they do not have to maintain. However, it is affecting them and their neighbourhood.

The Bardwells have rung Melbourne Water on a number of occasions. They have rung Ken Smith, the member for Bass in the Assembly, and they have rung me, and what they are seeking is for Melbourne Water to come out to their property to look at the situation, particularly while the water level is high, and to advise them clearly of the obligations of Melbourne Water and their obligations, the state of the easement, the state of the dam walls and the state of the drains, and to deal with these issues as a matter of some urgency.

I am requesting that the minister either go down to the area himself — and I accept it is a big ask for him to go down there — or if he cannot, that he direct Melbourne Water to send representatives out to the Bardwell property and to other properties in Lang Lang that have been inundated to inspect what is happening, to see firsthand, with the farmers present, what these floods are doing to the farmers and their families and hopefully rectify the problem. I cannot imagine why this would be a problem other than that there is no realisation of the consequences for real people. I urge the minister to either go himself or send someone from Melbourne Water to report back on what has occurred and to fix the problem.

Budget: women's health services

Ms BROAD (Northern Victoria) — The matter I raise tonight is for the attention of the Minister for Health, and it concerns the Baillieu government's decision to cut more than \$25 million of financial assistance to community health services, including more than \$10 million to be cut from the integrated health promotion program, which includes funding for programs directed to improving women's health, preventing unwanted pregnancies, countering sexually transmitted diseases and stopping domestic violence.

These are budget cuts which the Minister for Health, Mr Davis, has described as being modest cuts. However, the reason for my raising them for the minister's attention in tonight's adjournment debate is that these budget cuts are in fact far from modest reductions. The programs that have been cut are modest in terms of the funding they currently receive; however, the budget cuts which are being inflicted by the Baillieu government on these very important programs are major in terms of the proportion of the budgets being reduced. For that reason I am urging in this evening's adjournment debate that the Minister for Health reconsiders these budget cuts to these very important programs.

Two of the women's health services in northern Victoria which are to be affected by these cuts are Women's Health Goulburn North East and Women's Health Loddon Mallee, both of which will be familiar to the minister on duty in tonight's adjournment debate, the Minister for Children and Early Childhood Development. These health services provide vital support to families affected by domestic violence and do vital work in terms of preventing unwanted pregnancies and countering sexually transmitted diseases, to name just some of the important programs which are going to be cut as a result of these reductions in funding.

Dr Robyn Gregory, convenor of the Women's Health Association of Victoria, has recently been quoted in the *Age* in reference to a VicHealth finding that violence against women is more damaging to the health of women aged 15 to 44 than any other risk factor, including high blood pressure, obesity, smoking or heart disease. These programs are vital in terms of the support they provide for women and the prevention of ill health.

Cycling: Federation Trail

Ms HARTLAND (Western Metropolitan) — My adjournment tonight is for the Minister for Public Transport. The Federation Trail for bikes in the west has a missing link between Millers Road, Altona North, and Hyde Street, Yarraville. VicRoads made a commitment to fix the first section of this missing link to Williamstown Road with a bridge over the rail line and a 3-metre-wide path to Williamstown Road. It would be a direct and safe cycling route for cyclists in the west and form part of the principal bicycle network.

The four local councils involved and the community supported the project. It was meant to be completed by mid-2011, but it is already a year overdue and construction has not even started. While waiting for this missing link to be built, cyclists are forced to risk limb and life cycling on truck routes.

Stephen Deague of Werribee used to regularly commute by bike to Docklands. Eighty per cent of his route was on the Federation Trail, but due to the missing link Stephen was forced onto unsafe inner west roads. In 2010 Stephen was sideswiped by a truck that entered the bicycle lane on Somerville Road, Yarraville. His bike was run over by the truck and destroyed. Stephen was very fortunate to fall away from the wheels of the truck's trailer, otherwise he would have been killed. Stephen was seriously injured. Among his other injuries, it looked like Stephen was going to have to have his right leg amputated. He had

four surgeries at the Royal Melbourne Hospital and his leg was saved.

Years have passed since the detailed scoping and design was done in 2009, and it seems that the cost of the project has increased. VicRoads is now saying that the budget originally allocated is not enough to deliver the project. I say that the project must be delivered as promised and the additional costs must be met by VicRoads and the government.

The community wants a safe cycling route. The four councils are seeking a commitment to meet the increased funding needed to deliver the project as proposed, which is a position also supported by Bicycle Network Victoria. I call on the minister to listen to the community and the Hobsons Bay, Maribyrnong, Brimbank and Wyndham councils, as well as to Bicycle Network Victoria, and to deliver the Federation Trail missing link from Millers Road to Williamstown Road. Anything less would be considered to be an abandonment of this critical project and of current and potential cyclists in the west. I also ask that the minister make his intentions publicly known within the 30 days available to respond to this adjournment matter.

Responses

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I have 24 responses to adjournment debates that have been previously raised, and there were nine issues raised in tonight's adjournment debate.

The first matter was raised by Mrs Coote for the Minister for Local Government, Mrs Powell, regarding a book written by Justin and Robin Corfield called *The Fall of Singapore*. Mrs Coote encouraged the minister to see if that book could be distributed widely to public libraries in Victoria.

Mrs Peulich raised a matter for the Minister for Higher Education and Skills regarding a constituent who wants to study community development services and her anger at a presentation about the diploma and certificate III courses in community development services where the presentation was not about the courses but rather it was a political statement.

Ms Darveniza raised an issue for the Minister for Education regarding the government's payment of the education maintenance allowance (EMA), and I note that in this year's budget payments of the EMA to parents were increased significantly.

Mr O'Donohue raised a matter for the Minister for Education — who has been pretty popular tonight —

regarding construction of a new special school at Officer and also of a new secondary college at Officer. He asked the minister to convene an information session to brief the community on this special school and for people to learn more about the planning process for the secondary school.

Ms Tierney raised a matter for the Minister for Higher Education and Skills regarding skills training and consultation with industry and training providers.

Mr O'Brien raised a matter for the Minister for Sport and Recreation regarding upgrades to the Penshurst netball facilities and the possibility of funding being made available to make Penshurst more active, more often.

Mr Lenders raised a matter for the Minister for Water regarding the Gippsland floods, particularly the Bardwell's farm at Lang Lang and a broken Melbourne Water drain.

Ms Broad raised a matter for the Minister for Health regarding funding for community health services, in particular women's health services.

Ms Hartland raised a matter for the Minister for Public Transport regarding the Federation Trail bike path and the link between Millers Road in Altona North and Williamstown Road in Yarraville.

I will pass on all of those matters to the ministers concerned.

The DEPUTY PRESIDENT — Order! The house now stands adjourned.

House adjourned 9.35 p.m.



Minister for Health

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Mr Wayne Tunnecliffe
 Clerk of the Legislative Council
 Parliament House
 Melbourne Vic 3002


 Dear Mr Tunnecliffe,

I refer to the Legislative Council's resolution of 6th June 2012 seeking the production of:

The ministerial task force report on options for future provision of dental facilities at the western region community health centre, which was completed and given to the Minister for Health in March 2012.

I enclose with this letter a copy of the Western Region Health Centre Dental Services Taskforce Report pursuant to the Legislative Council's resolution.


 Hon David Davis MP
 Minister for Health

16/6/2012



**Minister for Water**

Ref: MBR020710



Mr Wayne Tunnecliffe
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12 JUN 2012

Dear Mr Tunnecliffe

PRODUCTION OF DOCUMENTS - NORTHERN VICTORIA IRRIGATION RENEWAL PROJECT

I refer to the Legislative Council's resolution of 8 February 2012 about the Northern Victoria Irrigation Renewal Project, seeking the production by 28 February 2012 of the March 2010 business case, the July 2010 update, and the due diligence assessment report as described on page 2 of the Northern Victoria Irrigation Renewal Project Stage 2-agreement between the State of Victoria and the Commonwealth.

I also refer to my letter to you dated 28 February 2012, advising that the Victorian Coalition Government required additional time to respond to the resolution.

Release of these documents would be prejudicial to the public interest as they would reveal the deliberations of Cabinet of the former government and/or prejudice the State's relationship with the Commonwealth Government.

I respectfully request that the Legislative Council not insist on the production of these documents.

Yours sincerely

PETER WALSH MLA
Minister for Water

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Minister responsible for the establishment of an anti-corruption commission

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13 JUN 2012

Our ref: CD/12/270062

Mr Wayne Tunnecliffe
Clerk of the Legislative Council
Parliament House
EAST MELBOURNE VIC 3002

Dear Mr Tunnecliffe

Order for documents – Independent Broad-based Anti-corruption Commission consultation panel documents

I refer to the Legislative Council's resolution of 2 May 2012 seeking the production of the following Independent Broad-based Anti-corruption Commission consultation panel documents:

- (a) any submissions made to the panel;
- (b) any final briefings and the final report produced by the panel; and
- (c) any other documents of an information or research nature produced or relied upon by the consultation panel.

I also refer to my letter to you dated 23 May 2012, advising that the Government required additional time to respond to the resolution.

The Government has conducted a thorough and diligent search to identify the documents relevant to the Council's resolution. I note that some organisations have made their submissions to the panel publicly available, which is a matter for those organisations.

Release of the relevant documents identified by the Government would be prejudicial to the public interest as they would reveal the deliberations of Cabinet, high-level deliberations of the Government, and information obtained by the Government on the basis that it would be kept confidential.

I respectfully request that the Council not insist on the production of these documents.

Yours sincerely

Andrew McIntosh MP



